

**CWCB Resolution Concerning the National Park Service (NPS) Application
Quantifying Water Rights for the Black Canyon of the Gunnison National Park.**

March, 2001

WHEREAS, the Gunnison Tunnel was constructed by the U.S. Bureau of Reclamation in 1909 with a 1904 water right decree, which decree is held by Reclamation for the use and benefit of the Uncompahgre Project; and

WHEREAS, the Black Canyon of the Gunnison National Monument was created by presidential proclamation in 1933; and

WHEREAS, the U.S. Bureau of Reclamation constructed Taylor Park Reservoir in 1935 for the use and benefit of the Uncompahgre Project; and

WHEREAS, the construction of the Curecanti Unit (aka Aspinall Unit) was authorized by the Colorado River Storage Project Act of 1956; and

WHEREAS, an Economic Justification Report for the Aspinall Unit was completed in 1960 which indicated that approximately 700,000 AF of water on average would need to pass through the hydropower facilities annually in order to justify construction; and

WHEREAS, construction of Blue Mesa Reservoir was completed in 1966, Morrow Point Reservoir in 1968 and Crystal Reservoir in 1976; and

WHEREAS, an exchange agreement between Taylor Park Reservoir and Blue Mesa Reservoir was executed in 1975; and

WHEREAS, in 1978 the Black Canyon of the Gunnison National Monument was decreed an unquantified federal reserved instream flow water right for the Gunnison River for fish and to preserve recreational, scenic and aesthetic conditions; and

WHEREAS, the CWCB is the state agency authorized to hold instream flow water rights in Colorado and holds such an instream right on the Gunnison River from the gauge immediately below the Gunnison Tunnel downstream to the North Fork of the Gunnison confluence that could be injured as a result of the high peak flows requested by the NPS; and

WHEREAS, the requested NPS high peak flows would also be adverse to trout spawning and fishery management, recreation, rafting, flat water recreation and fisheries, and existing water rights and future water development pursuant to interstate compacts; and

WHEREAS, the CWCB adopted by formal resolution operational considerations for the Aspinall Unit as contained in the attached November 22, 1994 letter to the U.S. Bureau of Reclamation; and

WHEREAS, the amounts of water applied for by the NPS are more than the minimum amounts necessary to fulfill the primary purposes of the Black Canyon of the Gunnison National Monument.

NOW THEREFORE, the NPS should modify its water right and quantification application as follows:

- The water right administration date should be no earlier than the most junior decree date for the Aspinall units.
- The water right should recognize the 60,000 AF subordination agreement signed July, 2000.
- The water right should be compatible with the priorities enumerated in the November 22, 1994 letter to Reclamation.
- The water right cannot dictate operations of the Aspinall Unit unless a valid contract with Reclamation is obtained and has undergone appropriate NEPA compliance.
- The water right should not interfere with Colorado's development of its compact apportioned waters nor adversely impact decreed water rights.

Done this 27th day of March 2001

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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Roy Romer
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Daries C. Lile, P.E.
Director, CWCB

November 22, 1994

Ms. Carol DeAngelis
U.S. Bureau of Reclamation
Grand Junction Projects Office
P.O. Box 60340
Grand Junction, Colorado 81506

Ref: Aspinall Unit Operation Matrix

Dear Carol:

The Colorado Water Conservation Board generally supports an operational philosophy for the Aspinall Unit (formerly Curecanti Unit) which embraces the following concepts. The Board suggests the following order of priority for satisfying as many of these concepts as possible.

- 1) Releases should be coordinated in a manner which continues to provide the amount of water that has historically been available to water users downstream of the Aspinall Unit. Historic releases have usually been sufficient to keep downstream water users whole except in severe dry years. The Aspinall Unit should not place a direct call for water under its water rights in a manner which violates the spirit and intent of the 60,000 acre foot subordination described in the 1959 Economic Justification Report for the Curecanti Unit of the Colorado River Storage Project.

Releases should also be such that the 300 cfs minimum bypass flow for the Black Canyon below the Gunnison Tunnel is satisfied. This bypass when added to the tributary inflows will generally satisfy downstream water rights except during drought years. During drought years releases should be increased to the extent possible to keep downstream water users whole, particularly if releases to maintain 300 cfs for endangered fish below Redlands are made. In 1994, this required a Gunnison mainstem draft of between 550 and 600 cfs at the gage below the Gunnison Tunnel. Providing enough water out of Crystal to keep mainstem senior water rights from impacting upstream juniors should be the top priority in developing the annual operating plan.

November 22, 1994

Page Two

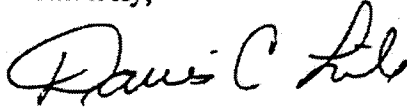
The Board is of the opinion that operations at Aspinall, to date, have provided adequate releases to offset the depletions and satisfy commitments associated with the biological opinions for the Dallas and Dolores projects.

- 2) Blue Mesa should be filled by the end of July each year.
- 3) Storage in Blue Mesa should be reduced to 581,000 AF of live storage by December 31 each year to help alleviate the potential for ice jam flooding between December 1 and April 30 above Blue Mesa Reservoir. Furthermore, this drawdown and subsequent additional drawdown which may occur based on runoff forecasts provides the reservoir space required to regulate spring runoff and minimize downstream flooding. Winter carry over storage should not be increased simply to provide a spring peak.
- 4) The bypass or spill of water should be avoided to the extent possible at all three reservoirs. This is required by the Colorado River Storage Project Act which authorized the construction of the Aspinall Unit. High flows should not be forced to bypass the powerplants or cause flooding in the Delta area if such is avoidable. To the extent forecast and runoff conditions allow, peak spring releases from the Aspinall Unit should be timed to coincide with peak flows on the North Fork and Uncompahgre, but the peak at Whitewater should be no more than 20,000 cfs in order to minimize the potential for downstream flooding and flood damage.
- 5) Release rates should not be such that reservoir levels drop below minimum power head except during extreme drought.
- 6) Power generation should be the next consideration. Ramping rates should be as large as possible and seasonally adjusted after taking into consideration the needs of the gold medal trout fishery, endangered fish and other relevant recreation and project safety concerns. We generally concur with the recommended ramping rates suggested by the Colorado Division of Wildlife which are to ramp up at 500 cfs/day, ramp down at 250 cfs/day and try to limit daily fluctuations to around 200 cfs, particularly during fish spawning and hatch times.
- 7) To the extent possible, Reclamation should work with Western to reduce fluctuation restrictions on Morrow Point and Crystal. We are of the opinion that there must be some way to adjust tour boat operations on Morrow Point to provide Western with some additional operational flexibility. Release restrictions on power operations in 1994 resulted in lost revenues for Western of \$3.5 million at Glen Canyon, \$1.5 million at the Gorge and \$1.5 million at Aspinall, for a total of \$6.5 million in lost revenues during 1994.
- 8) If possible, after satisfying the above, the Black Canyon flows should be kept at 800-1200 cfs to satisfy rafters between April 15 and October 30.

November 22, 1994
Page Three

In conclusion, as contracts for Endangered Fish, the National Park Service and others are negotiated and implemented the Board reserves the right to modify its position as may be appropriate. Also, we hope that the matrix concept can take on more definition as it evolves. It had been our hope that the matrix could have months across the top and uses down the side with recommended flows or reservoir levels in the matrix. The matrix would evolve in to a useful tool over time and replace the need to constantly go back and look through the record for similar situations when making decisions. Thanks very much for considering these recommendations.

Sincerely,



Davies C. Lile
Director

cc: Aspinall Operations Mailing List
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