



Ray Alvarado

Office of the Gunnison County Attorney

David Baumgarten, County Attorney
Thomas A. Dill, Deputy County Attorney

July 20, 2010

OVERNIGHT DELIVERY

Jennifer Gimbel, Director
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

RECEIVED

JUL 21 2010

Re: Comments on the Colorado River
Water Availability Study Phase 1

Colorado Water Conservation Board

Dear Ms. Gimbel:

I am authorized by the Board of County Commissioners of Gunnison County, Colorado ("Gunnison County") to submit the following in response to the Colorado River Water Availability Study, Phase 1 ("CRWAS").

Gunnison County appreciates the work of the Upper Gunnison River Water Conservancy District (the "District") in analyzing the CRWAS; Gunnison County affirmatively joins in the written comments, dated July 19, 2010, by the District. In particular, Gunnison County notes the findings of the District's consulting engineer, Jim Slattery, which significantly reduce the CRWAS estimate of water availability for development from the Gunnison Basin. Gunnison County fully supports those findings, and urges that the findings be reflected in the final Phase 1 report, and carried forward into Phase 2.

Of additional, and significant, concern to Gunnison County is a "recommendation" at CRWAS, at page VIII and page 4-2, which reads: "Consider revisions to Aspinall Unit reservoir operations. The Aspinall Unit reservoirs (Blue Mesa, Morrow Point, and Crystal) operate primarily for non-consumptive uses within and outside of Colorado." Gunnison County is concerned that:

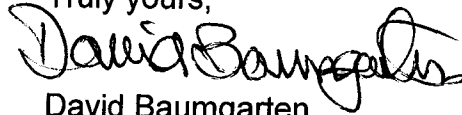
1. The "recommendation" is not founded in any substantive data or analysis in the CRWAS;
2. The "recommendation" carries an implication that the preferred "revisions" would be from primarily non-consumptive uses to consumptive uses. Such a "revision" would invite attempts at transbasin diversion from the Aspinall Unit. Gunnison County would oppose such "revisions". Gunnison County requests that this "recommendation" be removed based on lack of data or analysis.

In addition, Gunnison County would urge systematic, detailed consideration of the Aspinall Unit as a repository against a down-Colorado river call that could have detrimental consequences within the State of Colorado.

Finally, Gunnison County shares the concerns of the Southwest Roundtable and Gunnison Basin Roundtable which "found the range of variability of available water from 0 to 1 million acre feet as contributing to, rather than helping to settle, polarization among the divergent interests who have a stake in the outcome of Phases 1 and 2 of the Study."

Thank you.

Truly yours,

A handwritten signature in black ink, appearing to read "David Baumgarten". The signature is fluid and cursive, with the first name "David" being more prominent.

David Baumgarten
Gunnison County Attorney

Cc: Board of County Commissioners
Matthew Birnie, County Manager