



## Water Consult

Engineering and Planning Consultants

535 North Garfield Avenue • Loveland, CO 80537-5548

Phone: 970-667-8690 • FAX: 970-667-8692

E-Mail: h2orus@waterconsult.com

July 23, 2010

Colorado Water Conservation Board  
Attn: Mr. Ray Alvarado  
1313 Sherman Street, Room 721  
Denver, CO 80203

Subject: Comments on Draft Colorado River Water Availability Study, Phase 1, March 22, 2010

Dear Ray:

In Section 4 “Conclusions and Recommendations,” Page 4.2, the following statement is made as a bullet point:

*“Remove New Mexico structures from the San Juan/Dolores StateMod model. The current StateMod model for the San Juan and Dolores basins includes structures that divert and consume water in New Mexico. These structures, along with Navajo Reservoir, were included in the model to assist the State in identifying options to meet recommended fish flows for the San Juan Recovery Program. New Mexico structures are modeled as junior to Colorado demands, therefore, they cannot “place a call” on the river. However, the current modeling effort allocates water to these demands, thereby decreasing the reported water available for future uses upstream.” (emphasis added)*

The statement raises concerns regarding how the endangered fish species flow recommendations are addressed in the Water Availability Study.

As part of the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program, U.S. Fish & Wildlife Service is charged with developing flow recommendations to benefit endangered species habitat. To date, flow recommendations have been developed for the following rivers:

- San Juan River,
- Gunnison River and Colorado River below the Confluence with the Gunnison,
- 15-Mile Reach of the Colorado River between Palisade and the Confluence with the Gunnison River,
- lower White River,
- lower Yampa River, and
- Green River in Colorado and Utah.

These recommendations were developed over the last 15 years based on available information. Most of the flow recommendations include low flows and peak flows. Peak flows generally vary based on the occurrence of wet, dry, or average hydrologic years, and include a recommended frequency. The flow recommendations are only one component of a broad range of actions to recover the endangered fish species, including non-native fish control, habitat development, stocking, monitoring and research, and, in the case of the San Juan Recovery Program, water quality improvements.

The programs – and the Service – recognize that these flow recommendations are, in fact, recommendations at this time. The recommendations do not have legal status. In light of other actions to recover the species, failure to meet the flow recommendations does not mean the fish cannot be recovered. Both programs are evaluating the flow recommendations and their effectiveness in achieving specific habitat goals. This includes ongoing flow, sediment, and habitat monitoring, as well as monitoring of fish populations. The recommendations are subject to adjustment in the future based on scientific research.

The recovery programs for both the San Juan and Upper Colorado have the objective of recovering endangered fish while water for human uses is available in accordance with state water law and interstate compacts. As a condition of delisting the species, flows for endangered fish will be legally protected under state law. The operative assumption is that those protected flows will be consistent with both the Upper Basin states' entitlement and delivery requirements under interstate compacts. The flow recommendations should not be considered as demands on Colorado River water supplies that limit or restrict development of water in Colorado, New Mexico, Utah, or Wyoming. To the extent that endangered fish flow recommendations imply limiting development of the Colorado's compact entitlement in the Colorado River Water Availability Study draft, the report should be modified to eliminate such implications.

My commendations for an excellent and informative report regarding future use of Colorado River water.

If you have any questions regarding the flow recommendations for the endangered species in the Upper Colorado River basin or San Juan River basin, please feel free to contact me at your convenience.

Sincerely,

/s/ Tom

Tom Pitts  
Water Development Representative  
San Juan River Basin Recovery Implementation Program  
and  
Upper Basin Water Users Representative  
Upper Colorado River Endangered Fish Recovery Program