

and in Gunnison County Times
February 1, 1995, p. 7

January 31, 1995

To Our Community:

Water has been the topic of many heated discussions throughout the past ten years in our community. During the past year, this discussion has seemed to focus on the elusive 60,000 acre feet subordination. This topic has been discussed with service clubs, water boards, and county commissioners, and recently in the media. Being long-time residents of the valley, holders of both irrigation and storage decrees, survivors of the devastating water calls in the '50's, as well as serving on various water boards, gives us "hands on" experience dealing with this difficult subject. We would like to present the various sequence of events and facts as recorded concerning historical operations of the Aspinall Unit in providing protection from downstream senior calls and also the application of the Aspinall Unit subordination in allowing rights junior to Aspinall to continue to be decreed.

The Upper Gunnison River Water Conservancy District (UGRWCD) was created in 1959 nearly ten years after the initial community discussion with the Bureau of Reclamation of a dam near Gunnison and three years after Congress enacted the 1956 Colorado River Storage Project Act which authorizes construction of what is now known as the Aspinall Unit (Blue Mesa, Morrow Point and Crystal Reservoirs). The first discussions between the UGRWCD and the Bureau of Reclamation relating to subordination of Aspinall water rights did not occur until 1962. Those discussions resulted in the Bureau's development of a form of agreement to subordinate Aspinall water rights to junior upstream water rights, but there is absolutely no evidence that the Bureau agreed to that subordination "in return" for anything. The Bureau of Reclamation agreement was based upon its 1959 Economic Justification Report which concluded that the economics of the Aspinall Unit could be justified to Congress even if, after the dams were built, an additional 60,000 acre-feet of depletion occurred upstream from the Aspinall Unit. ("Depletion" means the water that has been permanently removed from the stream.) Based on that report, the Bureau could see no reason to prevent water development (up to 60,000 acre-feet of additional depletion) upstream from the Aspinall Unit using water rights obtained after 1957 (the priority date of Aspinall water rights). The "60,000 acre-foot subordination" has no effect whatsoever in protecting Gunnison water users from downstream calls by holders of senior water rights such as the Gunnison Tunnel and the Redlands Power Canal. The subordination merely insures that

holders of water rights upstream from Blue Mesa Dam with priority dates after 1957 will not be called out by the Aspinall Unit.

The Bureau of Reclamation published a reconnaissance report in March, 1964 which states:

In order that future developments in the Upper Gunnison Basin may be assured of rights to use of water, a form of contract has been developed for execution between the United States Government, the Upper Gunnison River Water Conservancy District, and water users in the upper basin subordinating the diversion and storage rights of the [Aspinall] unit to future developments upstream, both private and Federal, even though the rights of the upstream development may be junior to the [Aspinall] unit right. The aggregate amount of upstream depletions for which the priority of the [Aspinall] right may be waived has not yet been determined. An upstream depletion of 60,000 acre-feet was allowed in the operation studies for the [Aspinall] unit in the determination of the water supply available for power generation.

(As you read this excerpt from the 1964 Report, remember to focus on the word **UPSTREAM**.) There is no other reference in the 1964 Report to a contract with the UGRWCD regarding 60,000 acre-feet of water.

The "form of contract" referred to in the 1964 Report was negotiated by the UGRWCD, and was made available in 1963 to any water user within the boundaries of the UGRWCD who wished to develop a water use upstream from Blue Mesa Dam using a water right junior in priority to the Aspinall Unit water rights. Three of these agreements were actually executed between the Bureau of Reclamation, the UGRWCD, and private owners of junior reservoir water rights in 1964. The contract does not require any payment by the water user for the subordination by the Bureau of Aspinall water rights, but it does require that a specific water user, developing a specific qualified water project, sign the contract.

Beginning in 1967 and for a period of fifteen years the UGRWCD entered into a second type of contract with the Bureau of Reclamation which provided for the release of water from Blue Mesa Reservoir for the purpose of protecting the Upper Gunnison Basin from downstream senior calls such as the Gunnison Tunnel and Redlands. Under the second type of agreement actual payment was made by the UGRWCD for this

water. If a form of agreement was contemplated in the 1964 Report that would have provided free protection for the Upper Gunnison Basin against the effects of downstream senior calls why did the UGRWCD enter into a contract which required payment for that protection in 1967 without any discussion in the minutes of the UGRWCD of there being a previous agreement to provide the protection for free. During that period detailed minutes were kept of the meetings of the UGRWCD which included extensive and detailed discussions of the contracts. Copies of those minutes as well as executed copies of both the first and second type of contract are on file in the offices of the UGRWCD.

These are the agreements that some people in the Upper Gunnison Basin have recently requested that the UGRWCD "produce", but they are clearly not agreements to provide releases without cost of the water stored by the United States in Blue Mesa Reservoir to satisfy the calls of downstream water users such as the Redlands or Gunnison Tunnel such as some seem to recall. Had anyone bothered to inquire of the UGRWCD at any time during the past thirty years, the District would have been pleased to "produce its draft" of the agreement. They might then have "publicized" it accurately, rather than repeatedly creating confusion in the community with incorrect and misleading information.

The call protection we have been afforded during the past 30 years has not come from the 60,000 subordination, but rather from the operational releases from Blue Mesa. The Bureau of Reclamation has done this, not with a blanket contract for 60,000 acre feet, but rather, by coordinated water releases from Blue Mesa. We all hope this operational precedent will continue. The call protection provided by this historical operation is a result of coordinated work and much negotiation between many players involved in Gunnison River matters. We would hope that our community would come to a consensus as to the meaning of the existing agreements. The sooner our community reaches agreement and accepts those principles the sooner the responsible parties can move forward in providing future direction and planning for water users in our basin.

Lee Spann



Bill Trampe



Maybe by
W. S. Trampe
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