

area of water

Rights protected in river basin

By Nancy Lofholm

Denver Post Western Slope Bureau

In 1959, when the federal government was planning Colorado's largest water-storage project, a promise was made.

Tuesday, state and local officials gathered on the banks of the Gunnison River to celebrate the turning of that promise into a formal pact.

The Upper Gunnison River Basin Water Conservancy District water subordination agreement guarantees a long-term water supply for the Gunnison Basin, an area that has been fiercely protective of its abundant water supply. The agreement protects 60,000 acre-feet of basin water from encroachment by other water users and gives the basin the ability to develop uses for the water.

"We are celebrating an agreement that brings to an end an uncertainty that has existed for 40 years," Colorado Attorney General Ken Salazar said as he addressed several dozen officials along the river. "This forever memorializes the rights of water for the people of the Upper Gunnison."

Junior water claims protected

The agreement specifically protects the claims of junior water-right holders on 60,000 acre-feet of U.S. Bureau of Reclamation water in the Gunnison Basin — an area that stretches from the headwaters of the Gunnison River near Salida to the west end of Blue Mesa Reservoir.

When water officials 41 years ago were planning a series of three Western Slope dams, there was skepticism on the part of Western Slope users that some water rights would be lost. When the dams were built in the 1960s, the U.S. Bureau of Reclamation allayed those fears by promising that the project would protect future use of the water for local districts.

During the past four decades, the government never broke that promise, never allowed senior users to make a claim on that water.

The promise made on handshakes was sufficient until the mid-1980s, when the Union Park reservoir and pipeline project was proposed to divert water from the Gunnison Basin to eastern Colorado. Backers of the project said they held water rights senior to those of the Bureau of Reclamation.

That claim was not upheld in court, but Gunnison water users knew there would be other challenges to their water rights in the future. Thus, the need for the formal agreement.

"It's an honor to stand here today and say the government kept its word," said Carol DeAngelis, area manager of the Bureau of Reclamation's western Colorado area office. "And the timing is right, now, to formalize the promise."

Without pact, a dry future

Paul Ohri, president of the Colorado River Water Conservation District, and Rick Schumacher, president of the Upper Gunnison River Water Conservancy District, said that without the agreement, some Gunnison Basin users, ranging from irrigators to individual well owners, would have been in jeopardy of going dry in the future.

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"It would have shut down some existing water users with rights junior to 1957," Schumacher said.

The historic agreement announced Tuesday was reached between the Bureau of Reclamation, the statewide conservation district and the Upper Gunnison water district.

The agreement applies only to junior water rights used "beneficially" within the Gunnison Basin. The state and the Gunnison water districts must now obtain appropriate water court decrees so the subordination of water rights can be properly administered.