

March 1, 1991

# Dave Miller defends his Union Park and Rocky Point projects

by Bonnie Minshall

David Miller, president of Natural Energy Resources Company (NECO), claims, "you have to consider the greatest good for the greatest number" when deciding whether to divert water from the Western Slope.

Miller spoke at Western State College on Wednesday, February 20 in the second of a four-part series

management practices.

Miller said that future projections of Colorado's population growth show that the trend to locate on the Front Range will continue, where most growth on the Western Slope is attributed to tourism. According to Miller, "You can try to manipulate the population with water, but most experts say you can't."

Miller stated that we have to

cost therefore making it a valuable asset to the state of Colorado.

## And on Rocky Point

The Rocky Point Pumped Storage Project would pump water from the Taylor Reservoir up to a smaller new reservoir at times when electricity is cheap, such as during the night. Then, at peak times of the day when power is more valuable, the water would be released back to Taylor Reservoir, generating 1000 megawatts of electricity.

According to Miller, the Rocky Point Pumped Storage Project would reduce power costs. He commented that the estimated 30-year savings over fossil peaking power alternatives is 11.3 billion (1987) dollars. The project would cost \$997 million to build.

Miller believes the benefits of this project are:

- it would be the world's highest head, most efficient peaking power facility.
- it would contribute to national clean energy and clean air goals.
- it would reduce future need for additional coal-fired plants in the west.
- it would increase 24 hour productivity of existing fossil fuel plants.
- it would improve local tax base, employment and infrastructure.
- it would have minimal local environmental impact.

## Miller's protection not adequate

Attorney Richard Bratton, who has represented the Upper Gunnison River Water Conservancy District since 1961, said the protection the

*"Coloradoans face a situation where one basin is completely overburdened while the other is forgotten."*

—Dave Miller

addressing water politics. His presentation was interrupted frequently by antagonistic questions from a concerned audience.

NECO filed for water rights to build the Union Park Water Diversion Project in 1986, and later sold the proposal to Arapahoe County; the company stands to gain millions of dollars if the project is built. NECO also is the developer of the proposed Rocky Point Pumped Storage Project which would be built in Taylor Park and would supply peaking power throughout the west.

## On the Union Park Project

The Union Park Project would divert 80,000 acre feet of water annually from the Taylor Basin to the Front Range, storing the water in a new enormous reservoir located in Gunnison County's Union Park south of Taylor Park. An acre foot is an amount of water one foot deep covering roughly the size of a football

look at Colorado's water issues in a state-wide perspective instead of from a local perspective. According to Miller, the situation within the state is essentially going to get worse because the water is in one place with the people in another.

Miller explained that there are four main drainage basins in the state: the Upper Colorado, the Gunnison, the Arkansas, and the South Platte. The Upper Colorado only generates a few more acre feet of water than the Gunnison and currently has 18 diversions to the Eastern Slope. Meanwhile the Gunnison Basin, a smaller but wetter basin per square mile, remains untapped. According to Miller, "The basic ingredient of an environmentalist is the balanced use of natural resources and Coloradoans face a situation where one basin is completely overburdened while the other is forgotten."

divert 80,000 acre feet of water annually from the Taylor Basin to the Front Range, storing the water in a new enormous reservoir located in Gunnison County's Union Park south of Taylor Park. An acre foot is an amount of water one foot deep covering roughly the size of a football field and is enough to supply an urban family of four for a year.

At his presentation, Miller stated that the proposed Union Park project could solve Colorado's four most critical water issues by:

- serving as a low cost, environmentally sound replacement to the vetoed Two Forks Project for Metro Denver.

- saving Colorado's interstate compact waters from ultimate "use it or lose it" realities caused by faster growing downriver states.

- providing drought protection for the environments and economies of both slopes.

- correcting the current unbalanced use of Colorado's surface waters between the overdepleted Upper Colorado Basin and the untapped Upper Gunnison Basin.

According to Miller, Colorado is the only western state that still adheres to a rigid doctrine that prohibits strategic water planning. Miller stated, "The key thing is a protected future," and although the first priority is to conserve the water we have, there is a need for Colorado state policy and planning to modernize Colorado's water

mile, remains untapped. According to Miller, "The basic ingredient of an environmentalist is the balanced use of natural resources and Coloradoans face a situation where one basin is completely overburdened while the other is forgotten."

Under the Colorado River Compact, the state is entitled to one million acre feet of the water flowing through it. The total water flow in Colorado is estimated at three million acre feet. Miller stated that one-third of Colorado's compact entitlement is lost by water flowing through tributaries to Arizona, California and other downriver states.

According to Miller, the Union Park Project would utilize Taylor Reservoir surplus water. He stated, "We're only talking about taking water out in spring floods that is usually lost to runoff."

Miller continued, "The whole idea is you don't hurt Gunnison." There would be 60,000 acre feet pumped into Union Park on average, "still guaranteeing the Taylor 200 cfs (cubic feet per second) in the summer and 50 cfs in the winter" before any water would be diverted east.

Miller claims that there is a need to protect our own state from drought by building additional reservoirs. Presently, the largest reservoir in the state is the cyclical Blue Mesa Reservoir with close to one million acre feet. Miller said, "The proposed Union Park Reservoir would be the highest large reservoir in the world."

"Union Park is the ultimate in conservation," according to Miller, because when you hold water at a high altitude it helps everyone in times of drought and when you let water run out of the state it doesn't help anyone. The proposed high altitude project, situated near the top of the Continental Divide, would not lose water to evaporation and could be managed to flow in both directions.

Miller said there are added advantages to the proposed Union Park site:

- it is an off river site, therefore not disturbing a free flowing river
- it is one location in the world where four major drainage areas come together in a 30-mile area.
- it is a site of relatively low dam

environmental impact.

### Miller's protection not adequate

Attorney Richard Bratton, who has represented the Upper Gunnison River Water Conservancy District since 1961, said the protection the Union Park Project is offering to the Gunnison area guarantees only minimal stream flow and that this is not adequate for environmental or economic purposes. Bratton said, "We want to see 100-150 cfs remain in Taylor Reservoir during winter months, not Miller's proposed 50 cfs."

According to Bratton, under the proposed Union Park Project, the amounts of water taken out of the Taylor River and the East River would drastically hurt Gunnison's economy and disturb fish habitats. The Upper Gunnison River Water Conservancy District on Sept. 18, 1990 set a legal precedent when it received a decree to store and release Taylor Reservoir water for recreational purposes.

There is not enough existing water in the Gunnison area, Bratton said, for Miller to receive the water rights he needs to complete his project. Bratton believes that previous existing water rights make it possible to stop Miller's project. According to Bratton, the United States already has major water rights exceeding the Taylor River runoff which averages 150,000 acre feet.

Bratton explained that Taylor Basin ranchers and property owners own private instream flow rights that the City of Aurora and Arapahoe County have challenged. If these rights remain valid, this would effectively tie up more of the runoff water rights.

### Ten families out of business

A concerned Gunnison citizen attending Miller's address at WSC said, "The dam in Union Park will put ten ranching families out of business that have been there for generations."

Miller's comment to this was "right."

A rancher said, "We have to defend what we've owned for generations."

To this Miller replied, "You have to consider the greatest good for the greatest number before the few; this is the American way."

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# Cool, Clear Water . . . Water

## Water diversion projects not easily solved

son teaching a course on western water politics this semester.

The proposed Union Park project would entail pumping water uphill from the Taylor Reservoir into a large storage reservoir that would be built in Union Park. From the Union Park location the water would flow naturally downhill under the Continental Divide into the Antero Reservoir on the Eastern slope providing water for the Denver/Aurora area.

Miller said his proposed Union Park Water Diversion Project could solve four problems confronting the state:

- give drought protection for the Western and Eastern slopes
- offer a solution for metro Denver's water shortage
- eliminate the imbalance of the Upper Colorado River's 18 current water diversion projects compared to none in the Gunnison Basin
- create a use for Colorado's portion of the Colorado River Compact

Currently, Miller said there is no drought protection for the state of Colorado and Miller's proposed Union Park Reservoir would allow the state to store water for such purposes.

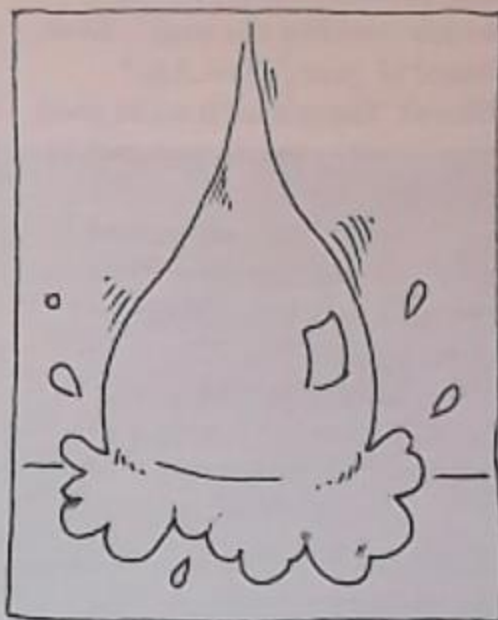
Denver would receive the excess water flow from the Upper Gunnison River and Taylor Reservoir. Miller said, "there's a bad situation now: water one place and people in the other and it is essentially going to get worse."

The Upper Colorado River has 18 trans-mountain diversion projects draining from it, whereas the Gunnison Basin, a smaller but wetter basin per square mile, has no diversions. Miller argued we have "completely overburdened

one foot deep. An acre is approximately the size of Mountaineer Bowl including sidelines and endzones. The total water flow in Colorado is estimated at three million acre feet. Much of that water flows through tributaries and is lost to Arizona, California and other downriver states.

Miller said, "the whole idea is: you don't hurt the Gunnison." He proposes to take water only when there is a surplus. According to Miller, citizens have to start looking at the water issue from a state-wide/nationwide perspective instead of from a local one.

Most growth in the



Western slope area is in tourist areas. There has been a net decline in the Gunnison County area over the past five years. According to Miller, 95 percent of Gunnison's water is used for agriculture.

There are four main drainage basins in Colorado: the South Platte, the Upper Gunnison, the Upper Colorado and the Arkansas.

Miller stated the earliest the Union Park project could begin is ten years. It may be 20 years before the project is implemented.

Water development costs

population with water, but most experts say you can't do it."

Other audience members suggested that Denver residents stop watering their lawns and letting water run down the curb. Conservation and population control seemed to be the audience's unified answer. Miller did not see this as a viable answer because the population would keep growing, and eventually the people of the Denver area would have to search elsewhere for water sources.

Miller suggested local residents take charge of his proposed project. Gunnison County could own the diversion operation. He said we could "turn this thing into an economic benefit for the Gunnison area." Though the project would employ many residents at first, once in effect only 50 employees would be needed and they would have to be experts on running the special pumps used in the uphill diversion.

Miller said his plan would guarantee water removal in wetter years and therefore eliminate the problems associated with flood. Unfortunately, according to area residents, the area has been in a state of drought for nearly a decade and flood has not been a concern.

For a state full of water, there are few storage areas. Blue Mesa Reservoir Reservoir is the largest of these storage areas, relying heavily on spring run-off. Miller's proposed Union Park project would continually divert excess water so there would be adequate water for drought storage year-round. He said, "Think in terms of generations when you're talking about water." Miller suggested "we

its high elevation will flow by gravity. Another benefit of the Union Park project is that it is an off-river project that won't disturb free-flowing rivers. It is also the one project where four major drainage basins come together in the area. A small, low-cost project that is needed to build a water storage facility.

If the Union Park project goes into operation, it would affect families in the area who are out of the ranching business when the dam is put in place. Miller said anyone who is forced to change their operation would be compensated. Ranchers currently in the middle of litigation over water rights said they have been offered money for other compensation for their land. They were afraid the state would condemn their land and force them to sell their property.

One rancher who has been asked Miller to write in writing that they were compensated. Miller said one-third of the ranches in the summer range would disappear if Union Park is built with water.

Miller stated a large problem in water is that the state is the lack of planning or policy in the area.

Richard Brattney for the Upper Gunnison Water Conservancy

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# Water . . . Water . . . Water

## Water diversion projects not easily solved

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its high elevation water would flow by gravity. Another benefit of the Union Park area is that it is an off-river site and won't disturb free-flowing rivers. It is also the one place where four major drainage areas come together in a 30 mile area. A small, low-cost dam is all that is needed to begin the water storage facility.

If the Union Park storage project goes into effect, ten families in the area would be out of the ranching business when the dam is put up. Miller said anyone moved or forced to change their operation would be compensated. Ranchers currently in the middle of litigation over their water rights said they have not been offered money or any other compensation for their land. They were afraid the state would condemn their land and force them off the property.

One rancher at the meeting asked Miller to "promise" in writing that they would be compensated. Miller declined. One-third of the rancher's summer range would disappear if Union Park is buried with water.

Miller stated a large problem in water issues within the state is the lack of state planning or policy making.

Richard Bratton, attorney for the Upper Gunnison Water Conservancy District

maintain the ecosystem of the area, but a minimum flow is not adequate. Gunnison County has a decree for the optimum flow.

Miller said the fish hatchery and the biological research station in Gothic would not be affected, but Bratton said the Division of Wildlife has proven they would be dramatically effected.

With current flow, the number of brown trout has increased 70 percent in a 20 year study. Minimalizing this flow would not provide enough water or food for continued increase. There is a better hatch rate with a natural flow.

Bratton put it simply: "More water, more food, more fish." Though Miller guaranteed 200 cubic feet per second (cfs) flowing through the Taylor River during the summer, and 50 cfs in the winter, Bratton said 100 to 150 cfs in the winter months is needed to maintain the economy.

Bratton agreed with Miller that the Union Park area was excellent for a storage plant and also agreed that the state needs to create state water policies, but said Gunni-

son County had rights to the optimum water flow and was not obligated to give up any. If the water is diverted, he said there would "not be enough to build the economy."

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February 26, 1991

Ralph Clarke  
519 East Georgia  
Gunnison, CO 81230

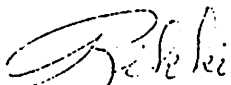
Dear Ralph:

At the Club 20 meeting last Saturday Paul Tauer, the mayor of Aurora, made an interesting proposal to those in attendance. Basically he said to anyone on the western slope, you build a water project, you decide where and what it should be and we'll finance it. He left it up to the western slope to determine the size, nature and location of the project. This seems to me to be an ideal atmosphere into which we can introduce one more time the C.A.R.P. concept. I am enclosing a copy of letter that I have sent to Mayor Tauer on an individual basis. I am expecting a favorable response from him, so would like to be in a position to respond back. I would appreciate it if you could sometime share some additional time with me to fill me in on more of the details of the C.A.R.P. concept.

My idea at this point is to form a legal entity representing the counties, municipalities and water districts on the western slope, or at least in the Colorado River drainage. Profits could be distributed for the benefit of the western slope. My thought is perhaps they could be divided among broad general categories aimed at improvement of water quality (sewage treatment, desalinization), improvement of water supply at higher altitudes (agricultural storage reservoirs), and other generally-beneficial projects such as roads. In my mind it would be reasonable also to figure on some type of compensation to you as the creator of the idea.

On a related matter, I have read in the past about the cleansing action of natural wetlands, which is what you intend to use in your plan. I do not remember, however, what the estimated numbers are as to the area of wetlands needed to clarify a given amount of water. I am anticipating that this will be one of the first questions someone on the eastern slope would raise and I would like to be in a better position to respond than I am at the present time. Any help you would be willing to give me would be appreciated.

Very truly yours,



Rikki Santarelli

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R. A. SANTARELLI

Attorney at Law

Post Office Box 629  
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Gunnison, CO 81230  
303-641-0244  
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February 22, 1991

The Honorable Paul Tauer  
Mayor of the City of Aurora  
1470 South Havana  
Aurora, CO 80012

Dear Mayor Tauer:

Your proposal at the recent Club 20 meeting was interesting and I believe could offer the basis for an arrangement that would satisfy both sides of the continental divide with respect to water. Unfortunately, the press of the moment prevented me from getting an opportunity to discuss any ideas with you at that time. Although I am one of the members of the Board of County Commissioners of Gunnison County, I am writing this letter strictly as an individual who is willing to try to help solve our mutual problems. I do not speak on behalf of nor do I have the authority to speak on behalf of any governmental or other organization.

If your proposal relates only to the City of Aurora, I do not believe there is any good way to resolve the differences in litigation that is not only on-going, but likely in the future. If, however, we can address the problems of the greater metropolitan area, then I believe a plan acceptable to all can be developed.

What I am speaking of is conceptual only at this point. However, here is the concept: If the eastern slope (e.g. the South Platte and Arkansas River drainages) would be willing to make a firm commitment for between 200,000 and 250,000 acre feet of water per year at around \$1000 per acre foot, then I believe it would be both technically, economically and legally feasible for the western slope to build and operate a water supply system for the eastern slope.

The concept is not a new one, but essentially involves capturing the water somewhere west of Grand Junction so that there would be no danger of interfering with present or future water needs of the western slope. The water could then be piped and pumped to one or more discharge points in the headwaters of the South Platte and the Arkansas River. The sale would cover the cost of operation including debt service and the profits could be utilized for the betterment of the western slope in a manner to be worked out by participating entities on the western slope. Early estimates of the cost of this project run

The Honorable Paul Tauer  
February 26, 1991  
page 2

in the neighborhood of \$900 million to \$1 billion. However, for an estimated firm yield of 210,000 acre feet, the cost per acre foot is extremely competitive with the projects presently being proposed.

Frankly, we here on the western slope find it hard to understand why the eastern slope would want to grow to the size that would require the amount of water that you collectively seem to want. Nevertheless, if that can be done in such a way that does not endanger the quality of life or the potential future growth of this side of the mountain, I believe we're willing to do what we can to help you reach your growth goals. A visiting water lawyer once told the local P.O.W.E.R. group that until the western slope can figure out a way for the eastern slope to solve its water problems, we should continually expect to be threatened by transmountain diversion projects. It is in that spirit that I write this letter. Please let me know what your gut reaction might be. Because of the individual and conceptual nature of this letter, I would request that for the time being, its contents and my identify not be made public. I will give the same consideration to your response.

Very truly yours,



R. A. Santarelli

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Handover to CUSE  
20 Feb 91  
20 Feb 91

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**Rocky Point Pumped Storage Project**

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## Rocky Point and Union Park are Separate Projects

- 1984**      **Union Park site envisioned for pumped storage**
- 1985**      **Study demonstrates Rocky Point much better because of higher head; Union Park discarded as power project**
- 1987**      **Rocky Point License Application submitted with alternative sites for project facilities**
- 1988**      **Union Park sold to Arapaho County as potential water supply project**
- 1990**      **Rocky Point License Application accepted by FERC**
- 1991**      **EIS scoping process begun for Rocky Point project**



## **FERC Scoping Meetings Supported by Electric Suppliers**

- **FERC's entire operating budget is supported by project license fees**
- **Upon licensing, Rocky Point will begin contributing an estimated \$675,000 per year to the FERC operating budget**
- **Rocky Point scoping and EIS process will cost FERC an estimated \$800,000**

## Use of Taylor Park Reservoir

- **NECO recognizes need for agreement to use Taylor Park Reservoir**
- **Early discussions with USBR indicated probable agreement subject to further studies**
- **Discussions have been re-started with USBR to work out details**
- **Discussions will be held with other three signatories to 1975 Reservoir Operation and Storage Exchange Agreement**
- **Operation of Rocky Point Project expected to be compatible with other uses of Taylor Park Reservoir**

## Purchase and Sale of Power

- **Preliminary discussions held in 1987 with utilities throughout Southwest**
- **Discussions indicated general interest but too early to make commitments**
- **NECO beginning serious investigations of potential power sellers and buyers**
- **Many western utilities will need additional capacity by year 2000**
- **Possible permanent reduction in Glen Canyon capacity by 400 MW could be supplied by Rocky Point**

## Pumped Storage Power Loss

- **Additional base load plant generation for pumping at night increases efficiency of generation plant compared to part-load operation**
- **Rocky Point generation will replace power from peaking plants, which could be relatively inefficient combustion turbine plants**
- **Net increase in fuel usage will be very small**
- **There may be no increase in air pollution compared to thermal plant alternative**

## NECO Promises to Pay Assessed Property Taxes or Equivalent

- **NECO willing to accept a license condition that will mandate this payment**
- **Current estimated value beginning with project operation is \$10 million per year, with lesser amounts during construction**
- **\$10 million is more than total Gunnison County property taxes in 1991**
- **20 permanent jobs plus a multiplier of 2.0 will contribute further to Gunnison County income**
- **Sales revenue contributions to Gunnison County income will be substantively greater during the construction period**

## Construction Impacts

- **Project construction cost will include the cost NECO will pay for construction impacts**
- **New mobile home park intended to be converted to RV park**
- **Apartment construction possible if needed**
- **Temporary school room need expected with additional teachers**
- **Highway improvements and additional highway maintenance expected**
- **Additional law enforcement staff needs expected**

## Road and Traffic Impacts

- **Spring Creek, Rocky Brook Creek Road, and Dustin Gulch access road will be paved, at least during construction, for access to the substation alternative and upper reservoir**
- **Access can be gated; road will not be widened**
- **No spoil trucks will use this route**

## Mitigation of Transmission Line Visual Impact

- **Route alternatives established in cooperation with agencies and to minimize visual impact (to avoid silhouetting, minimize visibility from critical viewpoints)**
- **Clearcutting of corridors will not occur; vegetation will be tapered**
- **Type of tower obvious from critical viewpoints will be varied to minimize visibility**



## Extent of Sediment Suspension by Pumping Action

- **Current data show sand at 56–58%, silt at 18–26%, and clay at 16–26% at I/O site**
- **NECO will further measure depth of sediment at I/O site and in concentric rings around this location**
- **NECO will rip-rap or remove sediment or implement other control measures**

## Thermal Stratification and Water Pump-Back

- **Optimum temperature for lake trout is 10–12° C; they are found between 4–8° C and survive up to 23.5° C**
- **Lake trout are least vulnerable to entrainment between 2230 and 0500 hours in spring, summer, and fall; highest vulnerability in these seasons is between 0830 and 1130, and in winter between 1500 and 1800**
- **Mysis actively select temperatures below 14° C**
- **Mysis avoid turbidity, and are near the surface at night and near the bottom during the day**
- **Maximum modeled surface temperature was 16.3° C for mid-July using very conservative assumptions**

## **Bighorn Sheep Distribution**

- **Rams typically above 11,000 ft between June 10 and October 10**
- **Ewes with lambs typically above 10,000 ft between July and mid-to late September**
- **Ewes with lambs use steeper slopes early in summer than later in summer**
- **Early use of Taylor Dam area by ewe/lamb groups, spreading to Rocky Point Slope and North and South Matchless**
- **Late summer use of Rocky Point area by ewe/lamb groups; also late season use of Taylor Dam area and Rocky Point Slope**
- **Rams use high elevations early and stay late**

## Bighorn Sheep Activity in 1986 versus 1985

- In 1986 there were
  - additional people in Rocky Point vicinity
  - fertilized areas on North and South Matchless Mountains
  - two early fall snowstorms
- Rams less regularly observed on Rocky Point area after mid-July
- Ewe/lamb groups use steeper Rocky Point Slope area rather than flatter Rocky Point area with less visibility
- Sheep fed extensively on fertilized areas on North and South Matchless Mountains

**CITY OF GUNNISON  
FACTS RELATED TO  
CITY'S WATER SUPPLY SYSTEM**

(PREPARED BY WRC ENGINEERING, INC.)

**I. EXISTING ENGINEERING STUDIES**

**A. MORCAN ENGINEERING COMPANY - REPORT OF NOVEMBER, 1974**

**Partial List of Recommendations:**

1. Surface water supply needed in the future to meet growing water demands by the City.
2. Document historic Consumptive Use for irrigation rights owned by City.
3. Clarify status of the water rights owned by the City (i.e. absolute vs. conditional vs. no rights). Water rights for certain wells had not been adjudicated by the Water Court.

**B. WATER RESOURCES CONSULTANTS, INC. AND COE. VAN LOO AND JASCHKE ENGINEERING, INC. - REPORT OF NOVEMBER, 1981**

**1. Purpose of the Study:**

- a. Conduct a water supply system evaluation and an assessment of alternative systems capable of meeting the City's projected future water demands.
- b. Update information and cost estimates for alternatives investigated in Morcan's Report.
- c. The need for the study prompted by potential rapid increase in City's population due to the proposed AMAX operation. Population figures developed by Briscoe, Maphis, Murray, Lamont, Inc. (BMML).

**2. Partial List of Conclusions and Recommendations:**

- a. Secure the legal dependability of the raw water supply system by seeking determinations from the Water Court.
- b. Switch from groundwater to surface water supply.
  - 1) City's wells pumping from low levels (bottom of the alluvial aquifer) by the end of winter and early spring.

- 2) Too many wells needed for groundwater supply.
- 3) Demand outstrips supply of groundwater system capabilities.
- 4) Degradation in water quality and potential contamination of the groundwater aquifer.
- 5) Increased complexity and cost of operation and maintenance of a groundwater supply system.
- 6) Secure storage rights to enhance the City's raw water supply capabilities.
- 7) Development of the area north and northwest of the City will diminish the groundwater recharge to the City's existing groundwater alluvial aquifer.

**3. Projected Future Water Supply Needs (1980 - 2015 Period):**

**a. Normal Growth:**

Maximum Day Supply of 11.62 million gallons  
Average Daily Supply of 5.16 million gallons  
Annual Supply = 5,780 Acre-Feet

**b. Accelerated Growth:**

Maximum Day Supply of 15.75 million gallons  
Average Daily supply of 7.00 million gallons  
Annual Supply = 7,840 Acre-Feet

**4. Cost (1981 \$) of Different alternatives for System Improvements to Accommodate Projected Future Water Supply Needs:**

**a. Alternative 1 / Supplementing Existing Well System with Additional Wells**

Normal Growth = \$6,143,900  
Accelerated Growth = \$8,199,100

**b. Alternative 2 / Surface Water Supplies from Gunnison River at Gunnison**

Normal Growth = \$11,595,000  
Accelerated Growth = \$14,904,000

**c. Alternative 3 / Surface Water Supplies from Gunnison River Upstream of Ohio Creek Confluence**

Normal Growth = \$13,337,000  
Accelerated Growth = \$16,321,000

- d. Alternative 4 / Surface Water Supplies from Gunnison River near Almont

Normal Growth = \$14,123,500  
Accelerated Growth = \$17,107,500

- e. Alternative 5 / Surface Water Supplies from Gunnison River using Headgate of Gunnison Town Ditch

Normal Growth = \$12,167,000  
Accelerated Growth = \$15,421,000

NOTE: All costs are Direct Capital Improvement Costs and do not include amortization costs.

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From:  $5,780 \times 3 = 17,340$  Acre-Feet  
To:  $5,780 \times 4 = 23,120$  Acre-Feet

2. Accelerated Growth

From:  $7,840 \times 3 = 23,520$  Acre-Feet  
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- A. With future growth, demand will outstrip current well supply during the late winter months as well as during extended dry periods.

B. Excess unappropriated water will not be available during dry years.

C. Current water rights with proper diligence towards perfecting additional rights and future raw water storage can supply expected growth well into the future.

D. Raw water storage should be secured at the least cost to the City. The City's water rights could be transferred to other storage facilities through exchanges.

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C. Total estimated yearly consumption of water by irrigated crops upstream of Blue Mesa Reservoir:

$$57,980 \text{ Acre} \times 1.02^{**} \text{ Acre-Feet per Acre} = 56,540 \text{ Acre-Feet per Year}$$

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A. On February 27, 1990 the City Council passed a motion to withdraw from the Agreement with NECO/Arapahoe County regarding water storage in the proposed Union Park Reservoir.

B. Summary of the terms of the Agreement to acquire interest in the Union Park Project:

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|---|---|
| 1. Date of the Agreement  | January 14, 1987  |
| 2. Consideration Payment Paid by the City of Gunnison                             | \$1000.00   |
| 3. Amount of Water Purchased  | 1,000 Acre-Feet of the Project Safe Yield               |
| a. One Time Purchase Price at \$200 per Acre-Foot                                 | \$200,000.00  |
| b. Terms/\$1000.00 Paid, the balance of \$199,000 payable when project completed. |   |
| c. Commitment Period to Purchase  | 21 years  |
| 4. Option to Purchase Additional Water  | 2,000 Acre-Feet of the Project Safe Yield               |
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| 5. Option to Purchase Storage Space   | 12,000 Acre-Feet  |
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\*\* Source = Colorado Water Resources and Power Development Authority study - May 1989, (Tables 8.7 and 8.13)

**CITY OF GUNNISON  
FACTS RELATED TO  
CITY'S WATER SUPPLY SYSTEM**

(PREPARED BY WRC ENGINEERING, INC.)

*20 Feb 91  
Handout at Dulles  
to WSC*

**I. EXISTING ENGINEERING STUDIES**

**A. MORCAN ENGINEERING COMPANY - REPORT OF NOVEMBER, 1974**

**Partial List of Recommendations:**

1. Surface water supply needed in the future to meet growing water demands by the City.
2. Document historic Consumptive Use for irrigation rights owned by City.
3. Clarify status of the water rights owned by the City (i.e. absolute vs. conditional vs. no rights). Water rights for certain wells had not been adjudicated by the Water Court.

**B. WATER RESOURCES CONSULTANTS, INC. AND COE, VAN LOO AND JASCHKE ENGINEERING, INC. - REPORT OF NOVEMBER, 1981**

**1. Purpose of the Study:**

- a. Conduct a water supply system evaluation and an assessment of alternative systems capable of meeting the City's projected future water demands.
- b. Update information and cost estimates for alternatives investigated in Morcan's Report.
- c. The need for the study prompted by potential rapid increase in City's population due to the proposed AMAX operation. Population figures developed by Briscoe, Maphis, Murray, Lamont, Inc. (BMML).

**2. Partial List of Conclusions and Recommendations:**

- a. Secure the legal dependability of the raw water supply system by seeking determinations from the Water Court.
- b. Switch from groundwater to surface water supply.
  - 1) City's wells pumping from low levels (bottom of the alluvial aquifer) by the end of winter and early spring.



- 2) Too many wells needed for groundwater supply.
- 3) Demand outstrips supply of groundwater system capabilities.
- 4) Degradation in water quality and potential contamination of the groundwater aquifer.
- 5) Increased complexity and cost of operation and maintenance of a groundwater supply system.
- 6) Secure storage rights to enhance the City's raw water supply capabilities.
- 7) Development of the area north and northwest of the City will diminish the groundwater recharge to the City's existing groundwater alluvial aquifer.

**3. Projected Future Water Supply Needs (1980 - 2015 Period):**

**a. Normal Growth:**

Maximum Day Supply of 11.62 million gallons  
 Average Daily Supply of 5.16 million gallons  
 Annual Supply = 5,780 Acre-Feet

**b. Accelerated Growth:**

Maximum Day Supply of 15.75 million gallons  
 Average Daily supply of 7.00 million gallons  
 Annual Supply = 7,840 Acre-Feet

**4. Cost (1981 \$) of Different alternatives for System Improvements to Accommodate Projected Future Water Supply Needs:**

**a. Alternative 1 / Supplementing Existing Well System with Additional Wells**

Normal Growth = \$6,143,900  
 Accelerated Growth = \$8,199,100

**b. Alternative 2 / Surface Water Supplies from Gunnison River at Gunnison**

Normal Growth = \$11,595,000  
 Accelerated Growth = \$14,904,000

**c. Alternative 3 / Surface Water Supplies from Gunnison River Upstream of Ohio Creek Confluence**

Normal Growth = \$13,337,000  
 Accelerated Growth = \$16,321,000

- d. Alternative 4 / Surface Water Supplies from Gunnison River near Almont

Normal Growth = \$14,123,500  
Accelerated Growth = \$17,107,500

- e. Alternative 5 / Surface Water Supplies from Gunnison River using Headgate of Gunnison Town Ditch

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February 4, 1991

AFTER TWO FORKS -- UNION PARK OR BACA

EPA's Two Forks veto has opened the political door for two ongoing alternatives that were improperly dropped from the \$42 million environmental studies. Both of these options are now competing to determine which will serve Metro Denver's growth needs for the next half century.

Arapaho County's Union Park Water Conservation Project was first conceived in 1982 by a retired Bureau of Reclamation engineer. In years of high spring run-off, surplus Gunnison flood waters would be pumped into a large, remote, off-river, sage covered bowl called Union Park. During the critical droughts, Union Park water would then be released by gravity siphon to the South Platte and Gunnison Rivers.

Industry and Corps of Engineers studies have confirmed that an average 60,000 acre feet from Union Park can increase the safe annual yield of Metro Denver's existing system by 120,000 acre feet. Because of this unprecedented multiplier effect, Union Park's annualized cost is only \$305 per acre foot. This compares with EPA's estimate of \$595 for Two Forks.

The other ignored option is American Water Development, Inc.'s Baca Water Project from Southern Colorado's San Luis Valley. Under this proposal, ground water would be pumped from shallow and deep wells via a pipeline to Metro Denver. AWDI's annualized construction, pumping, and fee costs would total \$700 to \$900 per acre foot for the first 25,000 acre feet. These costs would increase over time, because of rising energy costs and lowering water tables. In contrast, Union Park's net cost would decline as energy prices increase. This is because its reversible pump generators will provide peaking power revenue when Union Park is not being filled during the spring floods.


In addition to Union Park's cost advantages for Metro Denver citizens, this large conservation reservoir will help solve Colorado's most critical water problems. Colorado is currently losing most of its surplus Colorado River Compact entitlements to California via the Gunnison Basin. This is a major concern for Colorado, because of the growing "use it or lose it" reality of the arid West. If some of the Gunnison's wasted flood waters were held in high altitude Union Park storage, Colorado could use its water and protect its environment on both slopes during the inevitable multi-year droughts.

The continuing over-depletion of Colorado's Upper Colorado Basin could also be halted. This basin is currently being dewatered with eighteen diversions to the East Slope, while the wetter, less populated, Gunnison Basin remains untapped. Two Forks and several additional Metro Denver water proposals would only worsen Colorado's grossly unbalanced water usage between its Gunnison and Upper Colorado Basins.

Union Park's unique multi-purpose capability will also substantially benefit the basin of origin with guaranteed optimal river flows, flood control, and recreational enhancements. All elements are in place for a mutually beneficial Gunnison -- Metro Denver water sharing partnership. Colorado can efficiently use its renewable surface waters, while saving its limited nonrenewable ground waters as a strategic reserve.

Colorado is the only Western state that still adheres to a rigid doctrine that prohibits strategic water planning. As a result of this "every man for himself" approach, Colorado has a highly legalistic water development gridlock that has produced water tap fees averaging \$7,000 for Metro Denver home construction. Ironically, California's tap fees are less than \$2,000, while using water that originates in Colorado.

If Colorado water strategists were free to objectively evaluate the state's overall environmental and engineering realities, Union Park would have been working long ago to help solve Colorado's most critical water issues. Unfortunately, a few influential people with powerful out-of-state clients are blocking modernization of Colorado's water management practices.

Dave Miller   
Palmer Lake (719) 481-2003

## GUNNISON - - METRO DENVER WATER PARTNERSHIP

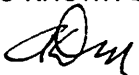
Many knowledgeable Gunnison citizens would like to consider Arapahoe County's offer to negotiate a water partnership that would substantially benefit the economies and environments of both slopes. However, because of local "not one drop over the hill" emotionalism, Gunnison moderates are inhibited from opening an objective dialogue.

Years of unnecessary, costly litigation could be avoided if both sides would decide on the following common ground for initiating productive talks:

- 1) Gunnison Negotiating Team The Gunnison area should select the Upper Gunnison River Water Conservancy District as its primary negotiating entity. The district has the most Gunnison water expertise. It also is the Gunnison's lead agency in the current water diversion court cases.
- 2) Metro Denver Negotiating Team Arapahoe County and the City of Aurora should represent Metro Denver water interests. These entities are cooperating to develop the wasted water potential of the Upper Gunnison Basin. The optimal Gunnison project will likely be shared with all of Metro Denver as soon as the extraordinary economic and environmental advantages become common knowledge.
- 3) Water Supply and Demand Factors Metro Denver has a projected long term need for additional renewable surface water. Most of Denver's surface water is currently imported from the Upper Colorado River Basin. This basin has already been severely dewatered with 18 diversion projects to Colorado's East Slope. The wetter, less populated Gunnison Basin has never been tapped, and it is losing an average one million acre feet of Colorado's entitled flood flows to the rapidly growing downriver population centers. Gunnison consumptive water needs are declining, because of improved irrigation techniques and the gradual shift from agriculture, mining, and forestry to tourism, retirement, recreation, and light manufacturing. The seriously unbalanced use of Colorado's renewable surface waters can be corrected by shifting some water development from the overdepleted Upper Colorado Basin to the underutilized Upper Gunnison area.
- 4) Gunnison Benefits From Water Sharing When Metro Denver constructs the large Union Park Reservoir on the Gunnison side of the Continental Divide, it will first be used to provide optimal river flows and needed drought protection for the Gunnison's water based economy. This 900,000 acre feet of storage will guarantee flows on the Taylor River that are several times higher than the current flows during extended droughts. In fact, the long term river regulating capabilities of Union Park's off-river storage will be invaluable for the Upper Gunnison and the entire Colorado River system.


- 5) Benefits for Metro Denver Union Park's unique capability will also provide back-up drought insurance for Metro Denver's existing reservoir system. During the critical dry periods, surplus Gunnison water will be released from Union Park's long term storage via a high volume gravity siphon to the South Platte River and Metro Denver. Army Corps of Engineer computer simulations have confirmed that an average 60,000 acre feet from Union Park can increase the safe annual yield of Denver's existing reservoirs by about 120,000 acre feet. This unusual multiplier phenomenon is one of the reasons Union Park's yield cost is about half that of the vetoed Two Forks concept. Another reason is that Union Park is probably the world's most cost-effective, environmentally sound, off-river site for a major reservoir.
- 6) Gunnison Concerns Many Gunnison concerns with water exporting could be quickly resolved by dropping the relatively small Almont and Pieplant Reservoir options. The Almont replacement reservoir is not environmentally acceptable, because it would flood the state's fish hatchery and destroy one of Colorado's most scenic tourist routes and ranching areas. The Pieplant diversion reservoir is also not acceptable, because it would constantly divert surplus Gunnison water to unknown South Platte storage, where it could not be used to augment Taylor and Gunnison river flows during the critical multi-year droughts.
- 7) Benefits From Negotiation If the current Gunnison water right cases were soon resolved by negotiation instead of litigation, the taxpayer savings would be substantial. Several years of fighting for the unreasonable "not one drop over the hill" cause, would certainly be a high cost for the Gunnison's small population base. This wasteful course would also be morally wrong from the state's overall water supply and demand perspective. The recent Two Forks Dam veto surely gives Metro Denver a strong incentive to quickly resolve its water future by realistic negotiation. Negotiations usually work when both sides are motivated by unemotional facts and mutual benefits.
- 8) Additional Gunnison Benefits A timely water sharing partnership could also provide additional benefits for the Gunnison. For example, the Metro Denver money saved by a negotiated settlement could be used to fund smaller water facilities to enhance the Gunnison's water based economy. This payment or royalty concept would be consistent with the Upper Gunnison River District's recent Phase I Water Study objectives. It may also be possible for the City of Gunnison to reinstate its 1987 agreement to participate in the Union Park Project. Under this farsighted agreement, the city would acquire a \$50 million water storage and power value for a \$200,000 investment.

Gunnison and Metro Denver leaders have a rare opportunity to forge a history making water partnership that will substantially benefit all of Colorado. The wisdom of their actions will be known before the end of 1991.

Dave Miller   
Palmer Lake (719) 481-2003



January 23, 1991

  
FAULTY FISH TESTIMONY DELAYS COLORADO WATER SOLUTIONS

The most beneficial water project in Colorado's history is being delayed, in part, by invalid fish flow testimony presented in Gunnison water court.

The Gunnison's high altitude reservoir at Union Park will substantially solve Colorado's four most critical water issues when completed by 2000. Union Park's unprecedented capability will: 1) serve as a low cost, environmentally sound replacement for the vetoed Two Forks project; 2) save Colorado's interstate compact waters from ultimate "use it or lose it" realities caused by the faster growing downriver states; 3) provide drought protection for the environments and economies of both slopes; and 4) correct the current unbalanced use of Colorado's surface waters between the overdepleted Upper Colorado Basin and the untapped Upper Gunnison Basin.

It is a travesty that a major structural solution to these critical state water issues is being delayed by unrealistic fish flow estimates from a Montrose based Colorado Division of Wildlife expert. Unfortunately, the court accepted the expert's evaluation that annual water releases from Taylor Park Dam have been and should be between 193,000 to 246,000 acre feet for "optimization" of the Taylor River's current Gold Medal fishery. These so called optimal flows are not sustainable because the historic average yield above Taylor Dam is only 145,000 acre feet per year.

As a further perspective, Colorado Water Conservation Board fish experts recently set minimum annual releases totaling 52,000 acre feet to maintain a "reasonable" Taylor River fishery. Also in Union Park's 1984 water decree, Gunnison water interests agreed that Union Park's storage should be used to help guarantee annual flows of 81,000 acre feet (200 cfs-summer, 50 cfs-winter). At this agreed "Gold Medal" fishery volume, there would still be an average annual 64,000 acre feet to pump into high altitude Union Park storage for Metro Denver's future needs. Since 1975 there have been 728 days when Taylor River flows have been less than what Union Park can guarantee under its 1984 decree. Union Park's regulated drought protection, flood control, and reservoir stabilization benefits will be invaluable for the Gunnison and the entire Colorado River system.

The water court's unprecedented September 1990 decision to grant a second filling of Taylor Park Reservoir was based, in part, on the state's fish testimony. It has since been revealed that the expert's analysis was done in wet 1984 at 3 locations 17 miles below the dam. In that area the river channel is substantially larger than at the court accepted reference point below the dam. This is because of an average 90,000 acre feet of additional unregulated gain from several intervening tributaries. If his calculations had been made near the dam's gauging station, the resulting lower fish flow estimates would eliminate any need for the second fill that is blocking Union Park.

Instead of requiring the Colorado Supreme Court to rule on highly technical engineering and environmental issues, Gunnison and Metro Denver leaders should negotiate a settlement based on unemotional facts, basin compensation, and joint ownership possibilities. There is plenty of water for a Gunnison-Metro Denver water development partnership that will substantially benefit the Gunnison and the entire state. The current legal delays are only creating a water trust for California.

P.O. Box 567  
Palmer Lake, Colorado 80133  
(719) 481-2003  
December 27, 1990

Officers, Directors and  
Resolution Committee Members  
Colorado Water Congress (CWC)  
1390 Logan Street, Suite 312  
Denver, Colorado 80203

**RE: CWC RESOLUTION TO SUPPORT A 1991 STATE WATER PLANNING BILL**

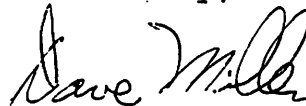
Although CWC has historically opposed any form of state water planning, the Two Forks experience and its anticipated aftermath should provide additional justification for CWC's reconsideration. In fact, in this age of environmental enlightenment, a state water planning bill could be one of the most urgent needs in Colorado's legislative history.

The enclosed draft water planning bill failed by only one vote in Colorado's 1990 Legislative Water Committee. Several concerned legislators are likely to sponsor a similar bill on their own initiative during the 1991 session.

A favorable CWC resolution for state water planning could: 1) help decrease Colorado's growing reliance on court and federal water development decisions, 2) help save Colorado's entitled surplus waters that are being permanently lost to the down river states, 3) help reach consensus water development decisions based on comparative engineering and environmental merit, instead of continued emotionalism between historically competing interests, and 4) help reverse CWC's image from reactive to proactive water leadership.

The enclosed letters and articles provide additional justification for an organized state water planning process that would supplement and complement Colorado's traditional water laws and doctrine. Suggest CWC's directors support a resolution for a state water planning bill during the CWC general membership convention scheduled for January 16-18, 1991.

Sincerely,



Dave Miller

mjb  
enclosures: Draft Bill, letters,  
articles

cc: Governor Romer  
Colorado legislators

P.O. Box 567  
Palmer Lake, CO 80133  
(719) 481-2003

December 26, 1990.

Mr. Thomas S. Winter, Editor  
Human Events  
The National Conservative Weekly  
422 First Street  
S.E. Washington D.C., 20003

**RE: EPA Veto of Two Forks Dam**

Dear Mr. Winter:

Your lengthy December 8th article against William Reilly's veto of Denver's proposed Two Forks Dam is totally off base.

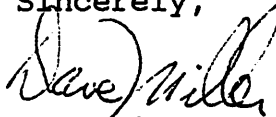
EPA vetoed Two Forks because it would permanently destroy one of our nation's finest river environments near a major city. The adverse impact of Two Forks is easily avoidable, because Colorado has several lower cost, less damaging alternatives that were illegally eliminated from the \$40 million environmental studies. Denver's old water rights were the driving factor behind Two Forks, instead of relative engineering and environmental merit.

Colorado is the only Western state that does not have a statewide water planning process. This planning vacuum, plus misguided political momentum, are the real reasons for the rise and fall of Two Forks -- not an "extremist environmental agenda".

Our nation's conservative causes would be better served by carefully reporting the engineering, economic, and environmental facts. There are only a few Western politicians who still openly regret Reilly's courageous Two Forks decision.

Metro Denver water providers will now be free to objectively evaluate the better water options, instead of continuing their wasteful fight for a flawed concept.

Sincerely,

  
Dave Miller

cc: President Bush  
Congressional Members  
Colorado Legislators, EPA

Upper Gunnison River Water Conservancy District

GUNNISON, COLORADO 81230

November 21, 1990

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
Post Office 1742  
Gunnison, Colorado 81230

Dear Chairman and Members of POWER:

The Board of Directors of the Upper Gunnison River Water Conservancy District appreciate your concern in water matters of the Gunnison River Basin and your efforts in making the public aware of water issues in the Basin. The Board has always solicited input from the public to help guide them in protecting and utilizing the available water resources of the Gunnison Basin.

In your letters of May 4, 1990, and October 22, 1990, you requested the answers to a number of questions from the Board. Unfortunately, financial and time restraints, due mostly to pending litigation, have prevented us from answering your questions by an earlier letter.

Some of you have attended UGRWCD Board meetings and/or some of the meetings held for public discussion and some of the questions have already been answered during those meetings. However, we will attempt to answer the questions presented in those letters.

In an effort to shorten this letter, the questions will not be repeated in full and your questions will be referred to by paragraphs in your letters.

Letter of May 4, 1990:

Paragraph 1:

This made reference to the City of Aurora and the County of Arapahoe who have jointly attacked long standing private instream flow decrees along the Taylor River.

It took repeated attempts to contact representatives of the Taylor Park Pool before a meeting with their representatives could be held. The Pool representatives asked for financial support from the District to help with litigation on the Pool's water rights.

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
November 21, 1990  
Page two

The Board has received a legal opinion that public funds cannot be used to protect strictly privately owned water rights. The Board indicated to the Pool a willingness to consider helping if the water rights, or a portion of them, were transferred to it. To date, the Pool has not been willing to transfer any of their decrees to the District so that it would be proper to spend public funds to defend the attack on them.

Paragraph 2:

We are not sure what documents you are requesting. Please specify exactly what you need. The Board developed a contract with the Bureau a number of years ago to provide for purchase by exchange of water out of Blue Mesa. There has not been much interest in this, primarily because of the fact that the releases out of the Aspinall Unit satisfied downstream calls and, therefore, there is little demand. At such time as there is strict administration of all water rights, there will be a need for these contracts.

With regard to the options the Board feels exists for the function or role of the subordination, it appears and until there is a need, there will probably not be much activity in this regard.

Paragraph 3:

Here you requested to know how much water does the UGRWCD itself have under absolute and conditional decrees and where?

As you know, the District has two types of water rights, the Upper Gunnison Project and the more recent filings in Taylor Park. The old water rights that were filed as a part of the Upper Gunnison Project, which includes the Aspinall Unit, have equal priority with the Aspinall Unit. The storage rights total approximately 110,000 acre feet and are as follows:

Reservoirs

Monarch	29,200.70	acre	feet
Ohio City	22,757.60	acre	feet
Flying H Ranch	15,457.00	acre	feet
Castleton	9,000.00	acre	feet
Banana Ranch	21,733.00	acre	feet
Upper Cochetopa	12,693.00	acre	feet

Direct Flow Rights

The District also has approximately 1,900 c.f.s. decrees that, with one exception, are tied directly to storage rights.

directly to the

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
November 21, 1990  
Page three

All of the above decrees are conditional water rights and are the subject of our current diligence litigation.

In addition, as you know, the District obtained water rights in conjunction with litigation in 86-CW-203. The Court awarded a total refill right of 106,230 acre feet with an appropriation date of August 28, 1975. Of this decree, 44,700 acre feet was adjudicated as absolute and 61,530 acre feet as conditional. Of the total decree, the Court further found that 19,200 acre feet shall have the additional use of irrigation. Out of the 19,200 acre feet, 13,777 acre feet was absolute and 5,423 acre feet conditional.

There is no specific provision in these decrees to transfer or combine them. However, the law does allow changes provided you can prove that there is no injury to existing water rights. We have always planned to change the location of the Upper Gunnison Project decrees to alternate locations if the facts indicated that was appropriate.

With regard to an attempt to identify and quantify implications of below basin demands upon upper basin water availability, that is one of the matters we would anticipate would be addressed in the future study that is being discussed and the availability trial.

Paragraph 4:

This question deals with possible change in the operating guidelines for power production and releases from the Aspinall Unit and quantification of present and future downstream claims upon upper basin water.

This will also be part of the water availability trial in June. The implications and options will be part of the outcome of that trial. It is also likely that this will be the subject of additional studies that are now under consideration.

Overall, as you already know, this is a very difficult and complex issue of which we do not currently have all of the answers, or for that matter, probably a complete understanding of all of the issues. Hopefully, the continued litigation and studies will give us a better handle on this.

h 5:

ion, "Will the Board provide its estimate as to water use within the sub-basins of the Upper

Steering Committee  
People Opposing Water Export Raids  
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November 21, 1990  
Page four

There is no easy answer to this. In addition to the results of the litigation, a portion of it is included in the Water and Power Authority Study. Portions will be determined in the water availability trial and the new study "GUNNISON RIVER BASIN STUDY" or "GUNNISON RIVER WATER USE/AVAILABILITY STUDY" will attempt to answer these questions for all of us.

Paragraph 6:

In regards to negotiations with the Bureau of Reclamation on a future study (not to be known as Phase II), the use of stream gauging programs, and opportunities for low head hydroelectric facilities, etc., the meeting of October 22, 1990, was devoted to these issues and others. Subject to the limitations of time and money, there will continue to be ongoing consideration of all of these issues with broad input from the public.

Paragraph 7:

Since your letter of May 4, 1990, the two cases, 88-CW-202 and 88-CW-203, have gone to Court and a favorable decision given. Prior to the trial, we were also able to convince some of the objectors that it was in the best interest of western slope water users for them to withdraw their objections.

Our attorneys, in cooperation with other opposers, are "tracking all the objections" as they arise. We were advised that there were 14 attorneys at the last hearing in Montrose who represented objectors to Aurora and Arapahoe County. We are quite sure that none will be lost by lack of appropriate attention.

The District has not directly undertaken an analysis of population projections used to justify water demands by the City of Aurora. However, the Colorado River District has hired consultants to do demographic analyses.

Letter of October 22, 1990:

Paragraph 1:

In regards to the District's commitment of no negotiations with transmountain diverters, we have taken a public stand on this issue. No facts have been presented to the Board which would indicate that they should reconsider this position.

Paragraph 2:

The Board of the UGRWCD is empowered to protect and develop the water resources of the basin. It is the responsibility of the Board to do whatever is necessary to accomplish these objectives, including providing the necessary funding. The Board has a history of keeping the mill levy as low as they possibly can. However, it would be improper and beyond their legal ability for the Board to agree in advance as to what it shall do in future years. As a matter of fact, no public agencies are permitted to bind future agencies. Those determinations have to be made on the facts that exist at the time those decisions have to be made.

Paragraph 3:

\$190,000.00 for legal and engineering is related strictly to the litigation. \$150,000.00 budgeted in 1991 for legal and engineering is also strictly for the litigation. Nothing is included in that for either studies or project development.

We feel that in water matters the use of engineering consultants and engineering data are such an integral part of the legal battle that they should be included in legal expense. In 202 and 203, the engineers' testimony was very important to the favorable decision. It will be even more important in the diligence trial. If these were separate items in the budget, it would be necessary to amend the budget should these items exceed the exact amount allocated to either. By combining the two items, it allows more flexibility in the budget.

We budgeted \$38,603.10 for legal expense in 1989 and spent \$32,747.36. In the proposed budgets accompanying the District's Resolution, the legal expense and engineering line item is \$190,000.00 in 1990 and \$150,000.00 in 1991. These differences are due to the several court cases in 1990 and cases coming before the Court in 1991, which did not occur in 1989. Only preparation for the cases was involved in 1989, with relatively small amounts spent for expert witnesses or court time. The total \$190,000.00 in 1990 and \$150,000.00 in 1991 is strictly for litigation purposes. Engineering pertains to expert witnesses and consultants involved in court trials. No dollars in these line items are for studies or concrete for water projects.

We anticipate in 1991 that we will have substantial fees in conjunction with the appeal of 86-CW-202 and 86-CW-203 as Arapahoe County and Aurora will undoubtedly appeal these decisions. It is possible that they, if they lose, and we, if we lose, will also appeal the diligence decision.

The actual attorney and engineering expense through this date in 1990 is \$171,674.86. The estimate of \$190,000.00 was made several months ago based upon our assumptions of what the actual costs would be.

Notwithstanding the above detail of the budget, as was stated at one of the public meetings, the Board has, over a number of years, been able to reduce the following year's budget by the amount of any unused portion of the preceding year's budget. Any portion not used in 1991 will be utilized to reduce the 1992 budget. Also, after the litigation is completed, we anticipate that the budget will be reduced substantially.

We recognize the need to keep the public informed on water matters, to keep tabs on such things as Aurora's population projections, and to help relieve the demands on Board members' time. It might be in the best interest of the constituents of the District if we employed some staff, in addition to our present Secretary. We intend to look into this in more depth in 1991.

During the October 23rd meeting, we explained the \$99,200.00 as to specifics. This item was made broad for flexibility. Of the \$99,200.00 we anticipated approximately \$45,000.00 for management expenses, i.e., staff, office space, etc. The balance was for future study, possibly, though not likely, some development.

We put this item in the budget with a broad concept, for several reasons:

1. The cost of future studies is not known.
2. The cost of engineering studies involved is not known.
3. The possibility of an office and staff must be further developed to be specific.

As for a job description of possible staff, a copy of the job description of the manager of the Rio Grande Water Conservancy District is attached. This could be a guide in preparing such a document should the situation become possible.

Paragraph 4:

The question of financial support from the CRWCD in regard to our litigation?

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
November 21, 1990  
Page seven

The general agreement between the Upper Gunnison and Colorado River District is that we have to pay all costs, both legal and engineering, in conjunction with Cases 202 and 203 as those were our own private water rights. The same applies to the diligence litigation as those are our own water rights. However, in both cases, their engineering staff has participated in trial preparation and expert witness testimony. With regard to the Aurora and Arapahoe County litigation, they have agreed to pay for the fees of Andy Williams and the engineering experts, in addition to their own staff engineers and attorney. The only expense that we will have in this case is our own attorney.

With regard to the diligence, not including the litigation, the River District has historically given financial and staff assistance and general leadership to all of the counties within its district in western Colorado and they have worked with us on diligence since they assigned the Upper Gunnison Basin water rights to us in 1962. As a consequence of the Carter hit list in 1977; the Reagan administration policy which required, at best, state cost-sharing for building water projects; the general changing role of the Bureau of Reclamation in financing water projects; and Colorado Supreme Court decisions imposing more strict diligence requirements, the River District, has for in excess of ten years, followed a policy of providing more financial and other help in diligence proceedings to counties within its district. For example, they initiated and paid for studies by Western Engineers in 1984, 1985 and 1987 and the latter two are being utilized in our current diligence case.

Paragraph 5:

See Paragraph 3.

Paragraph 6:

Voter Eligibility. The following is contained in the public notice of the election:

NOTICE IS FURTHER GIVEN that an elector of said District for the purpose of said election is a person registered to vote pursuant to the "Colorado Election Code of 1980" and (1) who has been a resident of the District for not less than thirty-two (32) days, or (2) who, or whose spouse, owns taxable real or personal property within the District, whether said person resides within the District or not; but is registered to vote in Colorado or a person who is obligated to pay taxes under a contract to purchase property within the District shall be considered an owner of taxable property for the purposes of qualifying as an elector.

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
November 21, 1990  
Page eight

NOTICE IS FURTHER GIVEN that an elector may apply for an absent voter's ballot to Rita McDermott, the Secretary of the District, at her home at 507 North Spruce Street, Gunnison, Colorado, not earlier than forty-five days before the election nor later than 4:00 p.m. on Friday, November 30, 1990, which is the Friday immediately preceding the election.

There is an excellent article in last week's edition of the Crested Butte Chronicle describing the voter eligibility which you may want to read.

Why is the Special Election scheduled for this date?

Special Elections can only be held on specific dates, the first Tuesday after the first Monday in October, November, December and February.

The District could not make the October date, and the February date was too late to certify the mill levy for the coming year. This left a choice between the date of the General Election and the December date. The General Election date had too many drawbacks:

1. It would have been necessary to have a complete different set of judges.
2. It would have been necessary to have voting booths with paper ballots (voting machines being used in the General Election could not be used because of the difference in eligibility of electors).
3. It could have been necessary to have different polling places because of the lack of space at the regular polling places.
4. The cost of judges would have been higher, and nearly impossible to find the needed extra judges, above the number needed for the General Election.

The December date was the latest date that could be used to meet the date for certifying the mill levy for the coming year.

Paragraph 7:

Steering Committee  
People Opposing Water Export Raids  
and Members of POWER  
November 21, 1990  
Page nine

In planning for the future, all of our meetings are open to the public and suggestions are always welcome. In addition, we have held public forums, established regular monthly meetings and have continually asked for public participation in this process. This process will be ongoing and will take many more hours of input and planning.

With regard to Board makeup, the Court Order under which the Board was formed provides:

**DIRECTORS:** That the eleven directors from said division shall have the qualifications required by law, and their terms shall be such as shall be fixed by an order of this court appointing a Board of Directors for said District.

Any interested person may submit a resume to the District Judge.

We have found that we have made a procedure error and a public notice has been published about the current openings.

We will undertake an overall reconsideration of the Board, including a clarification of qualifications, etc. for appointment to the Board, as well as redistricting the Board itself during the coming year with redistricting being accomplished before the June reorganization meeting.

In the next two weeks, we will devote our entire energy to passing the mill levy. Should the mill levy not pass, the Board will deal with that eventuality at the time.

The future of the Gunnison Community is contingent upon passing of the mill levy at the Special Election.

We have tried to the best of our ability to answer the questions presented to us, as we would any citizen. Thank you for your interest and recent decision to support the mill levy election.

Very truly yours,

*William S. Trampe/lms*

William S. Trampe  
President

/lms

## RIO GRANDE WATER CONSERVATION DISTRICT

### JOB DESCRIPTION

POSITION: GENERAL MANAGER

#### POSITION SUMMARY

This is the single senior management position in the District structure, reporting directly to the Board of Directors. As the single managerial position, the incumbent must accomplish the task of the position through effective leadership and by working together with the District staff.

This position performs as the Chief Operating/Administrative Officer responsible for the total delivery of services to District users and for the coordination of District functions with all agencies to include, but not limited to, local, county, state and federal entities.

Is accountable for carrying out and discharging the District's responsibility and service requirements as prescribed in the cooperative agreement between the District and the Federal government. These responsibilities encompass the operations and maintenance of certain elements of the San Luis Closed Basin Project.

Must maintain a keen awareness of financial and personnel management matters and be able to anticipate situations and provide solutions for Board consideration.

#### SPECIFIC RESPONSIBILITIES

Acts to ensure proper reporting of critical issues and/or status report on the same to the District Board of Directors. In this respect, the General Manager will submit studies, reports and/or other documents to provide the District Board with guidance in determining the formulation of policy and/or Board action on matters involved.

Develops and prepares the overall District's annual budget and presents the same to the District Board and acts based on the approval of the Board to carry out the budget intent and the associated functions prescribed in the annual budget.

Assists in and contributes to the handling of legislative and/or legal issues effecting the District.

Performs the necessary liaison with governmental entities and the District's attorney. The General Manager must stay on top of legislative matters that may impact on the District and report on the same to the District Board to the extent of recommending special meetings where urgent Board input is vital to establish a course of action.

Accountable for the carrying out of the District's responsibilities in providing services under the USGS cooperative agreements.

Formulates District plan activity (work schedules) to ensure the proper execution of operations and maintenance functions that must be performed by the District in fulfillment of the cooperative agreement with the Federal government (Bureau of Reclamation).

Determines funding requirements to satisfy the work schedules in connection with the cooperative agreement and submits appropriate funding requests in accordance with the contract (cooperative agreement).

Plans for acquisition of equipment needed by the District once again to satisfy the work requirements associated with the cooperative agreement with the Federal government. In this connection, must also act to ensure proper preventative maintenance and the service of existing equipment.

Maintains an open communications avenue with the media representatives by conveying District activities and responding to inquiries.

Performs as the spokesperson for the District. Keeps members of the Board advised of any significant issues.



Job Description  
General Manager  
March 14, 1989  
Page - 2 -

Maintains a business and harmonious working relationship with the Upper Colorado Region and San Luis Valley Project Closed Basin Division. In this regard, within this position rests the responsibility not only for the formulation of the budget processes, but the controls associated with the cooperative agreement with the Bureau of Reclamation; more specifically, Contract No. 9-07-40-R0750.

Manages District programs within the guidelines of the District Board and the policies formulated and approved by the Board of Directors.

Maintains an openness in management of the District Human Resources (employees). Must pay particular attention to:

- Affirmative Action (equal opportunity for all).
- Equity in salary administration.
- Keeping employees informed as to the District plans and progress relative to the overall District's mission.
- Establishes an air of receptiveness regarding employee input and evaluates input for possible action and/or referral to the District Board.
- Identifies training needs and initiates development of District employees.
- Ensures safety of employees, maintaining proper equipment and adherence to the Occupational Safety Act.

Performs such other position related duties as may be assigned by the District Board of Directors.

#### REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

Ability to plan, assign and direct the work of the District employees engaged in operations and maintenance, administration, safety and overall water operations.

Ability to understand and follow oral and written instructions and to express ideas effectively, orally and in writing.

Ability to establish and maintain effective working relationships with a variety of local, county, state, federal and national organizations in matters effecting the District and/or in support of the District services to its users.

Knowledge of administration to include budgeting, personnel management, and safety matters.

Must possess (or be able to obtain) a valid U.S. Government driver's license, as well as appropriate State driver's license.

#### UNIQUENESS

As stated at the beginning of this job description, this is the single senior management position within the District. The incumbent is expected to provide direction and guidance. He/she is not expected to be technically qualified in all disciplines associated with the accountabilities outlined in this description.

The incumbent is expected to be proactive in following up and ensuring that the functions are being performed and, more importantly, that the functions are carried out in a productive and effective manner.

The incumbent must rely on a teamwork effort in meeting all of the District requirements. The position is expected to come forth to the District Board with problem issues and solutions to those issues.

Job Description  
Administrative/Accounting Support Specialist  
March 14, 1989  
Page - 2 -

Maintains District personnel files to ensure that all pertinent personnel action matters are documented and are a matter of record.

Ensures that District insurance premiums are paid expeditiously so that coverage is not interrupted. This is especially critical in the areas of medical, life and disability insurance.

Interacts with the District's public accountant in compiling and researching and/or reconciling District activities in regard to the annual financial audits.

Performs such other job-related duties as may be assigned.

#### REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

Experience in secretarial and general administrative office functions and the ability to prioritize functional work requirements.

Experience and proficiency in dictation, composing, transcription and typing of letters, memorandums, reports and forms.

Knowledge of formats, spelling, terminology, punctuation, sentence structure and proper English to produce a wide variety of professional formats and materials.

Experience in the operation of basic office equipment, to include word processing and personal computer systems.

Knowledge of and practical experience in general ledger accounting.

Ability to interact, not only internally, but externally with other agencies.

Must possess (or be able to obtain) a valid U.S. Government driver's license, as well as appropriate State driver's license.

Notary.

#### UNIQUENESS

This is the District's single administrative/accounting position. It requires seasoned experience in general administration and accounting procedures. It necessitates a knowledge of word processing and the ability to employ a personal computer system.

The position is demanding in that the incumbent must have the ability to prioritize the tasks in order to meet critical deadlines.

As previously stated in this description, the incumbent in this position is expected to interact and be the "answer person" in administrative issues in the absence of the General Manager. In this connection, a strong and favorable public relations environment must be created by the incumbent, not only during the absence of the General Manager, but on an on-going basis. This equally applies to the internal involvement of the position with District staff members.

by governments.  
What I read was a rather windy

not in order. Can't anyone dare to do anything different . . . or is it

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ed to make up our minds, an  
the information would be at

# Miller defends Union Park res

G.C.T 13 Feb 91/4

The most beneficial water project in Colorado's history is being delayed, in part, by invalid fish flow testimony presented in Gunnison water court.

The Gunnison's high altitude reservoir at Union Park will substantially solve Colorado's four most critical water issues when completed by 2000. Union Park's unprecedented capability will: serve as a low cost, environmentally sound replacement for the vetoed Two Forks project; save Colorado's interstate compact waters from ultimate "use it or lose it" realities caused by the faster growing down-river states; provide drought protection for the environments and economies of both slopes; and correct unbalanced use of Colorado's surface waters between the over-depleted Upper Colorado Basin and the untapped Upper Gunnison Basin.

It is a travesty that a major structural solution to these critical state water issues is being delayed by unrealistic fish flow estimates from a Montrose-based Colorado Division of Wildlife expert. Unfortunately, the court accepted the expert's evaluation that annual water releases from Taylor Park Dam have been and should be between 193,000 to 246,000 acre feet for "optimization" of the Taylor river's current Gold Medal fishery. These so called optimal flows are not sustainable because the historic average yield above Taylor Dam is only 145,000 acre feet per year.

As a further perspective, Colorado Water Conservation Board fish experts recently set min-

imum annual releases totaling 52,000 acre feet to maintain a "reasonable" Taylor River fishery. Also in Union Parks 1984 decree, Gunnison water interests agreed that Union Park's storage should be used to help guarantee annual flows of 81,000 acre feet (200 cfs-summer, 50 cfs-winter). At this agreed "Gold Medal" fishery volume, there would still be an average annual 64,000 acre feet to pump into high altitude Union Park storage for Metro Denver's future needs. Since 1975 there have been 728 days when Taylor River flows have been less than what Union Park can guarantee under its 1984 decree. Union Park's regulated drought protection, flood control, and reservoir stabilization benefits will be invaluable for the Gunnison and the entire Colorado River system.

The water court's unprecedented September 1990 decision to grant a second filing of Taylor Park Reservoir was based, in part, on the state's fish testimony. It has since been revealed that the expert's analysis was done in wet 1984 at three locations 17 miles below the dam. In that area the river channel is substantially larger than at the court-accepted reference point below the dam. This is because of an average 90,00 acre feet of additional unregulated gain from several intervening tributaries. If his calculations had been made near the dam's gauging station, the resulting lower fish flow estimates would eliminate any need for the second fill that is blocking Union Park.

Instead of requiring the Colorado Supreme Court to rule on highly technical engineering and

environmental issues, Gunnison Metro Denver leaders should initiate a settlement based on factual facts, basin compensation and joint ownership possibilities. There is plenty of water for a Gunnison-Metro Denver water

## Residence in Persi

1st Lt. Michael E. Bassel  
Operation Desert Storm  
524-21-4885

"B" Co. 5-101 AVN Regt.  
101st Airborne Division  
APO New York, NY 09309

PO Neil Brady  
AIR/VI

USS Midway CV-41  
FPO San Francisco 96631-2710

Sgt. Michael P. Burch  
530-90-0004

Operation Desert Shield  
23 TFW/Deployed

APO New York, NY 098Y5  
CPO Lee J. Collins

OSC (SW) USS Worden (GG18)  
FPO San Francisco, CA 96683

Cpl. Bradley K. Cotten  
522-33-3396

VMFA 232 Electric Shop  
FPO San Francisco, CA 96606020

1st Lt. William Charles Degutis  
046-44-9927

HHC 3/35 AR 'S-3' 1st AD  
APO New York, NY 09665

PFC Seth Franklin Foster  
Operation Desert Shield

-8-TRP 1/7 CAUI CD  
APO New York, NY 09306-0330

Reverend responds

Can't anyone dare to  
g different . . . or is it

we could . . . all the time we need-  
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Gunnison

# Union Park reservoir project

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There is plenty of water for a  
Gunnison-Metro Denver water

development partnership that will  
substantially benefit the Gunnison  
and the entire state. The current  
legal delays are only creating a  
water trust for California.

**Dave Miller**  
Palmer Lake

## Residents serving in Persian Gulf

**1st Lt. Michael E. Bassel**  
Operation Desert Storm  
524-21-4885  
"B" Co. 5-101 AVN Regt.  
101st Airborne Division  
APO New York, NY 09309  
**PO Neil Brady**  
AIR/VI  
USS Midway CV-41  
FPO San Francisco 96631-2710  
**Sgt. Michael P. Burch**  
530-90-0004  
Operation Desert Shield  
23 TFW/Deployed  
APO New York, NY 098Y5  
**CPO Lee J. Collins**  
OSC (SW) USS Worden (GG18)  
FPO San Francisco, CA 96683  
**Cpl. Bradley K. Cotten**  
522-33-3396  
VMFA 232 Electric Shop  
FPO San Francisco, CA 96608-  
6020  
**1st Lt. William Charles Degutis**  
046-44-9927  
HHC 3/35 AR 'S-3' 1st AD  
APO New York, NY 09665  
**PFC Seth Franklin Foster**  
Operation Desert Shield  
-8-TRP 1/7 CAUI CD  
APO New York, NY 09306-0330

**S. Sgt Daniel B. Mikus**  
523-25-7270  
36TFW/32TFG  
Deployed  
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D Co 1/4 1st Plt 13 MEU  
FPO San Francisco, CA 96694-  
8413  
**Sgt. Scott Noles**  
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"B" Company 8th Engr. Bn.  
1st Cav. Div.  
APO New York, NY 09306-0620  
**Cpl. Robert L. Oberosler**  
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7th ESB Support Co.  
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**SSgt Joseph Oswald**  
Box 4139  
APO New York, NY 09283  
**AM-H2 Jonathon W. Ragle**  
HS-12 CV-41  
FPO San Francisco, CA 96601-  
5712  
**PFC Sean A. Ray**  
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## Colorado is squeezed in the water vise

Bill Hornby's Jan. 15 column, favoring less federal control of Western water, is commendable. As The Denver Post's senior editor, Bill appreciates the value of state and local water control in the competitive arid West.

Unfortunately, in Colorado's highly legalistic water-allocation system, there is little room for our state planners and leaders to participate in the water control game. Colorado is the only Western state that still relies exclusively on its original water doctrine to control its water future. Its leaders are currently prohibited from developing state water policies and plans because these guidelines might interfere with Colorado's increasingly inefficient court system for making water-related decisions.

Other Western states are winning the

battle for local water control, because they have supplemented their traditional laws with effective water planning and policy guidelines. All water interests, including environmental ones, have a voice in these constructive, consensus-building processes. The other states are earning respect, cooperation and water-development funding from federal agencies. In contrast, Colorado is losing control of its water future in a litigious water-development gridlock between its historically competing interests.

It is ironic that Colorado's high topography generates most of the West's water, while its management inefficiencies have created some of the nation's highest water-development costs and tap fees.

Denver Post  
1/30/91

DAVE MILLER  
Palmer Lake

CBCP 18 Jan 9/12

# commentary

## Gunnison - Metro Denver water partnership

Many knowledgeable Gunnison citizens would like to consider Arapahoe County's offer to negotiate a water partnership that would substantially benefit the economies and environments of both slopes. However, because of local "not one drop over the hill" emotionalism, Gunnison moderates are inhibited from opening an objective dialogue.

Years of unnecessary, costly litigation could be avoided if both sides would decide on the following common ground for initiating productive talks:

### 1) Gunnison Negotiating Team

- The Gunnison area should select the Upper Gunnison River Water Conservancy District as its primary negotiating entity. The district has the most Gunnison water expertise. It also is the Gunnison's lead agency in the current water diversion court cases.

2) Metro Denver Negotiating Team - Arapahoe County and the City of Aurora should represent

Metro Denver water interests. These entities are cooperating to develop the wasted water potential of the Upper Gunnison Basin. The optimal Gunnison project will likely be shared with all of Metro Denver as soon as the extraordinary economic and environmental advantages become common knowledge.

### 3) Water Supply and Demand Factors

- Metro Denver has a projected long term need for additional renewable surface water. Most of Denver's surface water is currently imported from the Upper Colorado River Basin. This basin has already been severely dewatered with 18 diversion projects to Colorado's East Slope. The wetter, less populated Gunnison Basin has never been tapped, and it is losing an average one million acre feet of Colorado's entitled flood flows to the rapidly growing downriver population centers. Gunnison consumptive water needs are declining, because of improved irrigation techniques and the gradual shift from agriculture, mining, and forestry to tourism, retirement, recreation, and light manufacturing. The seriously unbalanced use of Colorado's renewable surface waters can be corrected by shifting some water development from the over-depleted Upper Colorado Basin to the under-utilized Upper Gunnison area.

4) Gunnison Benefits from Water Sharing - The Metro Denver

one of the reasons Union Park's yield cost is about half that of the vetoed Two Forks concept. Another reason is that Union Park is probably the world's most cost-effective, environmentally sound, off-river site for a major reservoir.

6) Gunnison Concerns - Many Gunnison concerns with water exporting could be quickly resolved by dropping the relatively small Almont and Pieplant Reservoir options. The Almont replacement reservoir is not environmentally acceptable, because it would flood the state's fish hatchery and destroy one of Colorado's most scenic tourist routes and ranching areas. The Pieplant diversion reservoir is also not acceptable, because it would constantly divert surplus Gunnison water to unknown South Platte storage, where it could not be used to augment Taylor and Gunnison river flows during the critical multi-year drought.

7) Benefits from Negotiation - If the current Gunnison water right cases were soon resolved by negotiation instead of litigation, the taxpayer savings would be substantial. Several years of fighting for the unreasonable "not one drop over the hill" cause would certainly be a high cost for the Gunnison's small population base. This wasteful course would also be morally wrong from the state's overall water supply and demand perspective. The recent Two Forks Dam veto surely gives Metro Denver a strong incentive to

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declining, because of improved  
irrigation techniques and the  
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depleted Upper Colorado Basin to  
the under-utilized Upper Gunnison  
area.

4) Gunnison Benefits from Water Sharing - The Metro Denver proposed large Union Park Reservoir on the Gunnison side of the Continental Divide, would be the first used to provide optimal river flows and needed drought protection for the Gunnison's water based economy. This 900,000 acre feet of storage would guarantee flows on the Taylor River that are several times higher than the current flows during extended droughts. In fact, the long term river regulating capabilities of Union Park's off-river storage would be invaluable for the Upper Gunnison and the entire Colorado River system.

5) Benefits for Metro Denver - Union Park's unique capability will also provide back-up drought insurance for Metro Denver's existing reservoir system. During the critical dry periods, surplus Gunnison water will be released from Union Park's long term storage via a high volume gravity siphon to the South Platte River and Metro Denver. Army Corps of Engineer computer simulations have confirmed that an average 60,000 acre feet from Union Park can increase the safe annual yield of Denver's existing reservoirs by about 120,000 acre feet. This unusual multiplier phenomenon is

river flows during  
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8) Additional Gunnison Benefits - A timely water sharing partnership could also provide additional benefits for the Gunnison. For example, the Metro Denver money saved by a negotiated settlement could be used to fund smaller water facilities to enhance the Gunnison's water based economy. This payment or royalty concept would be consistent with the Upper Gunnison River District's recent Phase I Water Study objectives. It may also be possible for the City of Gunnison to reinstate its 1987 agreement to participate in the Union Park Project. Under this farsighted agreement, the city would acquire a \$50 million water storage and power value for a \$200,000 investment.

Gunnison and Metro Denver leaders have a rare opportunity to forge a history making water partnership that will substantially benefit all of Colorado. The wisdom of their actions will be known before the end of 1991.

—Dave Miller

ments who turned out and did a

The Crested Butte Fire

# Miller gives suggestions for water

Many knowledgeable Gunnison citizens would like to consider Arapahoe County's offer to negotiate a water partnership that would substantially benefit the economics and environments of both slopes. However, because of local "not one drop over the hill" emotionalism, Gunnison moderates are inhibited from opening an objective dialogue.

Years of unnecessary, costly litigation could be avoided if both sides would decide on the following common ground for initiating productive talks:

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2) Metro Denver negotiating team: Arapahoe County and the City of Aurora should represent Metro Denver water interests. These entities are cooperating to develop the wasted water potential of the Upper Gunnison Basin. The optimal Gunnison project will likely be shared with all of Metro Denver as soon as the extraordinary economic

and environmental advantages become common knowledge.

3) The wetter, less populated Gunnison Basin has never been tapped, and it is losing an average one million acre feet of Colorado's entitled flood flows to the rapidly growing down river population centers. Gunnison consumptive water needs are declining, because of improved irrigation techniques and the gradual shift from agriculture, mining and forestry to tourism, retirement, recreation and light manufacturing.

4) Gunnison benefits from water sharing: When Metro Denver constructs the large Union Park Reservoir on the Gunnison side of the Continental Divide, it will first be used to provide optimal river flows and needed drought protection for the Gunnison's water based economy. The 900,000 acre feet of storage will guarantee flows on the Taylor River that are several times higher than the current flows during extended droughts. In fact, the long term river regulating capabilities of Union Park's off-river storage will be invaluable for the Upper Gunnison and the entire Colorado river system.

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# IOOF thanks fire department

The members of the Independent Order of Odd Fellows extend their thanks to the fire department for their heroic actions during the Crested Butte fire.

...the fire...

# ons for water negotiations

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Dave Miller  
Palmer Lake

BCT, Jan 16, 81/p 4



# Gunnison Water Goof

Dear editor,

The Upper Gunnison's December 4th vote against water sharing is a classic example of how old fears can be exploited to the public's detriment. This uninformed vote also makes an excellent case for some long overdue state water planning. Gunnison and Colorado folks will eventually learn to appreciate the following basic Colorado water facts:

1) The untapped Gunnison Basin is currently losing a million acre feet of its spring run-off to the massive Arizona and California water diversion systems. These Colorado entitled flood flows are, by far, the largest renewable water resource for Colorado's future growth.

2) The Gunnison's wasted water surplus is steadily growing because of world-wide improvements in irrigation efficiency and retirement of salty farm land caused by over-irrigation. Every 10% increase in irrigation efficiency can double the amount of water available for city use.

3) The West Slope's Upper Colorado Basin has been excessively dewatered with 18 diversions to the East Slope. The wetter Upper Gunnison Basin has none. This seriously unbalanced use of Colorado's renewable surface waters is a basic reason for EPA's rejection of Two Forks Dam.

4) Arapahoe County's high altitude Union Park water storage project can substantially enhance the Gunnison's drought protection and way of life, while also providing a lower cost, environmentally sound water alternative for Metro Denver's future growth. The benefits for both slopes are unprecedented.

5) Under Colorado's constitution unallocated surplus flows belong to all Coloradans - not just the origin area.

6) The Upper Gunnison and Colorado River Water Conservancy Districts' expensive legal battle against Gunnison water sharing is only benefiting their lawyers, Arizona, and California. West Slope tax payers meanwhile are saddled with a wastefully immoral and losing cause.

7) The West Slope's water conservancy districts and POWER (People Opposing Water Export Raids) are selfishly misleading their taxpayers by refusing to address these basic water facts. In Colorado's unique system, conservancy district officials are appointed by the same local courts that rule on their decisions.

Dave Miller  
Palmer Lake

# Landslide victory on water tax increase

CB 29/7 Dec 1990

Gunnison watershed voters probably made election history Tuesday when, by an incredible 86% margin, they voted to increase their property taxes to continue to finance the court battle against Arapahoe County and the City of Aurora. Arapahoe County and the City of Aurora want to divert massive amounts of district water to the Front Range.

Specifically, voters approved a mill levy hike from .446 mills to 3.10 mills. The Upper Gunnison River Water Conservancy District will use the funds, approximately \$412,000, to pay off 1990 legal bills and finance anticipated 1991 Water Court battles. The vote falls on the heels of a major court victory by the district this fall.

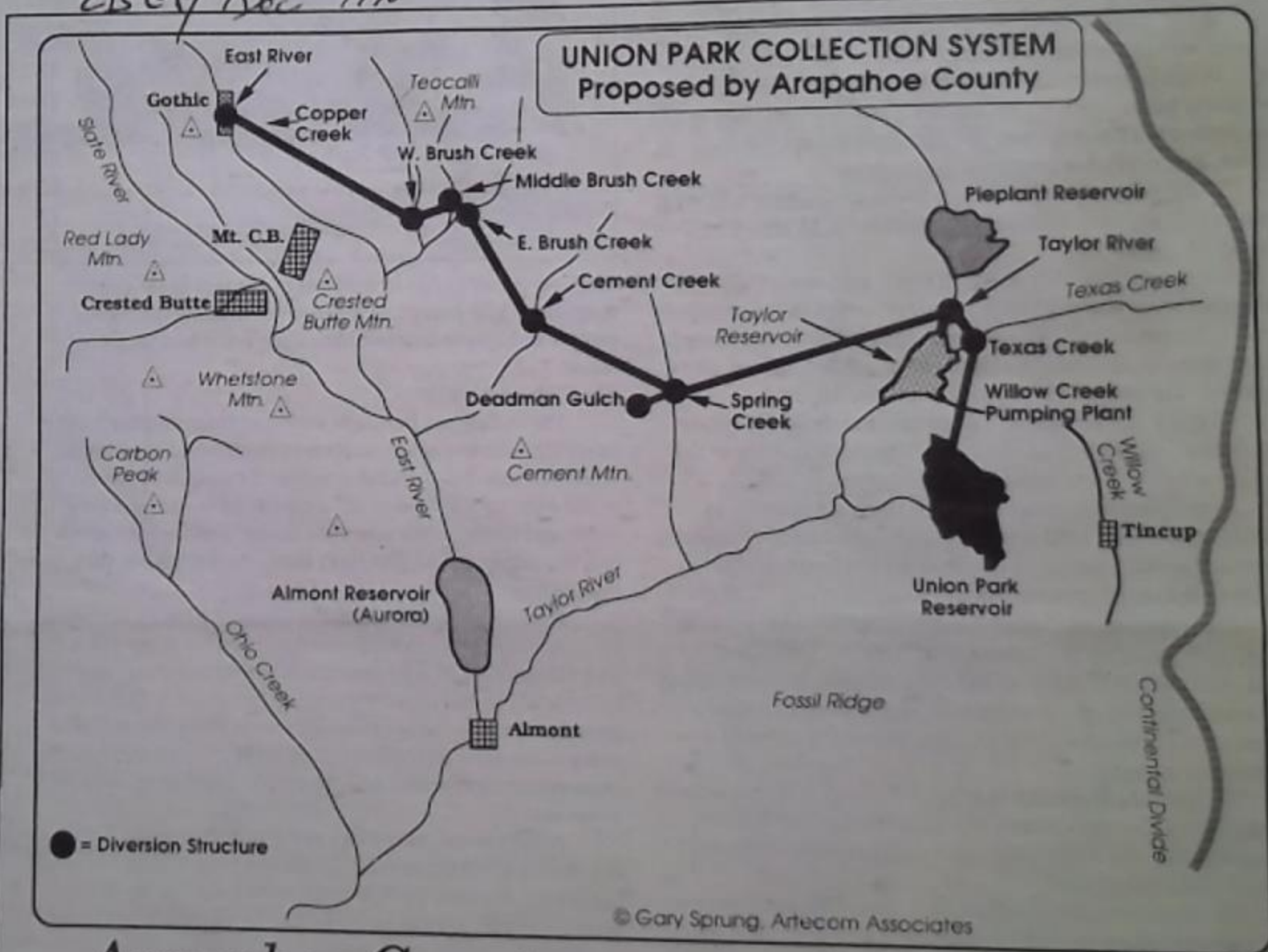
The mill levy increase will cost a property owner of a residential home with a market value of \$75,000 approximately 30 additional dollars each year.

2002 voters turned out for this special election. We understand that in Gunnison, the wait to vote approached 45 minutes at time.

Lead attorney for the district, Dick Bratton said, "I feel elated with such support." Referring to the resolve to resist the Front Range water grab, Bratton concluded, "If this isn't sending a message to the Front Range, you're not going to send one."

## Water mill levy increase election results

Districtwide: total votes 2002		Parlin:		
Yes	1721	86%	Yes	97
No	281	14%	No	38
				71%
				29%
Gunnison:		Crested Butte:		
Yes	1017	86%	Yes	445
No	160	14%	No	58
				88%
				12%
Hinsdale:		Absentee:		
Yes	101	89%	Yes	61
No	13	11%	No	12
				84%
				16%



## Arapahoe County wants all the water

Arapahoe County this week filed an amendment to its Union Park Project in which it seeks water from 12 new creeks, many in the East River drainage, to divert to the Front Range. For story, see Section 2, front page.

## Voters reject RelJ bond issue

Martin, Robert and Wilma Stump, change its appropriation date from the Natural Resources energy Com... under the extent of the changes

# WATER TRUTH

Dear Editor:

It is a simple truth that the value of water depends on when and where it is available for beneficial use.

For example, the Upper Gunnison's East River is not a superior recreation and irrigation resource because it loses most of its water during the spring floods. The neighboring Taylor River generates about the same amount of water. However, its fishery, rafting, and agricultural values are much higher because of the river-regulating capabilities of Taylor Park Reservoir. The Taylor River will have even greater value for the Upper Gunnison when Union Park's high altitude storage is available to protect the environments and economies of both slopes during the inevitable multi-year droughts.

In 1984, Gunnison water interests did not oppose Union Park's power and river regulating decree because its cyclical carryover storage could guarantee optimal summer flows at Taylor Park Dam of 200 cubic feet per second. This additional storage will be a major benefit for Upper Gunnison water users because there are times during extended droughts when summer flows have been less than 50 cfs at Taylor Park Dam.

Numerous engineering studies have confirmed that Union Park's facilities can also economically supply an average 60,000 acre feet of surplus water to Metro Denver while still maintaining the optimal 200 cfs flows at Taylor Dam. In fact, the prime purpose of the Upper Gunnison River Water Conservancy District's Phase I study was to determine how the Taylor's surplus flows could be exported to finance small recreation reservoirs for stimulating the Gunnison's water-based economy. The district, however, has temporarily backed away from this logical approach - primarily because of intimidating scare tactics from POWER's misguided environmental leadership. The Upper Gunnison is now so emotionally charged against water sharing that it would take great political courage for local leaders or the media to call for reasoned consideration of the engineering and environmental facts.

Because of this perceived public pressure, the river district has now swung totally against any water sharing. The district is spending megadollars on every legal tactic. For example, during the first of many trials, the district was able to convince the local court that 300 to 500 cfs should be the optimal summer flows at Taylor Park Dam. Nevermind the fact that the Taylor has never sustained flows of this magnitude or that there is insufficient water. Nevermind that fish, fishermen, and river banks would be in jeopardy with these volumes and velocities.

The river district's strategy reversal is certain to be counter-productive for the Gunnison and a gross waste of local tax monies. Colorado's Supreme Court is not about to confirm the permanent loss of the Gunnison's reversible surplus waters to the thirsty downriver states. Colorado is currently wasting almost a million acre feet of its entitled flood waters via the untapped Gunnison River. The Gunnison's overlooked surplus is also growing at a substantial rate because of world-wide irrigation improvements and retirement of salty land that has been over-irrigated.

The Upper Gunnison River District will surely lose its current negotiating leverage with East Slope entities if it forfeits its basic decisions to Colorado's Supreme Court. Gunnison folks can save their financial resources and enhance their water-based way of life with a December 4th vote against the district's misguided strategy and ten-fold tax increase.

Dave Miller  
Palmer Lake  
(719) 481-2003

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BCT  
25 Nov 90  
p3

# Water Truth

Dear Editor:

Gerald Lain's recent letter to the editor is an excellent example of why Gunnison's media should cover both sides of the water diversion issue.

Lain uses P.O.W.E.R.'s emotional scare tactic that any diversion will destroy the Gunnison's way of life. However, irrefutable engineering and environmental facts speak the real truth.

If Gunnison folks had Union Park's high altitude conservation storage, the Taylor River could have guaranteed summer and fall flows of 200 cubic feet per second at Taylor Dam after several years of consecutive drought flows of less than 50 cfs. The Gunnison's growing water surplus is only benefitting California - not Gunnison and Colorado interests.

Instead of destroying the Gunnison's water-based way of life, Union Park will substantially enhance it.

Gunnison folks can negotiate a much better deal now, instead of wasting their tax money on counter-productive legal battles through the Supreme Court.

Gunnison's media is providing a valuable service to its readers by allowing a few printed words of truth in an emotional wave of misinformation.

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Dear Editor

# Don't let our water be siphoned off

Being a native of Colorado (Saguache) a long time removed, I still look upon your area as one of the finest parts of Colorado. For the past 13 years my family, which now reaches from Indiana to California, to Washington to Florida, has had a family reunion in Gunnison each July. Needless to say that is the highlight activity of the year.

I read with some interest the ongoing conflict of water diversion from the Gunnison River and its tributaries. Hang in there and don't let the life-blood of the Gunnison area be siphoned off to satisfy the wants, not necessarily the needs, of those residing in Arapahoe County.

Just a word about the proposed "lodging" tax. Any time a tax is

proposed it is always justified as a need for the betterment of the community and in many cases that is true; however, the administration of the revenue generated is usually the key to how much the community benefits. I'm not necessarily opposed to the 2 percent lodging tax, but I read where my good friend Lynn Reed stated he felt it was not a fair tax to levy against us tourists on lodging only. I must agree with the editorial of a few weeks ago relating to keeping Gunnison as Gunnison and don't convert it to a brass plated attraction as several other communities have done.

Dan Hayes  
Elkhart, Indiana

# Major decisions made by the Supreme Court

The Water Court for the Gunnison Basin has initially ruled in favor of the Upper Gunnison River Water District's opposition to out-of-basin diversion proposals. This decision is not surprising, because Colorado is the only western state where water district officials are appointed by the courts.

Colorado's public on both slopes are certain to have serious misgivings, when the questions raised by this landmark case become clear. For example:

1. Why should the water-rich Upper Gunnison Basin give its surplus waters to California, while the over-depleted Upper Colorado Basin continues to divert more and more water for east slope growth?

2. Why should the Upper Gunnison be allowed to drain its headwaters at a faster rate to prevent the beneficial use of its surplus water by Colorado's growth areas?

3. Why should Taylor River

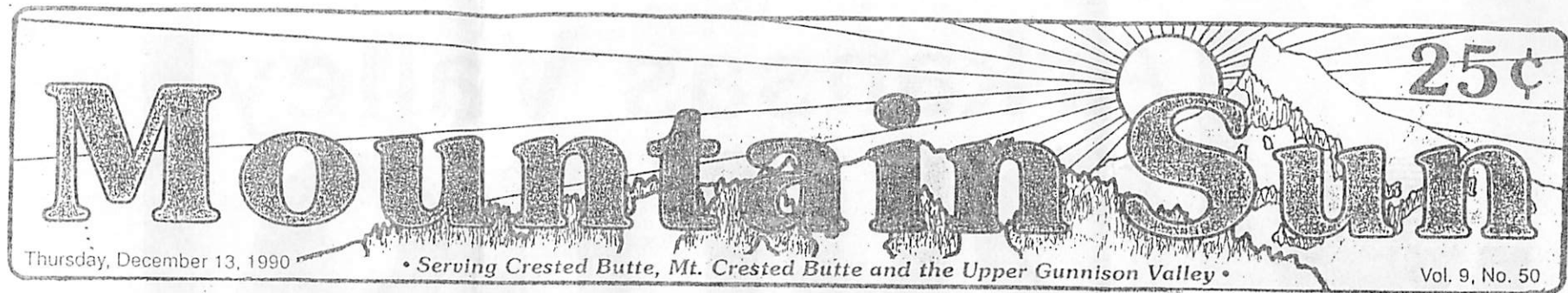
flows and water velocities be increasing to the point where fish, fishermen, rafters and riverbanks are endangered?

4. Why should Upper Gunnison stop construction of a free off-river, high-altitude storage that will conserve its water for critically needed drought protection on both slopes?

5. Why should the Upper Gunnison endanger its environment and water-based economy, by giving up a storage capability that could help it cope with pending guaranteed federal flows through the Black Canyon during severe droughts?

After these questions are fully considered, the Gunnison ranchers, business persons and tourists will appreciate the fact that important Colorado water decisions are usually decided by the State Supreme Court.

Dave Miller  
Palmer Lake



Thursday, December 13, 1990

• Serving Crested Butte, Mt. Crested Butte and the Upper Gunnison Valley •

Vol. 9, No. 50

## State long overdue for master water planning

The Upper Gunnison's Dec. 4th vote against water sharing is a classic example of how old fears can be exploited to the public's detriment.

This uninformed vote also makes an excellent case for some long overdue state water planning.

Gunnison and Colorado folks will eventually learn to appreciate the following basic Colorado water facts:

1) The untapped Gunnison Basin is currently losing a million acre feet of its spring run-off to the massive Arizona and California water diversion systems. These Colorado entitled flood flows are, by far, the largest renewable water resource for Colorado's future growth;

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irrigation. Every 10 percent increase in irrigation efficiency can double the amount of water available for city use;

3) The West Slope's Upper Colorado Basin has been excessively de-watered with 18 diversions to the East Slope. The wetter Upper Gunnison Basin has none. This seriously unbalanced use of Colorado's renewable surface waters is a basic reason for EPA's rejection of Two Forks Dam;

4) Arapahoe County's high altitude Union Park water storage project can substantially enhance the Gunnison's drought protection and way of life, while also providing a lower cost, environmentally sound water alternative for Metro Denver's future growth. The benefits for both slopes are unprecedented;

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surplus flows belong to all Coloradans — not just the origin area;

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Dave Miller  
Palmer Lake

# Arkansas Valley Journal

"Focusing on Agriculture In Colorado and Adjacent States Since 1949"

Vol. 43, No. 40

Thursday, December 13, 1990

50 Cents per Copy

## Free Speech

*Letters to the Editor*

### **Two Forks downfall**

Dear editor:

The lack of state water planning is the basic reason for the rise and fall of the obsolete Two Forks idea.

Unfortunately, Colorado's water development decisions are driven mostly by old water rights instead of relative environmental and engineering merit. The senior water rights for Two Forks were secretly acquired over many years from areas that had already been severely damaged by excessive diversions to the East Slope. These old rights plus political momentum were then improperly used to eliminate Colorado's better water options from the environmental studies. Colorado's surplus Gunnison flood water are a good example. These entitled waters could be economically used for

Metro Denver growth, instead of being permanently lost to the wiser downriver states.

Colorado is the only Western state that refuses to plan its water future, in spite of federal environmental laws that require water project evaluations within the context of state and regional water plans. The federal study manager for Two Forks, often lamented this fact.

Water planning is surely one of the most important, long overdue, legislative needs in Colorado's history. Colorado folks should insist on a well conceived water planning bill during 1991 to protect the state's future environmental and economic values.

Very truly yours,

Dave Miller  
Palmer Lake

# Rocky Mountain News

November 15, 1990 DENVER, COLORADO 132nd year, No. 207

## Endless water battles could leave Colorado high and dry

Colorado's water planning vacuum is jeopardizing the state's future in the arid West.

Every Western state, except Colorado, is using non-coercive water planning to supplement traditional water laws. This approach is resolving major water conflicts by involving all water user groups, including environmental, recreational and public interests. Meanwhile, Colorado is wasting energy, money, water and credibility on endless turf battles between conflicting water interests.

As a result, Colorado's water future is being determined by the federal government and downriver states. The outlook is grim. Our sister states are receiving federal cooperation and funds for well-planned water-conservation alternatives that

can effectively use Colorado's surplus flows. Colorado, meanwhile, is defaulting on its competitive water position because of its growing preoccupation with internal conflicts.

Seventy percent of the nation's water lawyers are needed for Colorado's unplanned water system. Recent surveys show Coloradans are paying for the resulting water development gridlock with, by far, the highest water tap fees in the nation. This inefficiency is especially galling, considering Colorado generates much of the water for the West.

Colorado water traditionalists have blocked every attempt to initiate state water planning. Its leaders do not trust a process that includes environmental, recreational and public input. They argue that Colorado already has

a state water plan embodied in its original market-based doctrine and water laws.

Other states also have similar doctrine and laws, but they have learned from hard experience that organized water planning is necessary in this age of environmental enlightenment. Non-coercive water planning is a better way than the inefficiencies created by endless permitting battles and legal actions.

Although a well-conceived water planning bill was narrowly defeated this summer by the legislature's water committee, hopefully the committee's more courageous thinkers will sponsor a water-planning bill on their own initiative during the 1991 legislative session.

**Dave Miller**  
Palmer Lake



## THE DENVER POST

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## READERS FORUM

### Pro and con on the vetoed Two Forks water project

It is a source of ongoing irony that The Denver Post has been editorially opposing Two Forks Dam and Reservoir and other water storage projects that are absolutely essential to Metropolitan Denver's future economic health, while out of the other side of its mouth advocating new airports, convention centers and other growth-stimulating public facilities.

Your latest shot, headlined "Letting go of Two Forks," is particularly offensive because it counsels the 43 local governments which joined in seeking a federal project for Two Forks to abandon ship just because a rigged EPA review process resulted in the inevitable veto.

Your labeling of the elected and career local government officials who have been involved in the environmental work associated with the permit application as "die-hard proponents" is not only insulting but inaccurate. While they probably are discouraged by the seemingly hopeless fight to get an impartial examination out of an agency — EPA — which right now is run by zealots, I certainly hope they take the next, relatively inexpensive,

step and ask the federal courts to overturn the veto of Two Forks.

Your argument that "no courtroom arguments can dislodge EPA's two bedrock conclusions" about Two Forks is specious, at best. If you read The Denver Post edition of Nov. 13, you will find a story about how a water-supply project permit application in Virginia, vetoed by EPA on some of the same grounds as was Two Forks, was appealed to Federal Court.

The judge not only set the veto aside and ordered a federal permit to be issued, but also lectured EPA for its abusive use of environmental laws and regulations.

DON JANSEN  
Highlands Ranch

□ □ □

The lack of state water planning is the basic reason for the rise and fall of the obsolete Two Forks idea.

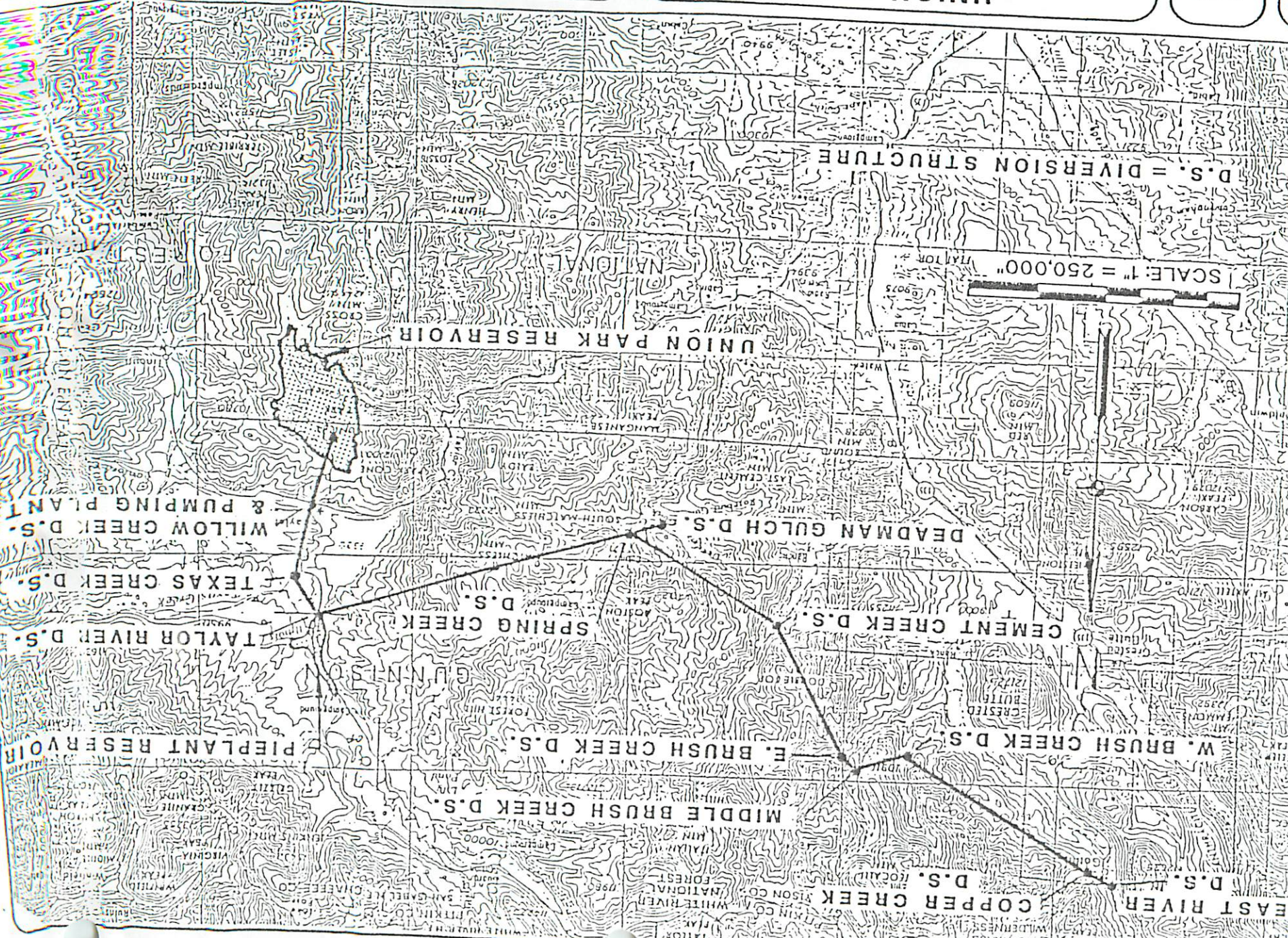
Unfortunately, Colorado's water-development decisions are driven mostly by old water rights instead of relative environmental and engineering merit. The senior water rights for Two Forks were secretly acquired over many years from

areas that had already been severely damaged by excessive diversions to the East Slope. These old rights, plus political momentum, then were improperly used to eliminate Colorado's better water options from the environmental studies. Colorado's surplus Gunnison floodwaters are a good example. These entitled waters could be economically used for Metro Denver growth, instead of being permanently lost to the wiser downriver states.

Colorado is the only Western state that refuses to plan its water future, in spite of federal environmental laws that require water-project evaluations within the context of state and regional water plans. The federal study manager for Two Forks often lamented this fact.

Water planning is surely one of the most important, long-overdue legislative needs in Colorado's history. Colorado folks should insist on a well-conceived water planning bill during 1991 to protect the state's future environmental and economic values.

DAVE MILLER  
Palmer Lake



D.S. = DIVERSION STRUCTURE

SCALE: 1" = 250,000'

UNION PARK RESERVOIR

WILLOW CREEK D.S. & PUMPING PLANT

TEXAS CREEK D.S.

TAYLOR RIVER D.S.

PIEPLANT RESERVOIR

MIDDLE BRUSH CREEK D.S.

E. BRUSH CREEK D.S.

CEMENT CREEK D.S.

SPRING CREEK D.S.

TEXAS CREEK D.S.

UNION PARK RESERVOIR

UNION PARK NATIONAL FOREST

UNION PARK NATIONAL FOREST

UNION PARK NATIONAL FOREST

UNION PARK NATIONAL FOREST

October 17, 1990

*draft  
for POWER*

An Open Letter to The People of Aurora and Arapahoe County,  
Colorado

### THE INDIAN WARS REVISITED

In the 19th Century the many presidents, U. S. Grant chiefly, perhaps, and the several Congresses, advanced the United States policy to encourage and allow the white man to take what land and water he could grab and hold west of the Missouri River. Many of the native Americans, who had theretofore lived upon the lands, were slaughtered and the remnants of their tribes were shoved onto reservations devoid of water, without compensation or consideration. Are we in the 1990s now seeing the 1800s revisited? The developers, and their governmental hand maidens, the political leaders of Aurora and Arapahoe County's (A & A) methods and actions are not unlike those carried out by the Sooners and the 49ers, and others. Although residents of Gunnison County and their ancestors have claimed, have decreed, and have used the waters of the Gunnison River and its tributaries for hundreds of years, the entities of A & A are threatening to come over the mountains and suck dry the life blood of the several communities of this valley.

A & A's actions are reminiscent of the white man's conduct in the 19th century in that they ignore prior uses and rights; they seek to nullify long standing decrees and reliances; they would change the stream flows and land usages; and they ignore existing property values and the quality of life now being led by the peoples of the Gunnison Valley.

In the old days the white man was able to force his ways and his will on the Indians. Are they able to do this now to the descendants of those Indians and others who share the Gunnison Valley with them? We think not.

The Indians in the 1800s were at a disadvantage. They were out-manned and out-gunned, they were disorganized, they had no allies in the white man's camp, they were poor, they had no paper rights, they did not speak the language and they had ineffective weapons. Except for the first enumerated disadvantage which the people of the Gunnison Valley now share with them, the present day encroachers face manifold difficulties in having their way. The people now living on the land presently served with the Gunnison River waters, which they now and have been sharing with visitors from A & A and else where, are going to stand up to the diverters, and back them down.

We will do it in the courts, in the political arena, in the environmental field, in the hearts and good will of the encroachers' own people and, as a last resort, by resistance in the valleys, the forests, the parks and the streams of the land itself.

The people of A & A do not need nor should they desire to be encumbered by a debt of between \$500,000,000 to a billion dollars to build monuments to their present political leaders, and to encourage another million people trying to escape the disasters of Chicago and Los Angeles to move into their communities.

Let your political leaders, like county commissioner Tom Eggert and Mayor \_\_\_\_\_ know that you consider their efforts to burden you with a huge debt to divert Gunnison River waters to be a boondogle of the first magnitude, and that you will not stand for it.

Sincerely yours,

---

Pete Klingsmith

PCK:lw

(DRAFT)

## STATE OF COLORADO

### A Bill For An Act

concerning a statutory directive for implementing a state water planning process

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#### Bill Summary

Requires the implementation of a consolidated state water planning process to solve state-wide and basin-specific water management issues in an effective and efficient manner.

---

**Objectives:** 1) to provide an effective means to overcome growing water conflicts caused by turf barriers and differences in perceptions and values between various water user groups and management agencies; 2) to involve all parties, including the public, in clearly defining water issues and alternative solutions; 3) to pursue and implement consensus solutions based on reasoned analysis of available facts and insights; 4) to balance public and private values between competing uses of limited water resources; 5) to provide a reasoned baseline for making private, local, state, and federal water management decisions; and 6) to provide a state planning document that can be continually updated to handle new water problems, insights, and opportunities.

**Be it enacted by the General Assembly of the State of Colorado:**

1. A consolidated state water planning process shall be initiated to develop and continuously update a state water plan.
2. A Colorado Water Plan Advisory Council (COWPAC) shall be created and appointed by the Governor consisting of four legislators (two from each house and each party), directors of Natural Resources, Health, Fish and Wildlife, State Engineer, Water Conservation Board, and one representative from the Governor's office and two from the public.
3. COWPAC shall select the issues, provide guidance to the planning process, and make water related recommendations to the legislative and executive branches

and water user groups based on informed guidance provided by the state water plan.

4. The Colorado Department of Natural Resources (CDNR) shall be responsible for coordinating, developing, implementing, revising, and administering the state water plan in accordance with the guidance provided by COWPAC.
5. Specific water issues within the plan sections shall be identified and selected by priority for analysis and resolution in the planning process. An objective of 18 months shall be used to complete the planning cycle on each issue considered.
6. After analysis of issues by CDNR and COWPAC the draft plan sections shall be open for public review and comment before adoption of the plan by CDNR.
7. Planning issues requiring legislative and executive actions shall be jointly recommended by COWPAC and CDNR.
8. The manpower and funding resources currently being used for long range planning within the various state water management agencies shall be consolidated under CDNR to handle the new state water planning process.

**Note:** This draft bill was formulated from state water planning efforts that are being used effectively by other Western states.

(719) 481-2003

L. RICHARD BRATTON  
ATTORNEY AT LAW  
232 WEST TOMICHI AVENUE  
P.O. BOX 669  
GUNNISON, COLORADO 81230  
(303) 641-1903

October 2, 1990

Members- Board of Directors  
Upper Gunnison River Water Conservancy District

Dear Gentlemen:

I am enclosing copies of two articles out of the Pueblo Chieftain, one article from the September 27, 1990 edition and an editorial from the September 28, 1990 edition. These articles were published in connection with the ceremony last Friday in Pueblo announcing the completion of the Fryingpan-Arkansas Project. The reason I am sending you these articles is to confirm what I have told you several times in the last few weeks, that the Upper Gunnison Basin has long been a target for transmountain diversion (early 1920's). Although we have met with recent success in Taylor Park, even if we prevail in the Supreme Court, and there is good reason to believe we will, I do not believe this will bring an end to threats of transmountain diversion to our basin. We must do everything possible to strengthen our position for whatever eventualities may occur in the future.

I am also enclosing a copy of page 5 of the Staff Summary Meeting of the Committee on Water, which was held on September 12, 1990 in Denver, as it relates to testimony by Marlene Zanetell, Ralph Clark, and myself on behalf of the Upper Gunnison Basin and Tom Eggert on behalf of the Arapahoe County Commissioner. I did not enclose copies of the attachments, as you previously received copies of these.

Very truly yours,

*L. Richard Bratton /lms*

L. Richard Bratton

LRB:kjb  
encls.

cc: Ralph Clark, III  
Marlene Zanetell

# Leadership opened new era for Arkansas Valley water

'With the Fryingpan-Arkansas Project, the area can grow. Without it, we will have to begin considering how to stand still.'

— Frank S. Hoag Jr.  
Sept. 17, 1953

By CHRIS WOODKA  
*The Pueblo Chieftain*

Shortly after World War II, the nation was in flux. The country optimistically was gearing up for industrial growth. The ripples of the post-war economy washed over into the Arkansas Valley as well.

But the community leaders of the era saw a major stumbling block to overcome in any quest for growth — water.

So they began pushing heavily for a project to bring water from the Western Slope — with its abundant rainfall and sparse population — to the Arkansas River basin, where irrigated agriculture and city water systems depended on a river that often was only a trickle by the time it reached the state line.

Even in 1948, when cities from Salida to Lamar gathered to discuss water needs, concerns about water quality were surfacing. Farmers had long recognized the need for a dependable water supply.

The project originally envisioned a diversion from the Gunnison River and other tributaries of the Colorado River. As it progressed over the years, the scope of the entire project became limited to the first phase of the original project — construction of a reservoir on the Fryingpan River near Aspen, transporting it through the Continental Divide via tunnel and moving it into the Arkansas basin for storage in mountain lakes and a new reservoir near Pueblo. While the original Gunnison Project envisioned 357,000 acre-feet each year, the eventual project would bring an average of just 69,100 acre-feet.

The popular shorthand for the project became the Fryingpan-Arkansas Project. The name took on even more significance when backers of the project began peddling golden fryingpans up and down the valley.

In 1953, Chieftain-Star Journal Publisher Frank S. Hoag Jr. told local leaders: "We have a gold mine here, but it is up to us to develop it."

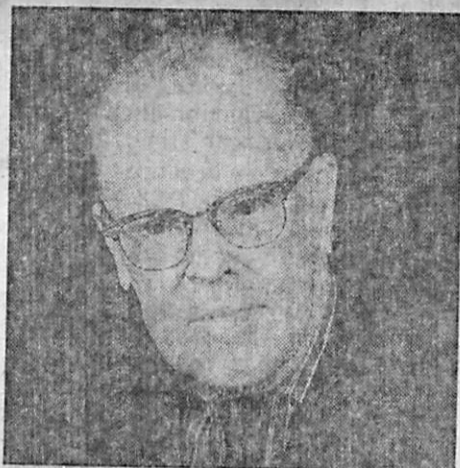
Through the years, the Arkansas Valley water promoters had to fend off opposition not only from the Western Slope, but other states as well. In 1954, a "California boycott" was proposed in the Arkansas Valley by Pueblo businessman Damian Ducey, head of the development group from 1946 until 1954.

An estimated \$30,000 was spent in 1954 trying to defeat the Fryingpan-Arkansas project, which was authorized by the Senate that year, but failed to gain House approval. Sen. Eugene Millikin was given widespread credit for obtaining continual support both in the Senate and from President Eisenhower.

Charles Boustead was elected president of the water users' group in late 1954. At the same time, the groundwork was laid to form the Southeastern Colorado Water Conservancy District, which now encompasses a nine-county area.



Frank Hoag Jr.  
Chieftain publisher



Damian Ducey  
water development leader



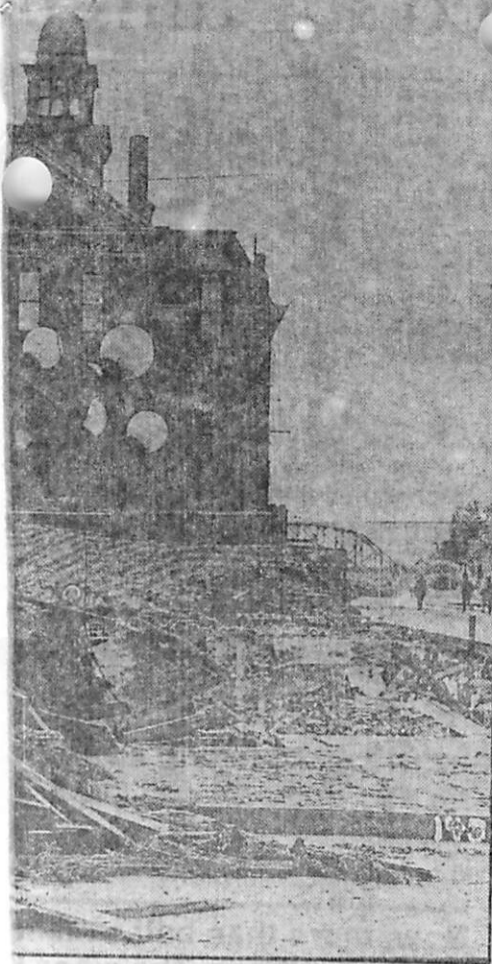
Rep. J. Edgar Chenoweth  
led fight in Congress

The sales of golden fryingpans in the valley were brisk. Burros were used to carry the fryingpans to towns up and down the valley. During Water Week in January of 1955 groups were able to buy small fryingpans for \$5 and large ones for \$100 or more. More than \$30,000 was raised by the end of the week. The money was used to send backers of the project to Washington, D.C.

Rep. J. Edgar Chenoweth faithfully led the fight for the project in the House of Representatives through the 1950's. Year after year the struggle for approval remained the same — the project passed the Senate, but failed in the House.

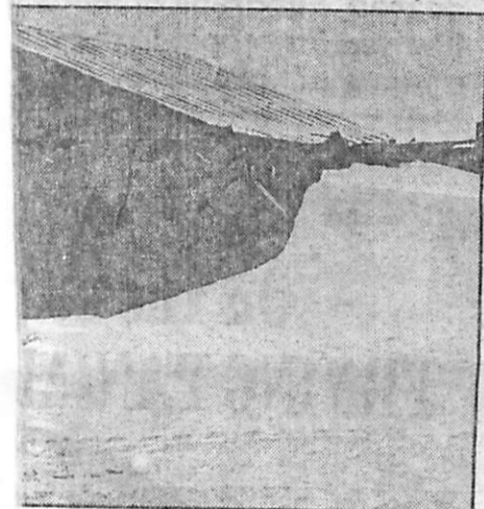
Finally, in 1962, the House passed the Fryingpan-Arkansas Project on June 13. The Senate approved the project on Aug. 6. President Kennedy signed the project into law on Aug. 16.

As Chenoweth noted after long-awaited passage of the measure in the Senate, the approval opened a new era for the Arkansas Valley.



Chieftain file photos

Surrounding the old city hall (above)  
Created drifting sandy soil (below)



## ts prompted area out water supply

Projects in California and Arizona kept enthusiasm high for some sort of water project on the Arkansas River.

The legislation which allowed formation of a conservancy district — a large area of common interest designed to obtain and protect water rights — was passed by Congress in 1937.

As the area was choking on dust in the 30's, farmers in Crowley County built the Twin Lakes project, which brought water from the Roaring Fork River and stores it in Twin Lakes near Leadville. That project later become associated with storage capacity under the Fryingpan-Arkansas Project.

Talk about bringing new water into the Arkansas Valley continued into the 1-1940s, when the Water Development Association of Southeastern Colorado was formed.

A group formed in 1943 with Frank Hoag of Rocky Ford as its first president. It incorporated in 1946 under the leadership of Damian Ducey of Pueblo.

— Chris Woodka



# The Pueblo Chieftain

FRANK S. HOAG, General Manager, Publisher, President — 1904-1963

FRANK S. HOAG, JR., Chairman, Publisher, President — 1931-1989

ROBERT H. RAWLINGS, Publisher and Editor

## A vision come true

**A**NOTHER CHAPTER in the history of the Arkansas Valley concludes today with the dedication of the Fryingpan-Arkansas Project at Lake Pueblo.

Supporters of the project will be on hand to commemorate all those whose vision and dedication shepherded a 70-year-old dream to reality. The ceremonies begin at 10:30 a.m. at the picnic area near the North Marina.

The Arkansas, in its natural state, was a raging torrent during the spring and little more than a mud floe by late summer. In 1880, the first water from the Western Slope was diverted by ditch to augment the Arkansas' natural flow.

By the early 1920s, visionaries came up with a more ambitious plan: divert 357,000 acre-feet each year from Colorado's Western Slope, mainly from the Gunnison River. However, the Great Depression and World War II turned attentions away from the project.

After the war, leaders from throughout the valley resumed the effort. Many took part, as noted in a special commemorative edition published Thursday in *The Chieftain*. Two Puebloans who devoted inexhaustible energies were Damian Ducey, founder of Steel City Agencies, and Frank S. Hoag Jr., publisher of *The Chieftain* and *Pueblo Star-Journal*.

The original scale of the project was cut back as a way of making it financially and politically feasible. Only about 69,000 acre-feet would be diverted, all of it from the Fryingpan River north of Aspen.

Legislation to authorize the project languished in Congress. It was Hoag's never-say-die attitude that kept its proponents from throwing in the towel.

Finally, under the sponsorship of 3rd District Congressman J. Edgar Chenoweth, the bill passed in 1962 and was signed into law by President John Kennedy. But even after construction began on Reudi Dam near Aspen, congressional funding for the project was in constant peril. Some aspects of the project had to be scaled back.

But the project's supporters persevered. Segment by segment, year by year, the project came together. Now the final segment, the fish hatchery just below Pueblo Dam, has been completed, and it will be dedicated along with the entire project during today's ceremonies.

We join in hailing all those whose vision and dedication never flagged. Their legacy is a better Arkansas Valley, a legacy that will last for centuries to come.

# HYPNOTISM LESS



## Silber challenges

WASHINGTON — When John Robert Silber speaks of education, he writes things such as:

"Universities and colleges, along with high schools and elementary schools, are left to provide instruction once offered by the church or the family. If colleges and universities are loath to provide instruction in ethics and in the obligations of citizenship and parenthood, we will become a society of intemperate citizens contemptuous of law ..."

And he is right.

When he talks about his own Democratic Party, with which he lives on tense and uncertain terms, he likes to say that Democrats have become "knee-jerk liberals, ideological purists, one-issue people" who would "rather be right than be president."

AND HE is right.

When he talks about teachers having been transformed from "respected professionals into wage earners more concerned for tenure ... than for education," when he talks about self-centered interest groups as having paralyzed America, and when he talks about Jesse Jackson being "full of mindless, rhyming pieces of nonsense," well, he is right about those things, too.

The papers these days are full of Dr. John Robert Silber, the



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Boston University. In  
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THIS IS always a r  
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"truth" to power and

11:40 a.m.

Committee meeting recessed.

1:35 p.m. -- Gunnison River Basin Concerns Relating to the Union Park Project

Marlene Zanetell, Gunnison Basin Power, stated the purposes of her organization (see Attachment C) and read into the record the statement by Doralyn Genova, Mesa County Commissioner (see Attachment D) which notes the opposition of that county to any proposed transfers of water from the Gunnison River Basin. A document prepared by Gunnison Basin Power entitled "Concerns and Problems with the Proposed Union Park Reservoir" is available at the Legislative Council office.

1:50 p.m.

L. Richard Bratton, Attorney for Upper Gunnison River Water Conservancy District, read a prepared statement (see Attachment E) to the committee. He commented on the litigation now before the District Court for Water Division 4 relating to the Union Park Project. He stated that it is the position of his organization and of John Kreidler, representing the Uncompahgre Valley Water Users Association, that there is not unappropriated water for the Union Park Project and the Collegiate Range Project. In response to questions by Senator McCormick, Mr. Bratton spoke on the intent of Colorado's instream flow statutes. He suggested that the General Assembly consider revisions to those statutes.

2:06 p.m.

Ralph Clark III, Gunnison Basin Power, reiterated the opposition of his organization to the Union Park Project. He noted the value to communities in that area of the water flowing through the Gunnison River Basin. Mr. Clark suggested the establishment of a process and criteria for evaluating effects of water appropriations and transfers on the general welfare or public interest.

2:15 p.m.

Tom Eggert, Arapahoe County Commissioner, enumerated (see Attachment F) the positive aspects of the Union Park Project. He emphasized the need for a comprehensive planning process for the allocation of water in Colorado.

2:25 p.m. -- Discussion of Basin of Origin Issues

Christopher Meyer, National Wildlife Federation (NWF), stated that the idea of basin of origin protection with respect to diversions

3-0

Interim Committee on Water  
October 3, 1990  
Draft

A BILL FOR AN ACT

1 CONCERNING A STATUTORY DIRECTIVE FOR IMPLEMENTING A STATE  
2 WATER PLANNING PROCESS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the implementation of a consolidated state water planning process to solve statewide and basin-specific water management issues in an effective and efficient manner. Creates the Colorado water plan advisory council and specifies the membership of said council.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Title 37, Colorado Revised Statutes, 1990  
5 Repl. Vol., is amended BY THE ADDITION OF A NEW ARTICLE to  
6 read:

7 ARTICLE 60.5

8 Consolidated State Water Planning Process -

9 Colorado Water Plan Advisory Council

1 37-60.5-101. Objectives. (1) The objectives of this  
2 article shall be:

3 (a) To provide an effective means to overcome growing  
4 water conflicts caused by turf barriers and differences in  
5 perceptions and values between various water-user groups and  
6 management agencies;

7 (b) To involve all parties, including the public, in  
8 clearly defining water issues and alternative solutions;

9 (c) To pursue and implement consensus solutions based on  
10 reasoned analysis of available facts and insights;

11 (d) To balance public and private values between  
12 competing uses of limited water resources;

13 (e) To provide a reasoned base line for making private,  
14 local, state, and federal water management decisions; and

15 (f) To provide a state planning document that can be  
16 continually updated to handle new water problems, insights,  
17 and opportunities.

18 37-60.5-102. State water planning process - Colorado  
19 water plan advisory council - created - membership - duties.

20 (1) As specified in this article, a consolidated state water  
21 planning process shall be initiated to develop and  
22 continuously update a state water plan.

23 (2) There is hereby created the Colorado water plan  
24 advisory council. Such council shall be appointed by the  
25 governor as follows: Four members shall be members of the  
26 general assembly, two of which shall be members of the senate

1 and two of which shall be members of the house of  
2 representatives, and no more than one member from each house  
3 shall be a member of the same major political party; the  
4 executive director of the department of natural resources; the  
5 executive director of the department of health; the director  
6 of the division of wildlife; the state engineer; a  
7 representative of the Colorado water conservation board; one  
8 representative from the governor's office; and two members of  
9 the public.

10 (3) (a) The Colorado water plan advisory council shall  
11 select the issues, provide guidance to the planning process,  
12 and make water-related recommendations to the legislative and  
13 executive departments of state government and to water-user  
14 groups based on informed guidance provided by the state water  
15 plan.

16 (b) The department of natural resources shall be  
17 responsible for coordinating, developing, implementing,  
18 revising, and administering the state water plan in accordance  
19 with the guidance provided by the Colorado water plan advisory  
20 council.

21 (c) Specific water issues within the plan sections shall  
22 be identified and selected by priority for analysis and  
23 resolution in the planning process. An objective of eighteen  
24 months shall be used to complete the planning cycle on each  
25 issue considered.

26 (d) After analysis of issues by the department of

1 natural resources and the Colorado water plan advisory  
2 council, the draft plan sections shall be open for public  
3 review and comment before adoption of the plan by the  
4 department of natural resources.

5 (e) Planning issues requiring legislative and executive  
6 actions shall be jointly recommended by the Colorado water  
7 plan advisory council and the department of natural resources.

8 (f) The manpower and funding resources currently being  
9 used for long-range planning within the various state water  
10 management agencies shall be consolidated under the department  
11 of natural resources to handle the new state water planning  
12 process.

13 SECTION 2. Safety clause. The general assembly hereby  
14 finds, determines, and declares that this act is necessary  
15 for the immediate preservation of the public peace, health,  
16 and safety.

September 1990

### COLORADO'S WATER MANAGEMENT CRISIS

Although Colorado generates most of the water for Southwestern states, Coloradans suffer from the most inefficient water management in the nation. Even worse, today's inept water management may be permanently damaging Colorado's competitive future.

Water tap fees are one of the best measures of water management efficiency. These fees cover water development costs, such as planning, legal fees, engineering, public hearings, pumps, treatment plants, environmental mitigation, dams, distribution lines, etc. . In Colorado these costs are by far the highest in the nation. A survey by the Homebuilders Association of Metropolitan Denver shows water tap fees for Metro area construction average over \$7,000 per home. This compares with an average \$1349 for California cities, \$502 for Texas, \$576 for New Mexico, \$570 for Arizona, and \$674 for Utah. A partial explanation of this disparity is that other states have had unifying water planning efforts that have resulted in federal cooperation and assistance.

Another good barometer of mismanagement is the amount of legal effort required to handle water conflicts in a state. An often quoted University of Colorado survey estimates that Colorado needs 70% of the nation's water attorneys to handle the endless legal battles that too often produce not one drop of water for the environment and disillusioned public.

Engineers and natural resource specialists are the primary water planners and managers in other states. However, in Colorado's confused water scene, lawyers dominate almost every water management agency in the state. This legal dominance is self-serving and self-perpetuating. Because of the complexities of administering Colorado's highly fragmented water laws, attorneys are usually appointed to head the myriad of overlapping state water management agencies. These key state leaders naturally recommend more legal experts for appointment to their respective boards of directors. In reality, most of the appointees are specialists in preserving the status quo for one special water interest or another. Even at the local level, water district board members are appointed by local water judges. All other special districts in Colorado have board members elected by the people.

The wasteful Two Forks Dam debacle is probably the best recent example of byzantine water management at its worst. Instead of our state agencies evaluating all of the ongoing water alternatives with reasonable environmental and engineering merit, the Two Forks studies were skillfully orchestrated to only consider the alternatives that could be built with the water rights the attorneys had collected over the last fifty years. Colorado's water management agencies never questioned the fact that Two Forks and its numerous expansion proposals all targeted the same Upper Colorado tributaries that had already been substantially dewatered by 18 diversion projects to the East Slope.


Meanwhile, Colorado is jeopardizing its water future by ignoring the development of its nearly 1 million acre feet of surplus Gunnison Basin water entitlements. These waters may soon be permanently lost to the faster growing, more organized, down river states. The President's 1990 Budget contained federal funds to study the Gunnison's untapped basin for East Slope growth, as well as the West slope's environmental and recreational needs. However, these funds were lost to a lower priority Utah project, because the Gunnison and Colorado River Districts refused to participate in a study that could lead to sharing surplus water with the East Slope.

Colorado is the only state that still relies exclusively on 19th Century water rights doctrine for managing its water resources. All other Western states have supplemented their similar water laws with state water planning to cope in this new age of environmental enlightenment. Federal laws require formulation of environmental studies within the context of state and regional water plans. Unfortunately, the legal profession in Colorado continues to block every move to initiate state planning guidelines that could solve critical statewide and basin specific water management problems in a cost effective manner.

Colorado desperately needs a state water planning process that would involve all water users, resource managers, and policy makers. The process would be used to overcome jurisdictional turf barriers that are steadily worsening Colorado's water management grid lock. A state water plan would serve as a single focal point where all concerned, including the public, can clearly identify problems and consider alternative solutions. The effort would facilitate coordination and give a voice to competing water users, including recreation and the environment. The basic planning objective and result would be consensus solutions, instead of endless, counterproductive legal battles.

Long range planning is not perfect. However, most major organizations do it with provisions for continuous updating to adapt to new insights and changing needs. But first, the process must be started.

Effective water planning is giving our sister states a major competitive advantage in the management of vital local, state, and federal water resources. Instead of continued band aid legislation that is worsening the problem, Colorado's leaders should give the highest legislative priority to initiation of a long overdue state water planning process.

Dave Miller   
Palmer Lake, Colorado  
(719)481-2003

ARAPAHOE COUNTY COLORADO  
504 South Prince Street • Littleton, Colorado 80166  
BOARD OF COUNTY COMMISSIONERS

John J. Nicholl  
District No. 1

Thomas R. Eggert  
District No. 2

Jeannie Jolly  
District No. 3

(303) 795-4630  
FAX 730-7903

September 9, 1990

Honorable Tilman Bishop, Chairman  
Committee on Water  
c/o Colorado General Assembly  
State Capitol  
Denver, Colorado 80203

Dear Senator Bishop:

On August 24, 1990, the Committee on water was briefed by Mr. Allen D. (Dave) Miller on the proposed Union Park Water Conservation Project. Mr. Miller was acting in the capacity of president of Natural Energy Resources Company (NECO).

On August 29, 1988, Arapahoe County entered into an agreement with NECO and acquired the proposed Union Park Project, located in Gunnison County, Colorado. Union Park is planned to come on line after Two Forks or some 20 years from now. Before acquiring the project, Arapahoe County's staff and consultants conducted detailed evaluations of the project. These evaluations considered project yield; project cost; environmental impacts; potential statewide benefits from the project; ability to deliver water for in-basin opportunities for stream enhancement; and to meet future agricultural, municipal, industrial, and recreational needs of users located on both sides of the Continental Divide.

We believe that Arapahoe County's proposed Union Park Project offers unique features and benefits of statewide interest. A partial listing of these features and benefits includes:

1. Ability to store and deliver Colorado's Compact entitled Stored Water to Gunnison, Arkansas, and South Platte Watersheds.
2. Ability to meet, on a year round basis, the decreed Colorado Water Conservation Board minimum streamflows on Taylor River of 50 cfs in winter and 100 cfs in summer. Additional releases could be possible to enhance rafting and other in-basin opportunities.
3. Does not require another on-stream replacement reservoir on the Western Slope.
4. Ability to collect water from wet years for delivery in the critical dry years (insurance against droughts).
5. Does not require a major storage facility on the eastern side of the Continental Divide for regulation purposes to produce a minimum of 60,000 acre feet of safe annual yield. The safe yield of the project represents the total diversion from the Gunnison River Basin on an annual basis.

6. Develop Colorado's Compact entitled water that currently flows out of state to the benefit of the lower basin states. Published U.S. Geological Survey Streamflow records, shows that for a period of 81 years (1897 - 1899, 1902 - 1906, 1917 - 1989) the average annual flow of Gunnison River above its confluence with Colorado River is 1,887,000 acre feet.
7. Project produces pollution free hydroelectric power that could be used by local entities.
8. Has positive environmental impacts:
  - Construction of one off-stream and high altitude reservoir.
  - Reservoir not located on a major flowing stream.
  - An additional fishery created leading to increased recreational opportunities.
9. When integrated with the Denver Water Supply System, it can enhance the yield of this system by approximately 46,000 acre feet per year. This figure was verified by the U.S. Army Corps of Engineers, and was published in Metropolitan Denver Water Supply EIS, volume VIII, appendix 4A.
10. Enhancement of recreational opportunities in the Gunnison River Basin.

Mr. Ralph Clark from Gunnison has proposed for development the Colorado Aqueduct Return Project (CARP) as an alternative to Union Park. The subject project entails pumping water from a point near Colorado-Utah state line, a distance of over 200 miles, and against approximately 5,000 feet of head. The County's consulting engineer has estimated the cost of power and debt service for this project alone to be more than \$5.00 per 1,000 gallons of water delivered. This figure is extremely high when compared with the current rates charged by Denver Water Department (DWD) to its customers. These DWD rates are approximately \$0.71 for city residents and \$1.68 for suburban residents charged by Denver Water Department per 1,000 gallons of water.

We would be pleased to meet with your committee, and to answer any questions that may arise.

Thank you for the opportunity to share with you this information on a water project that has unique and statewide benefits.

Sincerely,



Thomas R. Eggert, Commissioner  
Arapahoe County

cc: Members of the Committee on Water

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