

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

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1959 - 2024



OUR PASSION, OUR COMMITMENT, OUR LEGACY

INTRODUCTION FOR THE GENERAL MANAGER, UGRWCD:
65 YEARS OF IMPACT REPORT

Dear Friends,

Happy 65th Anniversary to the Upper Gunnison River Water Conservancy District watershed community!

I am truly honored and humbled to be able to work side by side with you, our community, our board and staff, and our many water partners who are deeply committed to the preservation, protection and improvement of our basin’s water resources. There’s so much to be proud of and it is a testament to our community’s water knowledge and our rural strength and character.



In this report, you’ll learn more about our history and our evolution as an organization. When the District was originally established in 1959, we had a board and a legal team, but no general manager or staff. Today, we have a dedicated staff of six: General Manager, General Counsel, Office & Senior Programs Manager, Administrative Assistant / Communications Specialist, Water Resource Technician and a Water Resource Fellow in Training. They work hard every day to make sure your water resource interests are represented at every level of government and that the services we provide align with our communities’ needs and our organization’s mission and strategic goals.

Since I joined the District in 2019, our staff have been focused on building upon our existing program successes, streamlining and enhancing our financial management practices, bringing in outside grant dollars and agricultural engineering expertise so that we accelerate the pace of water resource improvement projects, and helping fill critical data gaps through targeted water resource studies like drought contingency planning, wildfire risk and risk mitigation, source water protection and irrigation system optimization assessments to name a few. We’re also passionate about education and we hope you are enjoying seeing more water-related articles in the newspapers and on the radio.

We are also constantly striving to enhance our water resource forecasting capabilities through the use of tools like remote sensing and localized doppler gap weather radar. I’m not sure if our community realizes just how incredibly lucky we are with the vast and unprecedented amount of scientific research there is occurring in our basin and we’re proud to be actively engaging in and financially supporting some of those efforts.

We hope you will be encouraged as you read about these transformations. There is no doubt that we will continue to face challenges going forward and the Upper Gunnison River Water Conservancy promises to always “be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin District.” Together we all can work collaboratively to develop solutions to sustain our precious water resources in this basin for another 65 years and more!

Sonja Chavez
UGRWCD General Manager

INTRODUCTION FOR THE BOARD PRESIDENT, UGRWCD:
A MISSION TO EMBRACE

This year, 2024, is a year of reflection for all of us at the Upper Gunnison River Water Conservancy District (District) as we embark on our 65th year of operations. As you will read in this report, the District was established in 1959. Its principal objects and purposes were to conserve, defend, and protect the waters having their source and origin within its boundaries. At that time, the District’s primary purpose was to participate with Reclamation to develop the Upper Gunnison Project. Later its focus changed to actively opposing transmountain diversions of water within the Upper Gunnison River basin to the Front Range and eastern slope of Colorado. The opposing interests along both sides of the Divide resulted in serious conflict, suspicion, and outright contempt among the individuals involved.

However, persistent drought in the western United States over the past couple of decades has dramatically changed this dynamic. Declining water levels in Lake Powell and Lake Mead are threatening supplies for all uses of water in the Colorado River Basin, including those for existing transmountain diversions that serve the Front Range and eastern slope. Though there are still differing views between western and eastern providers, the common problem created by reduced stream flows and depleted storage requires our cooperation in order to meet this challenge. As you review this report, you’ll learn more about the people and organizations who have joined in the District’s efforts towards progress in programs and projects that have helped recover the beneficial state of robust wetlands, enhance water supply, improve stream and irrigation conditions, conserve water and provide water education for all ages of our population. The level of intelligence, creativity, and determination inherent in these cooperative agencies and professionals tasked with finding solutions gives us hope that their efforts will succeed. Indeed, they must!

I hope you will join me in embracing the mission of the District, which is to “be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin.” If we can all do our part to conserve and protect our water resources and stay abreast of the actions of our government water leaders, we can all become good stewards for another 65 years of successful water management in the Upper Gunnison basin.

Michelle Pierce
UGRWCD Board President



1875

The “75 Ditch”
is diverted to irrigate ranchland giving Gunnison one of the oldest water resources in the state (and water right)

1935-1937

Taylor Park Dam and Reservoir are constructed by the U.S. Bureau of Reclamation

1937

The Water Conservancy Act is passed in Colorado allowing for the formation of Water Conservancy Districts

1959

Upper Gunnison River Water Conservancy District is formed to work with the U.S. Bureau of Reclamation to develop and construct the Upper Gunnison Project

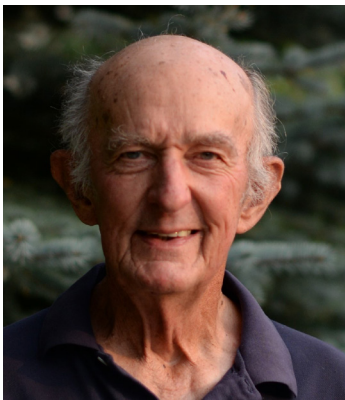
1962-1977

Curecanti (now Aspinall) Unit of the Colorado River Storage Project (Blue Mesa, Morrow Point, Crystal Dams and Reservoirs) is constructed by the U.S. Bureau of Reclamation

1975

Taylor Park Reservoir and Operation and Storage Exchange Agreement is executed, with the District as one of the parties, providing a framework for maintaining year-round flows in the Taylor River.

A STEADY MISSION THROUGH CHANGING CHALLENGES



George Sibley

Everyone in the valleys of the Upper Gunnison River watersheds who loves our rivers and streams probably has a favorite place for seeing the work of the Upper Gunnison River Water Conservancy District (UGRWCD) – although we might not know that is what we are seeing.

One of my favorite places for this is the Gunnison Whitewater Park, on the river just west of town, at a manmade “rapid” for recreational boaters. The UGRWCD worked with Gunnison County to put that project together and acquired the “recreational in-channel diversion” water right for the park – a new kind of water right which, not coincidentally, further limited the water available for transmountain diversion schemes.

That first rapid, however, was created where it is to raise the level of the river to the headgate for the “75 Ditch,” a task formerly done annually with a bulldozer in the river. The 75 Ditch, diverted in 1875 to irrigate Alonzo Hartman’s ranch, has

the oldest water right in the entire Gunnison River Basin. So the oldest water right in the valley is linked constructively with one of the newest – and between them lies the ever-changing valley history, including the 65-year history of the UGRWCD.

The mission of the UGRWCD is “to be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin,” consistent with the 1937 Water Conservancy Act charge to “conserve, protect and defend” water resources. The UGRWCD has done this in creative but often subtle ways, like the example above, that have helped carry our past forward into our emerging future here.

Consider the Taylor River: as beautiful a mountain stream as you will find anywhere. But it looks and runs more like a natural river today thanks to the UGRWCD. In the 1930s, the U.S. Bureau of Reclamation built the Taylor Dam high on the river to store late-season water for irrigators in the Uncompahgre River Valley far downstream, water delivered through the Gunnison Tunnel. This effectively shut off the river in the spring, to store the water for late summer, and turned it into an irrigation canal the rest of the year, “killing” the natural river cycle and a world-class fishery

The Bureau of Reclamation was back in the 1960s, to build Blue Mesa, Morrow Point, and Crystal Dams west of Gunnison as part of the massive regional 1956 Colorado River Storage Project (CRSPA) – reservoirs that drowned the towns of Iola and Sapinero, and inundated over 20 miles of Gunnison River, ranked as the second-best trout fishery in the country. Many Upper Gunnison people were not happy with the Bureau in those decades.

CRSPA instructed Reclamation to prepare planning reports for “participating projects” so the Bureau did a preliminary analysis for an Upper Gunnison River Project, a set of small reservoirs and

canals for local use to be built as such a project. The UGRWCD was created in 1959 to work with the Bureau in bringing that project into being. The Bureau also promised to “subordinate,” for later development above the dams, the rights to 60,000 acre-feet of the water it would have storage rights for in the Aspinall Unit reservoirs. It also promised to purchase or replace quality fisheries to replace the beloved fishery it was inundating. UGRWCD attorney Dick Bratton led the charge in acquiring these concessions. To date, only a fraction of the fishery has been replaced.

But by the time the three dams we know as the “Wayne N. Aspinall Unit” were completed in the 1970s, the nation had ceased to invest heavily in western water development. After many years of effort, and thousands of dollars spent on investigations by the District, none of the elements of the Upper Gunnison Project were deemed feasible, and the project was abandoned. Rather than folding with its reason for creation abandoned, however, the UGRWCD began to pick up other challenges and opportunities.

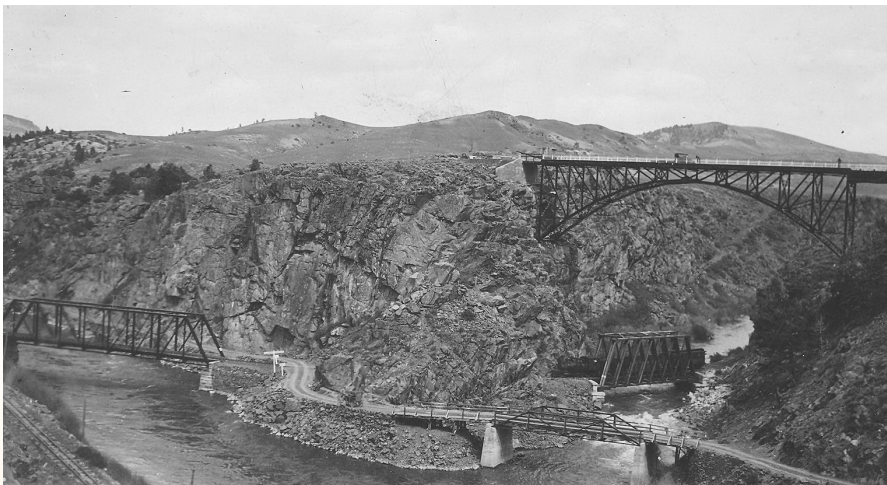
One of these was resurrecting the Taylor River. Once Blue Mesa Dam was completed, UGRWCD attorney Dick Bratton worked with the Bureau, arguing that it would make sense to store the Uncompahgre Valley irrigators’ water from Taylor Reservoir in Blue Mesa Reservoir, at least a day’s flow closer to the Gunnison Tunnel. The Bureau went along, which meant the Uncompahgre water could be moved down to Blue Mesa from Taylor Reservoir on the seasonal schedule of a natural river rather than an irrigation canal. This resurrection of the Taylor as a river was formalized in the 1975 “Taylor Park Reservoir Operation and Storage Exchange Agreement.”

The UGRWCD did not stop there. The Continental Divide mountains above Taylor Park produced more water than the 106,000 acre-feet captured for the Uncompahgre Valley water users

– water coveted by Front Range cities on the East Slope of the Rockies. After the 1975 agreement was finalized, the Taylor Park Reservoir was technically “empty” after the Uncompahgre water was moved to Blue Mesa, so the UGRWCD filed on Taylor Park water for a second fill of the reservoir to be used for the fishery, boating, wildlife, and other environmental needs as well as supplemental irrigation water. This unusual request was finally adjudicated in 1990. Utilizing second fill water to manage releases better resulted in a 90% increase in the Brown trout population and more reliable flows for boaters. The UGRWCD convenes a “Taylor Local Users Group” of irrigators, rafters, fishermen, and Taylor property owners every month from March to October to advise the Bureau on how best to operate reservoir releases to meet local needs.

In 1986, the City of Aurora filed a claim for a transmountain water diversion, the Collegiate Range-Aurora Project (CRAP); it would pump water up to Taylor Reservoir from a new reservoir near the junction of the East and Taylor Rivers (flooding out Almont), and through a tunnel to the Front Range.

Then, in 1988, the Natural Energy Resources Company (NECO), a conspiracy of retired Bureau engineers, filed an application for a much more elaborate plan for a large reservoir in Union Park, above Taylor Park, that would be filled by pumping water up from Taylor Reservoir, with unappropriated



1984-2004

District Successfully Opposes Transbasin Diversion
(Union Park Reservoir Litigation) to prevent the diversion of Upper Gunnison River water to the Front Range

1990

Taylor Park Reservoir Refill Decree
is entered by the Water Court, ensuring the refill of Taylor Park Reservoir up to 106,203 acre-feet of water to be released to enhance the fishery and recreational uses of the Taylor and Gunnison Rivers and to provide supplemental irrigation water.

1998

Water Quality Monitoring Cooperative Program
This cooperative program has been in place for twenty-six years and is considered a trendsetter and model for cooperation among stakeholders that is used and copied by other entities across the state.

1999

Black Canyon of the Gunnison National Monument
is named a **National Park**.

2000

Aspinall Subordination Agreement is executed
to protect diversions under water rights in the Upper Gunnison Basin that are junior or equal in priority to the Aspinall Unit

2002

Aspinall Plan for Augmentation
is adjudicated by the Upper Gunnison District to protect water users in the valley from calls by senior water rights.

water gathered from all over the Upper Gunnison tributaries (since no unappropriated water was left in Taylor Park), and moving it through a tunnel to the Front Range. The cost of all that pumping would be offset by a pumped-storage project – pumping water uphill on cheap night rates, then letting it flow back down in the daytime to generate power at peak rates.

In 1988 NECO sold this seemingly fantastic idea for the “Union Park Project” to Arapahoe County, pending the granting of all the water rights that NECO had filed on, and Aurora abandoned its even more fantastic plan to join the Arapahoe County plan. The Division Four water court became the battleground for the adjudication of the Arapahoe County claims, and the UGRWCD went into “protect and defend” mode, led by attorneys Bratton and his partner John McClow, rallying an army of West Slope water organizations and friends of the court, including the Bureau, against the phalanx of Arapahoe attorneys and engineers in what turned out to be an epic battle over the future of Colorado River water in Colorado.

To summarize the epic quickly: after a five-week trial in 1991, water court judge Robert Brown concluded there was only an insufficient 20,000 acre-feet of water available for the Union Park Project, and denied the conditional rights. Arapahoe County then appealed to the Colorado Supreme Court, arguing that “local use” of the aforementioned 60,000 acre-foot subordination of Aspinall Unit water had been too narrowly construed by the judge as available only for use in the Upper Gunnison, that the water should be available to any Colorado user whose use originated in the Upper Gunnison Basin. The Supreme Court wanted clarification on that, so it remanded the case back to the water court.

Another adjudication hearing was then held in 1997, at which time the Bureau clarified its own position in the subordination – essentially “local use” meant use in the local area – and Judge Brown came again to the conclusion of insufficient water availability. Arapahoe County again appealed to the Supreme



Court, which concurred with the judge, dismissing Arapahoe’s claim. In 2004, NECO made a last-gasp effort to revive the project, but was defeated in the Supreme Court, and Union Park finally died an expensive death in 2006. Expensive to the winners too: the UGRWCD asked the taxpayers to double their mill levy – a request readily granted. No major Front Range transmountain diversion efforts have materialized since.

In 2000, UGRWCD negotiated an agreement with the United States to formalize the 60,000 acre-foot subordination of Aspinall Unit water rights promised in the 1960s.

Before the Union Park battle was completed, UGRWCD water users were threatened by two complex challenges from



downstream. One was a “federal reserved water right” for the Black Canyon National Park (the 1933 National Monument made a National Park in 1999). The other was a shared responsibility for the fate of four endangered Colorado River fish species found in the Lower Gunnison Basin.

According to U.S. Supreme Court decisions, when the government reserved public lands for any specific purpose, like a National Park, it implicitly reserved enough water to carry out that purpose. The National Park Service was charged with “conserving unimpaired” for “this and future generations” some “natural and cultural resource” – in the case of the Black Canyon, a magnificent geological feature and the wild river

that was gouging it out. Then, in the 1960s and 70s, another Interior branch of the federal government built three major dams upstream from the Black Canyon that seriously “impaired” the natural conditions of the canyon and its river.

In the 1970s the Park Service had applied for, and been given, an unquantified conditional water right for the National Monument with a 1933 appropriation date. Finally, in 2001, the other shoe dropped; the Park Service applied for a quantification that required a spring flood to purge the canyon of its greenery (dominated by poison ivy) and restore its cutting function – spring also being the time for water storage. All hell broke loose, both upstream in the UGRWCD where many users would be junior to the 1933 decree, and downstream, where the absence of spring floods had been considered a blessing. 386 statements opposing the plan were filed by the time the dust settled.

After six years of litigation and some political wrangling, a mediator was hired. UGRWCD was a lead negotiator in the mediation, and in December 2008, a stipulated decree went to

water court that gave the Park Service a spring flood based on the Upper Gunnison runoff and coordinated with other stream flows to prevent downstream flooding, and subordinated to not interfere with existing junior water rights in the Upper Gunnison.

The UGRWCD actively participated over six years in the development of an Environmental Impact Statement that resolved the endangered fish challenge, resulting in the “Aspinall Unit Reoperation” of increased spring flows overlapping somewhat with the Black Canyon water right releases. Blue Mesa Reservoir storage is affected somewhat by these resolved issues, but with little or no harm to water users.

2002

Cloudseeding Cooperative Program

is established and is a collaborative weather modification project with many different entities in the area.

2003

The District is Granted Recreational In-Channel Diversion Water Right,

which allows for the Creation of the Gunnison Whitewater Park

2005

Meridian Lake Reservoir Plan for Augmentation

is adjudicated by the Upper Gunnison District to protect water users in the Crested Butte area from calls by senior water rights.

2008

Black Canyon of the Gunnison National Park Federal Reserved Water Right is decreed

to provide for a spring flood of the canyon based on Upper Gunnison Runoff without interfering with existing water rights

2009

Upper Gunnison Grant Program established

The Board of Directors agreed to fund water projects in the Upper Gunnison Basin with a budget of \$100,000.

2011

Lake San Cristobal Plan for Augmentation

is adjudicated by the Upper Gunnison District to protect water users in Lake City and the Lake Fork Valley from calls by senior water rights.

The UGRWCD has also shown creative leadership in water development. After the State Engineer declared the Gunnison River to be over-appropriated (unable to fill all water rights) in the exceptionally dry water year 2002, state law required anyone wanting a new surface or ground water right from the river and its tributaries to file an “augmentation plan,” demonstrating the capability, in the event of a downstream call, to replace the water they were withdrawing from the river system from some other source. In response, the UGRWCD leased 500 acre-feet in Blue Mesa Reservoir to provide augmentation water for certain areas in the valley.

UGRWCD also created a “new source” by raising the outlet works on Meridian Lake above Crested Butte several feet and claiming the additional storage there as augmentation water for sale to those wishing to build in the Crested Butte area. Augmentation water has been released several times to protect homeowners and businesses in the Slate and East Rivers from instream-flow calls from the State.



The UGRWCD performed a similar function in the Lake Fork valley, raising Lake San Cristobal several feet with a new adjustable dam, creating an augmentation pool to protect water users in the Lake Fork, including Lake City, by releasing the stored water to meet downstream calls.

At this point in time, the “Water Development Era” of the Colorado River and its Gunnison tributary is probably mostly completed; the UGRWCD has joined the rest of the state in planning processes for the unknowns of changing climate, diminishing waters and population growth we are all moving into.

All of these activities, and more, can be explored in more depth on the UGRWCD website (ugrwcd.org). This short overview shows only the diverse breadth and often subtle quality of the work of the organization that has creatively and consistently worked for 65 years to develop, protect and defend the important water resources of the Upper Gunnison River and its mountain tributaries. Enjoy both the beauty and utility of the UGRWCD’s work!

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT LEADERSHIP

General Managers and the years they were hired:

- Tyler Martineau – April 1990
- Kathleen Curry – December 1997
- Karen Shirley – December 2003
- Frank Kugel – March 2006
- Sonja Chavez – December 2019

Staff:

- Sonja Chavez, *General Manager*
- John McClow, *General Counsel*
- Beverly Richards, *Senior Program Manager*
- Ari Yamaguchi, *Water Resources Technician*
- Alana Nichols, *Fellow*
- Sue Uerling, *Administrative Assistant*

Attorneys:

- Ed Dutcher
- L. Richard Bratton
- John McClow
- John R. Hill*

**L. Richard Bratton, John Hill, and John McClow were partners in the firm, Bratton & McClow. The firm represented the District until John McClow became full-time General Counsel of the UGRWCD in 2006.*



2012	2012	2012	2016	2016	2019
Final Environmental Impact Statement for Aspinall Unit Operations issued to protect endangered fish species in the Lower Gunnison River.	Wet Meadows Restoration and Building Cooperative Project was established, and the Team has treated over 300 acres of riparian habitat, along more than 43 miles of stream with over 2,467 structures to enhance Gunnison sage-grouse brood-rearing habitat.	Recreational In-Channel Diversion Water Right made absolute.	Taylor Park Reservoir Refill Decree made absolute.	Watershed Management Planning Process began in response to the Colorado Water Plan.	Watershed Assessment and Stream Management Plan – Phase 1 completed.

Current Board of Directors (through June 24, 2024) and the years they were appointed:

- Michelle Pierce, President – June 2015
- Stacy McPhail, Vice President – June 2018
- John Perusek, Secretary – March 2018
- William “Bill” Nesbitt, Treasurer – June 2008
- Rebie Hazard – June 2003
- Andy Spann – June 2016
- Rosemary Carroll – August 2016
- Julie Nania – June 2017
- Joellen Fonken – June 2019
- Don Sabrowski – June 2020
- Mike Rogers - June 2023

The UGRWCD is governed by a board of 11 directors who are appointed by the Chief District Judge and represent eight geographical divisions, including: Hinsdale County, Saguache County, Tomichi Creek, Taylor River, Crested Butte, Ohio Creek, Gunnison River, and the City of Gunnison. A Director must reside and own real property within his or her division and be knowledgeable in water matters affecting the Upper Gunnison River Basin.



Photo by Theresa Golden

UGRWCD PROGRAMS

Water Quality and Quantity Monitoring Program - This program initially began as a NAWQA USGS stream gaging activity in the Upper Gunnison basin and evolved into a basin-wide partnership with multiple local entities contributing financially to the program. The program has been in place for over twenty years and is considered a trendsetter and model for cooperation among community stakeholders and has been adopted by other entities across the state.

Cloudseeding Program – The cloud seeding project aimed at helping to increase local snowpack was organized originally to benefit the northern part of the Upper Gunnison Basin in the 2002-2003 winter season. The project target area has expanded over the years to include tributaries that drain areas in the southern part of the basin. There are now 17 seeding generator sites in the Basin and these sites provide seeded solutions for storm events that occur in and around the basin. This is a collaborative effort with partners from the state and many different local entities including the City of Gunnison, Gunnison County, and Mt. Crested Butte Water and Sanitation District among others.

District Grant Program – The District has determined that an appropriate means to affect its purposes and accomplish its mission is through a Grant Program that provides financial assistance to persons or entities advancing projects that enhance water supply, water quality, and stream conditions, educates our citizenry, or furthers our understanding of water resources within the District. This program began in 2009 with a Board approved budget of \$100,000. That year we received two grant applications and funded \$45,000. The budget amount increased over the years. The 2024 budget amount was \$300,000 and we received a total of seventeen applications and funded \$260,000 towards projects throughout the basin.

Wet Meadows Program – Natural meadows and riparian habitats within the sagebrush landscape of the Gunnison Basin are resilient and support a sustaining population of Gunnison sage-grouse and other species, biological communities, ecosystem services and livelihoods in the face of a changing climate. Sustained and long-term community commitment to stewardship of meadows and riparian areas helps nature and land-based livelihoods adapt to climate change. The Wet Meadows Restoration and Building Cooperative Project was established in 2012, and the Team has treated over 300 acres of riparian habitat, along more than 43 miles of stream with over 2,467 structures to enhance Gunnison sage-grouse brood-rearing habitat.

ASO Flights – In 2016, the UGRWCD began working with the University Corporation for Atmospheric Sciences (UCAR) to develop an alternative model for Taylor Park Reservoir using WRF-Hydro for reservoir inflow forecasting and in 2022 assimilated Airborne Snow Observation measurements into the model. This work continues as refinements are made to the model to aid in water management in the Upper Gunnison Basin.

Watershed Management Planning – The Watershed Management Planning Process was initiated in 2016 as a result of the publication of the Colorado Water Plan in 2015. This plan was developed to meet the water needs of new population (statewide as well as local) by midcentury. The plan will address meeting these water needs with water supplies projected to be reduced 10 to 20 percent by climate changes.

2023

Wildfire Watershed Hazard Assessment and Wildfire Zones of Concern in the Upper Gunnison River Basin completed.

2023

Gunnison Geo-Fluvial Assessment – Phase 1 was completed, and Phase 2 is underway in 2024.

2024

Upper Gunnison Wetlands Assessment was developed to perform investigations for Wetlands Mapping, Historic Wetlands Loss, and Wetlands Risk Assessments and will be completed in June of 2024.

2024

Upper Gunnison Basin Irrigation Return Flow Study, a cooperative agreement between the Upper Gunnison District and the U.S. Bureau of Reclamation is underway.





MISSION: To be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin

