



**WESTERN RESOURCE**  
ADVOCATES

For Immediate Release

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**Water Court Finalizes Decree to Benefit Black Canyon of the  
Gunnison National Park**

MONTROSE, CO – Last week, the water court in the Gunnison River basin entered a decree formally adopting an agreement between the United States, conservationists, water users, the State of Colorado, and others that will recognize and protect water rights for river flows in Black Canyon of the Gunnison National Park. After more than 30 years of dispute, this action resolves one of Colorado’s most contentious water rights battles.

The final settlement reached last year, which now has been blessed by the water court, creates a flow regime that includes annual peak flows and shoulder flows—tied to natural water availability—plus a year-round base flow of 300 cubic feet per second. Collectively, these elements are critical to the health of the Park and the Gunnison River. With the water rights decree in place, changes to the flow in the Gunnison River will be noticeable beginning with this spring’s runoff.

“This agreement recognizes the importance of Black Canyon National Park and the need to preserve its spectacular resources for the benefit of present and future generations,” said Libby Fayad, representative for the National Parks Conservation Association.

The flow regime will protect the water-dependent resources of the Black Canyon and help restore the ecological balance in the river system disrupted by three federal dams immediately upstream of the Park. The flows will create a healthier environment for a world class trout fishery, cleanse sediment deposits that have caused whirling disease in trout, clear woody debris, maintain the river channel, and greatly improve the aesthetics of a flowing river for hundreds of thousands of visitors from around the world each year.

“This landmark ruling acknowledges that the Gunnison River offers recreational and natural resource benefits that deserve protection,” said Drew Peternell, director of Trout Unlimited’s Colorado Water Project.

“The new flow regime will greatly benefit the ecology and visitor experience at the Park, protecting it as a national treasure,” added Wendy McDermott, Executive Director of the High Country Citizens’ Alliance.

The decree finalizes the settlement agreement reached last June, the product of over nine months of intense negotiation. The settlement process addressed concerns about river management from a broad array of stakeholders, including irrigators in the Gunnison basin, hydroelectric power producers, flat water recreationists, boaters, federal agencies (including the National Park Service, Bureau of Reclamation, and Fish & Wildlife Service), State of Colorado, towns concerned about flood control, anglers, and environmental groups.

“It took lots of effort, but the negotiation resulted in a win-win—a water right that protects the Park and accommodates other water uses,” said Bart Miller, attorney for Western Resource Advocates, representing five of the conservation groups.

“Considering the number of organizations and interests involved, the water settlement epitomizes the tremendous complexities of environmental negotiation,” said Andy Spielman, a partner at Hogan & Hartson, representing, on a pro bono basis, all seven conservation groups involved in the case. “What’s truly encouraging is how everyone’s needs were addressed with integrity to create a workable compromise for all.”

In 2003, conservation groups successfully challenged an ill-conceived agreement between the State of Colorado and federal agencies that would have prevented protective flows. In late 2006, a federal court judge rejected the 2003 agreement as violating several provisions of federal law. “The outcome here is due, in large part, to the important role of environmental groups who were watchdogs over protecting this national resource,” said Steve Smith, representative from The Wilderness Society.

The conservation groups involved in the federal case and the water rights negotiations include Environmental Defense Fund, High Country Citizens’ Alliance, National Parks Conservation Association, The Wilderness Society, Trout Unlimited, Western Colorado Congress, and Western Slope Environmental Resource Council, and Western Resource Advocates