

**For Immediate Release**  
**Thursday, June 19, 2003**

**Contact: Bart Miller, Land and Water Fund, 303 444 1188 x219**  
**Drew Peternell, Trout Unlimited, 303 440 2937 x14**  
**Wendy McDermott, High Country Citizens' Alliance, 970 349 7104**  
**Margie Welch, Western Colorado Congress, 970 252 7157**

## **Citizens Challenge Black Canyon Deal**

**Closed-door agreement between state, feds is unreasonable, groups contend**

**Montrose, CO**— A recent agreement between the United States and the Colorado Department of Natural Resources on water rights for Black Canyon of the Gunnison National Park is unworkable, lawyers working on behalf of six citizens' groups said today. In a brief submitted June 19, the groups argued the federal-state agreement failed because it did not result from open discussion with stakeholders and did not meet the present and future water needs of the Park.

In early April, officials from the United States and Colorado Department of Natural Resources announced plans to substantially revise the federal government's claim to water rights in the Park. The revised claim effectively gave up a huge federal property interest: most of the water the Park is entitled to in order to fulfill the many purposes for which it was created in 1933. Much of the responsibility to protect the Canyon's water would be left for the state of Colorado to pursue, instead. This is problematical because the state agency is also responsible for developing water. Preliminary indications are that the State will seek flows for the Park only after meeting every other water need, including potentially huge future diversions to the Front Range.

At the time, the parties to the agreement heralded it as a groundbreaking new path. But some view the new path as a wrong turn. "The April agreement is a candy-coated lemon," said Bart Miller of the Land and Water Fund of the Rockies, representing 5 groups in the case. "River flow 'guarantees' in the agreement are about as solid as Enron stock. If you look at the fine print, there is a simple translation: all other water uses—even massive diversions to the Front Range—come first, and the Park comes last." Miller said.

"The Gunnison River is the life-blood of the Black Canyon of the Gunnison National Park. As administrator of the national park, the United States has a legal obligation to protect the park and the river that is its heart," said Drew Peternell of Trout Unlimited. "The government dropped this agreement out of the sky, without first engaging in any discussion with the interested public. Frankly, we don't think the arrangement the United States proposes comes anywhere close to providing the level of protection to which the park is entitled. Because it feared just such a move by the United States, earlier this year American Rivers named the Gunnison as one of the four most endangered rivers in the county."

The agreement was the most recent in a water rights application that is three decades old. After an application process lasting several years, the United States obtained a water court decree in 1978, one that recognized the Park's water needs for scenic, aesthetic, and environmental purposes. The court requested the United States return to court to quantify its water right, which it did through a court filing in January 2001. Then it turned around and ceded almost all of this important right to the state.

The agreement sacrifices the ecological integrity of the Gunnison River through the Black Canyon and downstream. "Ecological studies and academic literature support the need of a restored, natural hydrograph," said Wendy McDermott of High Country Citizens' Alliance. "Springtime peak and shoulder flows do many things to protect the Gunnison River's ecology. For example, they control riparian vegetation and flush sediments out of fish spawning grounds."

"The proposed settlement isn't a fitting or just end to this important issue," said Margie Welch of Western Colorado Congress. "The people of western Colorado believe Gunnison river water is West Slope water and should stay here," Welch said.

Trout Unlimited, with the Land and Water Fund of the Rockies, which represents five citizens' groups- High Country Citizens' Alliance, Western Colorado Congress, Western Slope Environmental Resource Council, Environmental Defense, and The Wilderness Society—jointly made the court filing Thursday. There are as many as 300 parties to the case.

###