

A Brief History of War and Peace on the Blue River

Colorado River District Annual Water Seminar

Grand Junction, CO ♦

September 16, 2010

Eric Kuhn



Colorado River District

Protecting Western Colorado Water Since 1937

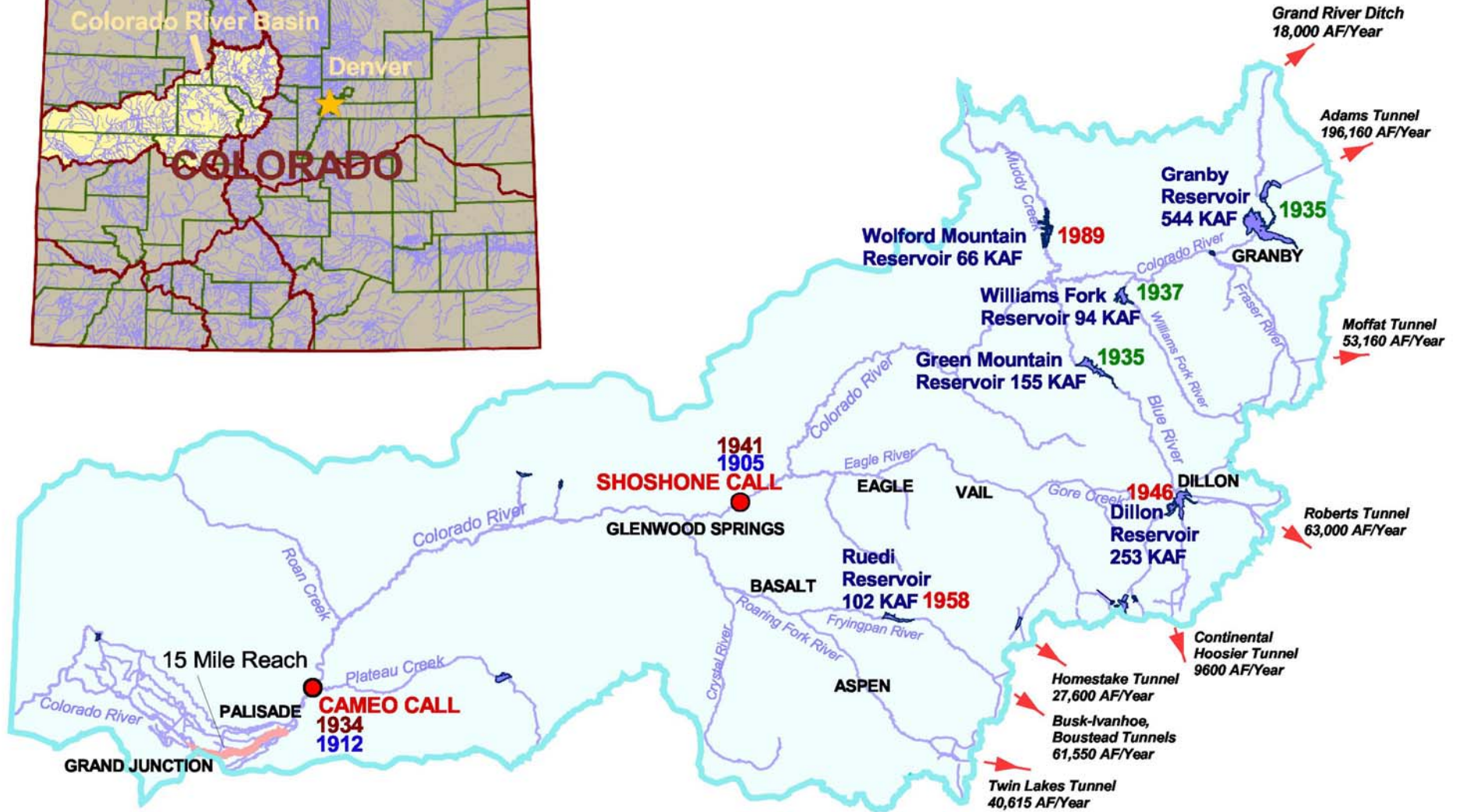
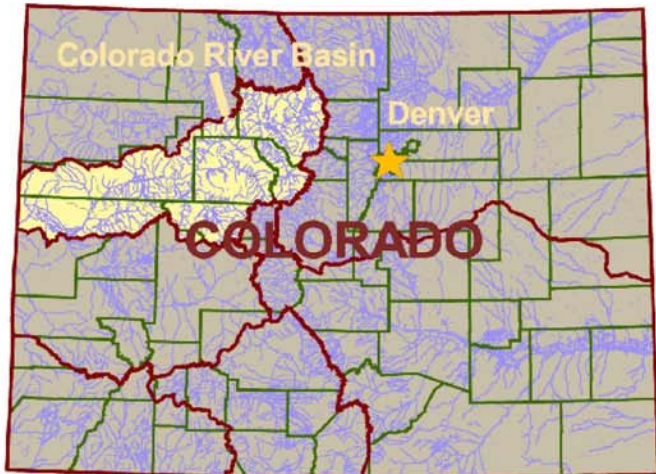
Talk of the Times

“For over twenty-eight years, this litigation has been on the docket of this court, and will likely remain here so long as the Continental Divide partitions Colorado into Western and Eastern watersheds.”

Judge Alfred A. Array
November 2, 1977



Colorado River Basin



A Brief History

- 1930s** Time of plenty ends
Drought and dustbowl dominate
Supplemental irrigation sought in
Northeastern Colorado
Municipal water needed in Denver
- 1937** Conceptual compromise reached
encapsulated in “Senate Document
80 (SD-80)”

SD-80: Green Mountain Reservoir

- *Shall be constructed and maintained on the Colorado River above the site of the diversion dam of the Shoshone Power Plant*
- *Capacity of 152,000 acre-feet of water with a reasonable expectancy that it will fill annually*

SD-80: Green Mountain Reservoir

100,000 acre-feet shall be used for power purposes and the water released shall be available, without charge, to supply existing irrigation and domestic appropriations of water, including the Grand Valley reclamation project ...

(aka West Slope Pool)

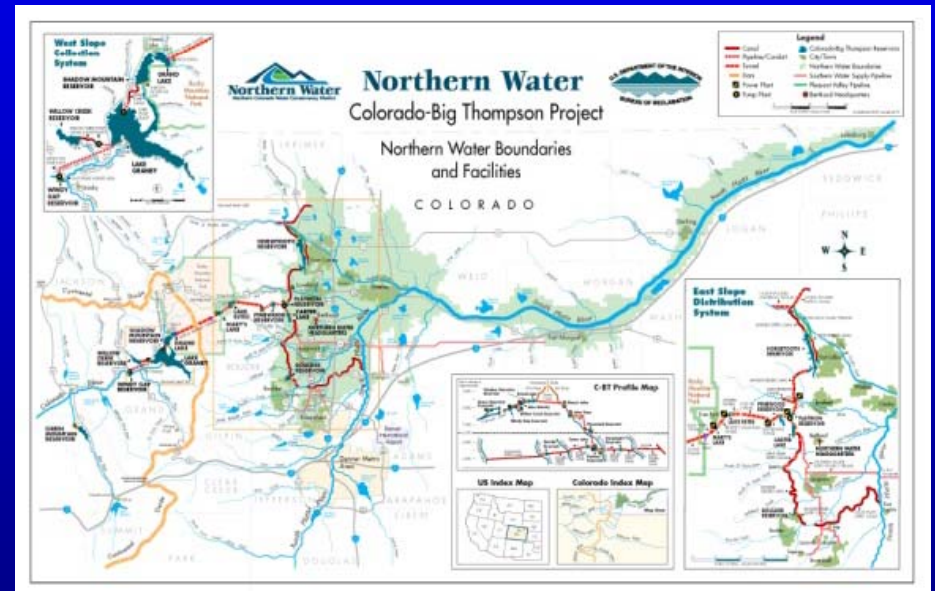


Colorado River District

Protecting Western Colorado Water Since 1937

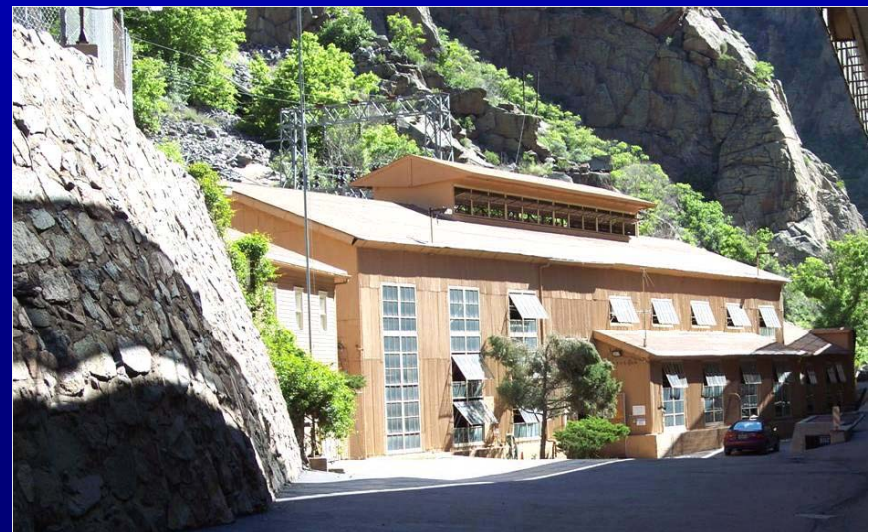
SD-80: Green Mountain Reservoir

52,000 acre-feet shall be available as replacement in Western Colorado (aka C-BT pool)



SD-80: Green Mountain Reservoir

... (reservoir) release within the period from April 15-Oct. 15 ... to maintain 1250 cfs at the present site of ... Shoshone diversion dam ... Water not required for the above purposes shall also be available for disposal to agencies for the development of shale oil or other industries.



Colorado River District

Protecting Western Colorado Water Since 1937

More Historical Details

- **August 9, 1937** President Roosevelt signs Public Law 249 authorizing Colorado-Big Thompson Project
- **1944** Green Mountain Dam and Power Plant completed
- **1940s** Bureau of Reclamation studies and proposes the Blue River-South Platte Project



More Historical Details

- **1946** Denver Water appropriates water for Dillon Reservoir/ Roberts Tunnel Collection System



- **1950s** Drought of record begins for Denver

More Historical Details

- **1950s** Complex litigation over major projects on the Blue River
 - Green Mountain Reservoir (C-BT)
 - Dillon Reservoir/Roberts Tunnel (Denver)
 - Hoosier Pass Collection System (Colorado Springs)
 - Blue River-South Platte (Reclamation)

More Historical Context

- **October 18, 1954** Colorado Supreme Court decision: Green Mountain Reservoir found to be senior to the cities
- Dillon Reservoir not feasible without agreement
- Dispute blocks passage of federal legislation for Upper Colorado River Basin

Compromise Time

- **October 1955** Parties agree to “Blue River decree” compromise
- Colorado unifies behind the passage of the Colorado River Storage Projects Act (CRSPA)
- CRSPA provides Congressional approval of the Blue River Decrees

Blue River Decree Issues

- **Confirmed a 1935 priority for Green Mountain Reservoir (and C-BT)**
- **Confirmed junior 1946 priority for Denver and 1948 priority for Colorado Springs**
- **SD-80 'manner of operation' made fundamental part of the decree**

Blue River Decree Compromise

- Denver and Colorado Springs (cities) could intercept Green Mountain Reservoir (GMR) power water and borrow GMR storage water provided GMR was filled and could be used pursuant to SD-80.
- Cities pay compensation for “power interference”

Blue River Decree Compromise (con't)

- **Cities agreed to limit Blue River diversions to municipal uses, to fully reuse (within legal limitations and subject to economic feasibility) and to only use water within their (reasonably integrated) metropolitan**

More Historical Context

- **1964** Dillon Reservoir completed litigation over meaning of the Blue River decree. Federal Court clarifies in 'the 1964 decree'
- **1977/1978** Denver sued over Green Mountain Reservoir non-fill; West Slope, Northern Water and US prevail

More Recent Complications

- **1984** Reclamation adopts Green Mountain Reservoir Operating Policy
- **1990s** “Check Case Settlement” and Wolford Mountain Reservoir substitution cases settled



Complications Continue

- **2000** Another drought cycle begins
- **2003** Denver Water pursues Moffat Collection System expansion and Northern Water pursues Windy Gap Firming Project
- **2007** West Slope parties, Denver Water (and eventually Northern Water) begin mediation

More Talk of the Times

“The position of the United States in implementing these projects under the Reclamation Act has consistently been that of a trustee.”

Tenth Circuit

10/29/1979



Colorado River District

Protecting Western Colorado Water Since 1937

Remaining Issues

More “certainty” under the Blue River decree:

- Permitting for Firming Projects**
- Procedures for filling Green Mountain**
- Definitions of Denver metro area and reuse obligations**
- Long term agreement on Shoshone water right administration**



Colorado River District

Protecting Western Colorado Water Since 1937



Colorado River Basin

