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FOR IMMEDIATE RELEASE

June 26, 2013. The Colorado River District yesterday joined the West Divide Water Conservancy District in approving a settlement ending litigation regarding water rights in the Crystal River. Both the River District and West Divide are pleased to avoid the costs of litigation as well as the inevitable animosity with their mutual constituents over protecting water rights for present and future use in the Crystal River valley. The water rights in question were storage and direct flow rights associated with the planned West Divide Project, which is decreed for uses in Garfield, Mesa, Gunnison, and Pitkin Counties.

Under the settlement, the West Divide Project water rights will be preserved, except for the majority of project water rights within the Crystal River basin that will be abandoned. The decision to settle and abandon the conditional Crystal River rights was largely driven by cost concerns and a desire for efficient allocation of resources, as well as localized opposition to the Crystal River basin components of the project.

The need for water remains in the Crystal River valley, both for human and environmental purposes, and the River District and West Divide remain committed to meeting that demand. The River District and West Divide still believe small, strategically located water storage is the best and most effective means of addressing needs in the critically water-short Crystal River basin. Current demands in the Crystal River basin, while relatively small, have been identified by all parties. Administration of the Crystal River (i.e., curtailment of junior rights during times of shortage) likely will occur in the foreseeable future, which may leave numerous current and future Crystal River basin residents and businesses without a legal water supply.

Garfield County's representative to the Colorado River District, Dave Merritt, commented, "This is a sad commentary on the narrow view of water development in the area. Simply put, this will result in residents being left without water." West Divide's President, Sam Potter, commented "This is an unfortunate conclusion in trying to accomplish an even handed settlement. It's very shortsighted of the objectors and some of their constituents to ignore the water needs of others in the Crystal River Valley now and in the future."

While both Districts are satisfied with the resolution, they regret that the proposed settlement forecloses an opportunity for a win-win solution to water storage needs and late-summer environmental and recreational shortages in the Crystal basin. However, the settlement preserves the opportunity for the Districts to file new, junior water rights (both storage and direct flow rights) in the future to meet the needs of their constituents.

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Background:

The West Divide Project is one of the dozen Colorado River Storage Project Act water projects approved by Congress in the mid-1950s for western Colorado. The Colorado River District and West Divide District each own portions of the water rights associated with the West Divide Project and have maintained the conditional rights since their adjudication on behalf of the West Divide Water Conservancy District and its constituents. The West Divide Project includes water rights in the Crystal River and smaller basins draining the south side of the Colorado River in Garfield County. The Crystal River rights were originally planned for diversion out of the Crystal River basin principally for use from Garfield Creek west to Battlement Creek. However, last year the River District and West Divide District jointly filed with the water court for abandonment of the Osgood Reservoir water rights. Osgood would have been located near the town of Redstone. Additionally, the Districts filed for a dramatic downsizing of the proposed Placita Reservoir – down from 62,000 to 4,000 acre feet. The Districts saw retention of the Placita Reservoir rights as a benefit for the Crystal Valley, not a threat, and a way to preserve water supply options for future generations. The limited rights that the Districts sought would have permanently changed the focus of the original Crystal River rights from benefitting the Colorado River Valley to providing critical water supplies for the Crystal River drainage, augmenting late-season low flows.