

PROTEST

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Fee Rec'd BY: ONLINE

April 1, 2018

Protestant: Nathan Fey
c/o American Whitewater
1601 Longs Peak Ave
Longmont, CO 80501

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WATER RIGHTS
ONLINE

RE: Protest of Water Right Application 41-3747

Founded in 1954, American Whitewater is a national non-profit organization (Non-profit # 23-7083760) with a mission "to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely." American Whitewater is a membership organization representing a broad diversity of individual whitewater enthusiasts, river conservationists, and more than 100 local paddling club affiliates across America. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission.

American Whitewater members have an interest in protecting the Green River and other streams, rivers and natural resources in the Colorado River Basin. Changes in flows, endangered species, public river and lake access, watershed protection and other issues are of great concern to American Whitewater members who use these waterways, and whose use would be affected by the Water Rights Application.

According to the application, 55,000 acre-feet of water will be withdrawn from the Green River in Utah for export to Colorado, to the Front Range Urban Corridor, for some unknown use. The proposed export of water from the Green River would undoubtedly result in substantial changes in downstream flows over the life of the project. This raises considerable concerns regarding the impacts to ecological, recreational, and economic values for which the Green River was recommended for special designation under the Wild & Scenic Rivers Act.

The Department of Interior, Bureau of Land Management have recommended designation of the Green River as a Wild and Scenic River to provide permanent protection specifically of the free-flowing condition of the river, its water quality, and other nationally and regionally significant values. No water-related projects having direct or adverse effects on the ORVs or free-flowing condition of the Green River were proposed at the time of the recommendation. Current reservoir releases through Flaming Gorge power plant to the Green River were determined sufficient to protect the Wild & Scenic values for which the river was determined eligible. The applicant has failed to consult with the BLM or the Bureau of Reclamation regarding impacts to the Green River from diverting water below Flaming Gorge reservoir under current operations, and no reference to contracting for additional water releases from Flaming Gorge has been made by the applicant. Under normal operations, there is little or no water available for additional diversion with the rare exception of very high spring flood releases which currently enhance existing downstream, environmental and recreational uses.

Best estimates indicate that this application, if approved, would reduce important downstream flows from Flaming Gorge reservoir during spring floods, impact the free-flowing condition of the Green River, and could seriously raise the risk of a Compact Call on the Colorado River in a prolonged dry spell. The applicant has claimed there is water available for export, however it is unclear and

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highly disputed as to how much water Colorado has remaining to develop at a reasonable risk under the 1922 and 1948 compacts.

Water Horse Resources Water Rights Export Application is speculative and assumes availability of water with no consideration of impacts to downstream needs. American Whitewater urges the Division to act with prudence and reject the application.

American Whitewater