

- 2) The additional depletions associated with these applications could inhibit protection of flows identified by the Upper Colorado River Endangered Fish Recovery Program (Recovery Program) as necessary for recovery of the currently listed endangered fishes. The large depletion associated with this project would greatly reduce these flows below the diversion point. Flows released from Flaming Gorge Dam to support endangered species are a cornerstone to the species' recovery and meeting the flow requirements has been a requirement for other regulatory decisions.

Recognizing the importance of these flows for recovery of the species, the Green River, Utah, Water Acquisition Team (Water Acquisition Team), an ad-hoc committee of the Recovery Program, is currently working to develop mechanisms to protect water released from Flaming Gorge Reservoir to maintain this habitat for endangered fish. Flow protection options the team is considering recommending to the State Engineer include:

- Limiting the upstream movement of water rights;
- Change applications be given the priority date of the change application;
- Subordinating new water rights filed to previously approved rights and flows that are needed to assist in recovery of the endangered fish;
- Limiting extensions of water rights that have not been put to beneficial use;
- Limiting new storage projects that could reduce spring flows;
- Encouraging the use of water service contracts for delivery of water from Flaming Gorge Reservoir (versus new direct flow rights from the Green River); and
- Implementing adaptive management under the Biological Opinion for Flaming Gorge as the endangered fish demonstrate recovery.

Protecting Green River flows is critical to maintaining suitable habitat in this system. Because these water rights have not been previously diverted from the Green River system, but rather have been established in other watersheds, they represent an additional depletion the system may not be able to support. The Service believes that this large depletion would have considerable negative impacts to the Green River ecosystem, impairing the overall ecological function of the river for many species, including federally listed species. The reach downstream from the town of Green River provides significant habitat for all life stages of Colorado pikeminnow and razorback sucker, and reaches of the Colorado River further downstream provide important spawning and rearing habitat for bonytail and humpback chub. Specifically, the lower Green River supports the most stable and productive population of Colorado pikeminnow in the Upper Colorado River Basin. Of even more importance is the fact that maintaining a viable, self-sustaining population of Colorado pikeminnow in the Green River is required for recovery of the species.

Conclusion

We are concerned that moving unperfected tributary water rights upstream to become mainstem rights on the Green River would cause negative cumulative impacts on existing uses and flows in the Upper Colorado River Basin. Habitats in the Green River are considered critical to recovery of endangered fish and protection of other native fish. For these reasons, the Service requests that the State Engineer deny, or at a minimum, delay the Blue Castle Power Project water right transfers until after the Water Acquisition Team has developed a plan for protection of Green River flows for endangered fish. Our preferred option to supply water for this project would be through a contract from Flaming Gorge Reservoir, as this water would be delivered in addition to water for endangered fish flows.

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