



## Central Advisory Council (CAC) Recommendations to the CRAU Board on Post-2026 Operation Guidelines January 4, 2024

Chair Shawcroft and Authority Board Members,

Thank you for the invitation to provide comments relating to ongoing efforts by the Bureau of Reclamation (Reclamation) to develop Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead. As the Central Advisory Council (CAC), we understand that Reclamation is seeking a Basin States alternative for consideration in the Environmental Impact Statement. To this end, we submit these remarks for your consideration.

The CAC strongly believes that continued coordinated operations of Lake Powell and Lake Mead imperils the Colorado River Storage Project and ignores the foundational principles on which it was authorized; being, “to provide such storage on the main stem of the river as necessary to regulate the runoff at Lee Ferry so the upper basin States may use fully and consumptively the 7 ½ million acre-feet per annum allocated to it by article 3 (a) of the Colorado River compact and at the same time assure that under article 3 (d) of the Colorado River compact the flow of the Colorado River at Lee Ferry would not be depleted below 75 million acre-feet in any 10 consecutive years.” (Statement of George D. Clyde, Commissioner of Interstate Streams for Utah, before the Subcommittee on Irrigation and Reclamation, Tuesday, June 29, 1954)

Under provisions of the 2007 Interim Guidelines, the Upper Basin has maintained progressive 10-year total flows at Lee Ferry far in excess of 1922 Compact requirements.

<b>Water Year</b>	<b>Historic Flow at Lee Ferry (AF)</b>	<b>Progressive 10-Year Total Flow (AF)</b>	<b>Total Flow in Excess of 1922 Compact Requirements (AF)</b>
2007	8,421,000	93,265,000	18,265,000
2008	9,180,000	89,004,000	14,004,000
2009	8,406,000	85,881,000	10,881,000
2010	8,436,500	84,787,000	9,787,000
2011	13,227,400	89,640,000	14,640,000
2012	9,534,000	90,829,000	15,829,000
2013	8,289,000	90,750,000	15,750,000
2014	7,590,000	89,988,000	14,988,000

2015	9,157,000	90,750,000	15,750,000
2016	9,138,000	91,380,000	16,380,000
2017	9,157,000	92,133,000	17,133,000
2018	9,157,132	92,133,000	17,133,000
2019	9,264,105	92,981,000	17,981,000
2020	8,435,600	92,509,400	17,509,400
2021	8,292,900	88,049,400	13,046,400
2022	7,083,200	85,590,300	10,590,300

*Source: Annual Reports of the Upper Colorado River Commission*

All the while the Colorado River Basin was experiencing its worst drought in 1200 years as reported by climate experts. Further complicated by the Lower Basin's refusal to accept best water management practices and account for evaporative and conveyance losses, storage in Lake Powell has declined to historically low levels. These levels have prompted discussions of compact calls and curtailments amongst the Upper Basin states. The CAC affirms that no mandatory reductions in Upper Basin consumptive uses should be considered until the Lower Basin's system imbalance is corrected.

Water supply uncertainty prevails in the Upper Basin and challenges the "equitable division and apportionment of the use of the waters of the Colorado River System" sought for in Article 1 of the Colorado River Compact. Many billions of dollars of water-related infrastructure has been built in the Upper Basin to mitigate this uncertainty, support thriving agricultural and industrial economies, and promote flourishing communities. The CAC firmly opposes the use of Upper Basin reservoirs in a system-wide river management scheme which serves to more fully secure harmful Lower Basin guarantees at the expense of an already fragile Upper Basin water supply.

The CAC is encouraged by the adoption of conservation efforts such as the System Conservation Pilot Program and the Agricultural Water Optimization Program. We support continued efforts to establish a more durable demand management system whereby the State of Utah can account for, and be given credit for, voluntary, temporary, compensated, and protected water contributions. We eagerly await system improvements contemplated in the Metering and Gap Analysis and the Ag Water Demonstration, Research and Implementation Program (Ag-DRIP).

Executive Director Haas has stated that it is the State's desire to keep the scope of its arguments narrow, focusing primarily on coordinated operations and Lower Basin overuse. This savvy approach to the necessary political wrangling of Colorado River negotiations is appreciated by the CAC. However, we wish to enumerate a number of other issues that were voiced during our roundtable discussions (in no specific order):

- **Upper Basin water supply uncertainty tied to Indian water rights settlements - most especially, that settlement needed to address claims by the Ute Indian Tribe of the Uintah and Ouray Reservation in Northeastern Utah.**

- **Losses in hydropower efficiency in low storage level reservoirs and its impact on returns to the Basin Fund and WAPA power rates.**
- **Potential overdrafts in groundwater basins due to over- or misappropriation of surface water.**
- **Fear of “buy and dry” transfers of irrigation water to municipal and industrial uses and subsequent declines in rural communities.**
- **The term of the post-2026 agreement should rely on the best available science and be contingent upon hydrologic conditions.**
- **Recreation economies in the Upper Basin should be recognized and protected.**
- **River management which calls for rapid reservoir release changes of sediment-starved waters is seriously impacting private property owners. Streambank protections need to be prioritized.**
- **Local water supplies are best managed locally.**
- **Even though we must be seen doing our part, there is a sense of futility in gathering up local water supplies to support Lake Powell elevations. As was seen this previous winter, we are somewhat inconsequential to the awesome power of nature to change the entire course of Colorado River discussions.**

On behalf of the CAC, thank you for your tireless efforts on behalf of water users in Utah's Colorado River Basin. We recognize that current river negotiations will chart the course for continued water development in the Upper Basin and protect the legacy of our pioneer forefathers.

Sincerely,

William Merkley  
Co-chair  
Central Advisory Council