

DRAFT MEETING MINUTES
Colorado River Authority of Utah
January 4, 2024 -- 1:00 p.m. MT

1. **Call to Order – Gene Shawcroft, Chair**

Mr. Shawcroft called the meeting to order at 1:00 pm stating there was a quorum and asked each attendee to briefly introduce themselves. A list of attendees is included in Attachment I.

2. **Approval of the Minutes of the October 19, 2023, Colorado River Authority of Utah Meeting – Gene Shawcroft**

There being no comments on the October 19, 2023, minutes, a motion was made by Mr. Larsen and seconded by Ms. Hasenyager to approve the minutes. The motion was unanimously approved by the Board.

3. **Public Comment Pursuant to the Public Comment Policy of the Authority (limit of 2 minutes per person) – Gene Shawcroft**

There were no public comments.

4. **Report of the Chair – Gene Shawcroft**

Mr. Shawcroft thanked the board members and staff who attended the annual Colorado River Water Users Association (CRWUA) in Las Vegas last month. Mr. Shawcroft explained CRWUA was preceded by Basin States meetings where the contours of the Post-2026 criteria discussions have continued to be discussed as well as a meeting with Bureau of Reclamation (Reclamation) Commissioner Camille Touton and senior Reclamation staff and a meeting of the Colorado River Tribes and Basin States.

Mr. Shawcroft discussed the status of Post-2026 negotiations and explained the Lower Basin has proposed a preliminary concept for Lower Basin reductions and the Upper Basin has proposed a concept for Lake Powell releases. Mr. Shawcroft explained the basic elements of the preliminary concept where the Lower Basin would reduce use by up to 1.5 million acre-feet (MAF) to account for evaporation and other losses and would agree to additional reductions based on actual reservoir contents instead of forecasting. Mr. Shawcroft explained the Upper Basin proposal where Lake Powell releases generally range from 9 MAF to 6 MAF and are based on elevations and actual hydrology and inflows, independent of Lake Mead elevations.

Mr. Shawcroft discussed some of the outstanding issues including expectations regarding how the Upper Basin will contribute conserved water, including voluntary conservations, hydrologic shortage, and undeveloped Upper Basin water, including Tribal water. Mr. Shawcroft explained the struggles with the expectations regarding use of/reliance on upstream reservoirs, including Drought Response Operations Agreement (DROA)-like operations and when the Lower Basin would take the 1.5 MAF cut and what Mexico's participation would be.

Mr. Shawcroft explained the Basin States have calendared regular meetings through March with the goal of having a close-to-final Basin States Alternative in early March and a final proposed Alternative by the end of March. Mr. Shawcroft explained Reclamation will begin modeling the States Alternative in April along with other alternatives with a goal to have a Draft Environmental Impact Statement (EIS) by the end of 2024 and a Record of Decision in 2025.

5. **Report of the Executive Director – Amy Haas, Executive Director**

Ms. Haas explained that comments on the Draft Supplemental Environmental Impact Statement (SEIS) reissued in October 2023 for the potential modification of the 2007 Interim Guidelines for operations of the river between now and 2026 were submitted to Reclamation on December 11, 2023. Ms. Haas explained the reissued DSEIS was in direct response to marked improvement in hydrology between the initiations of the SEIS process and the end of the 2023 run-off season, combined with the submittal of a proposal by the Lower Basin which has become the Proposed Alternative under the DSEIS. Ms. Haas explained that Utah joined its sister states of Wyoming, Colorado, and New Mexico in submitting a single comment letter on the reissued Draft through the Upper Colorado River Commission.

Ms. Haas explained the proposed alternative includes 3 MAF of Lower Basin conservation between 2023 and 2026 with no less than 1.5 MAF of that amount conserved before the end of 2024, and that 2.3 MAF of the 3 MAF is to be federally compensated. Ms. Haas explained the Preferred Alternative will not be identified until the Final SEIS is issued but it is the consensus within the Basin that the Lower Basin Proposed Alternative will become the Preferred Alternative.

Ms. Haas explained that from Utah's perspective, the biggest concern with the reissued Draft SEIS is that the 3 MAF of conservation that the Lower Basin is committing to over the next several years must be a mandatory, enforceable, and verifiable reduction in water consumption over and above what the Lower Basin is already required to provide under the 2007 Interim Guidelines and Drought Contingency Plan (DCP), and it is not clear in the latest draft that they are.

Ms. Haas explained not all of the promised Lower Basin conservation agreements supporting the 3 MAF commitment have been signed. At CRWUA the State of California executed agreements with Reclamation for the conservation of almost 650,000 acre-feet through 2025 in support of the total 3 MAF Lower Basin reduction. Reclamation will pay California water users, including Tribes, approximately \$300 million for this water. Ms. Haas stated Arizona also has agreements in place for compensated conservation toward the 3 MAF goal and that while Nevada will participate, they will not seek federal funds for their contributions.

Ms. Haas discussed Navajo Nation water amendments stating that in January 2021, the Utah Navajo Water Rights Settlement was passed by Congress and signed into law by the President. Ms. Haas explained that during 2023, Utah partnered with New Mexico to support amendments to the New Mexico Navajo Settlement to provide approximately 2,000 acre-feet of clean water to the Navajo Nation in Utah. Ms. Haas stated that last month Senator Mitt Romney announced that he would co-sponsor the amendments originally introduced by New Mexico Senator Ben Ray Lujan.

Ms. Haas discussed the Amicus Brief in Texas v New Mexico and explained that in December 2023, the state of Utah filed an amicus, or "friend of the court", brief in Texas v New Mexico, a case before the United States Supreme Court filed by Texas against New Mexico in 2014 alleging New Mexico violated the Rio Grande Compact. Ms. Haas stated that Colorado is also a party to the case as is the United States Bureau of Reclamation, who was allowed to intervene on the side of Texas early in the case. Ms. Haas stated the U.S. has taken the position in the litigation that it should have a role in the division and governance of water between states, including decisions as to the control and management of interstate stream compacts, and explained how this threatens

the sovereign interests of states and the states' exclusive jurisdiction over water management within their borders, and has implications for all interstate stream compacts, not just the Rio Grande Compact. Ms. Haas stated this was why Utah filed an amicus brief objecting to the U.S.' position and that 26 states have signed on to the brief, including the 3 states who are parties to the case who all now want to settle it, including Texas who brought it in the first place. Ms. Haas acknowledged Wendy Crowther for her efforts in taking the lead on the brief.

6. **Hydrology and System Status Report – Lily Bosworth, Staff Engineer and Betsy Morgan, Staff Engineer**

Ms. Bosworth discussed the status of hydrology in the Upper Colorado River Basin. Ms. Bosworth first explained subsurface hydrology for late December 2023 was drier than at the start of Water Year 2024 in October 2023. Ms. Bosworth discussed surface hydrology for early January 2024, which she explained was normal overall, and that Water Year 2024 streamflow was normal overall as well. Ms. Bosworth stated the snowpack basin-wide was below average, and that Water Year 2024 precipitation is below normal as well. Ms. Bosworth stated the precipitation outlook is promising, but noted that above-normal temperature was predicted. Ms. Bosworth stated the Calendar Year 2023 was the hottest on record and that looking at Quarter 2 of Water Year 2024 the Upper Colorado River Basin temperatures will likely be above average. Ms. Bosworth concluded that drought conditions persist in the Colorado River Basin.

Ms. Morgan discussed the Upper Basin reservoir storage status and explained that most of the reservoirs in Utah are in a good position going into 2024 though conditions remain dry throughout most of the Basin. Ms. Morgan discussed Lake Powell and Lake Mead system storage and explained that Lake Powell was 36% full and Lake Mead 35% full and that in comparison with one year ago, the total system content was 10% higher. Ms. Morgan discussed Lake Powell unregulated inflow and Water Year 2024 forecasts and explained we continue to see decreasing forecasts. Ms. Morgan stated that all major reservoirs across the Upper Basin are experiencing a similar decline in unregulated inflow forecasts and that all are below average. Ms. Morgan discussed the status of DROA Recovery with 46 thousand acre-feet (KAF) of recovered water in Flaming Gorge in November 2023 and 8.3 KAF of recovered water in Blue Mesa in October 2023. Ms. Morgan discussed probabilistic conditions of Lake Powell and Lake Mead developed using the Colorado River Mid Term Modeling System (CRMMS). Ms. Morgan explained that under most probable conditions, Lake Powell is projected to enter the Mid-Elevation release tier in 2025 and that we also see the minimum probable elevation drop below the DROA target of 3525' in 2025. This formally initiates the drought response process as described in the 2019 Drought Contingency Plan. There is a similar probabilistic plot for Lake Mead pool elevation.

7. **2024 System Conservation Pilot Program – Lily Bosworth, Staff Engineer**

Ms. Bosworth explained that System Conservation Pilot Program (SCPP) is an opportunity for temporary, voluntary, and compensated reduction of consumptive water use in the Upper Colorado River Basin, is open to municipal, industrial, and agricultural water users and is federally funded and administered by the Upper Colorado River Commission (UCRC). Ms. Bosworth explained that SCPP is not a "buy and dry" program but is temporary and is not a Demand Management program involving water shepherding. Ms. Bosworth stated that due to lessons learned in 2023, SCPP 2024 will narrow and focus the scope of eligible projects, enable exploration of Demand Management feasibility and support innovation and local resiliency in water conservation. Ms. Bosworth stated there were 12 public opportunity information sessions held in 2023 for Utahns to learn about SCPP in 2024. Ms. Bosworth discussed the application process, which is online, and stated there were a total of 124 applications from 4 states, 32 of which were from Utah, and if all of these were to be accepted over 70,000 acre-feet of water

would be conserved for the price of approximately \$31,000,000. Ms. Bosworth explained the applications are currently being reviewed and the timeline to execute agreements and begin projects is March 2024.

Director Hasenyager asked how conserved consumptive use of water was calculated for SPPP 2024. Ms. Bosworth explained that the UCRC's contractor Wilson Water Group used eeMETRIC remotely sensed consumptive use data as they did in 2023.

Mr. Chris Robinson asked about the typical observed acre-feet per acre water consumption. Ms. Bosworth explained that in Utah crops enrolled in SPPP typically consume between 1 and 3 acre-feet per acre, but exact numbers are location-specific.

Mr. Scott McGettigan asked about the discrepancy between acreage and acre-feet conserved in the data presented (more acre-feet conserved than acreage). Ms. Bosworth explained that some SPPP involve lease-changes of water and aren't directly associated with acreage, and projects that are associated with acreage often have about 2 acre-feet per acre of consumptive use, but that is very location-specific.

8. **Quarterly Budget Update – Cadi Sande**

Ms. Sande presented the Authority's Fiscal Year 2024 Budget and explained one Full Time Employee (FTE) is expected to be added by the end of the year. Ms. Sande explained year to date expenditures are approximately 17% of the Authority's budget and stated this would be picking up soon.

9. **Advisory Council Presentations to the Board on Post-2026 Colorado river Operations Priorities**

- **William Merkley, co-chair Central Advisory Council (CAC)**
- **Chris Robinson, co-chair Northern Advisory Council (NAC)**
- **Adam snow, co-chair Southern Advisory Council (SAC)**

Each of the Advisory Council's presented their recommendations to the Board. Recommendation letters from each Council are provided in Attachment #2.

10. **Remarks from the Board**

Ms. Hasenyager announced that with drought creeping back in Utah there are webinars held every other week to gain feedback on water supply conditions on the ground. Ms. Hasenyager stated individuals could be added to the email list and get more information at Drought.utah.gov. Ms. Hasenyager stated the next webinar is scheduled for January 9th. Ms. Hasenyager announced next week for the southwestern portion of the state there will be a "Growing Water Smart Workshop" held at Utah State University. Ms. Hasenyager stated that in October 2023 she toured the Southeastern portion of the state and met with approximately 34 individuals including city and county commissioners, state representatives, water suppliers, and irrigators to make connections and meet with folks to understand local water issues. Ms. Hasenyager explained a common theme found in all areas was the challenges and funding for water development.

Mr. Renstrom announced that Washington County met their goal of removing 1 million square feet of grass in 2023, which will be a significant water savings. Washington County's 2024 goal is to remove 2 million square feet of grass.

11. **Other Business**

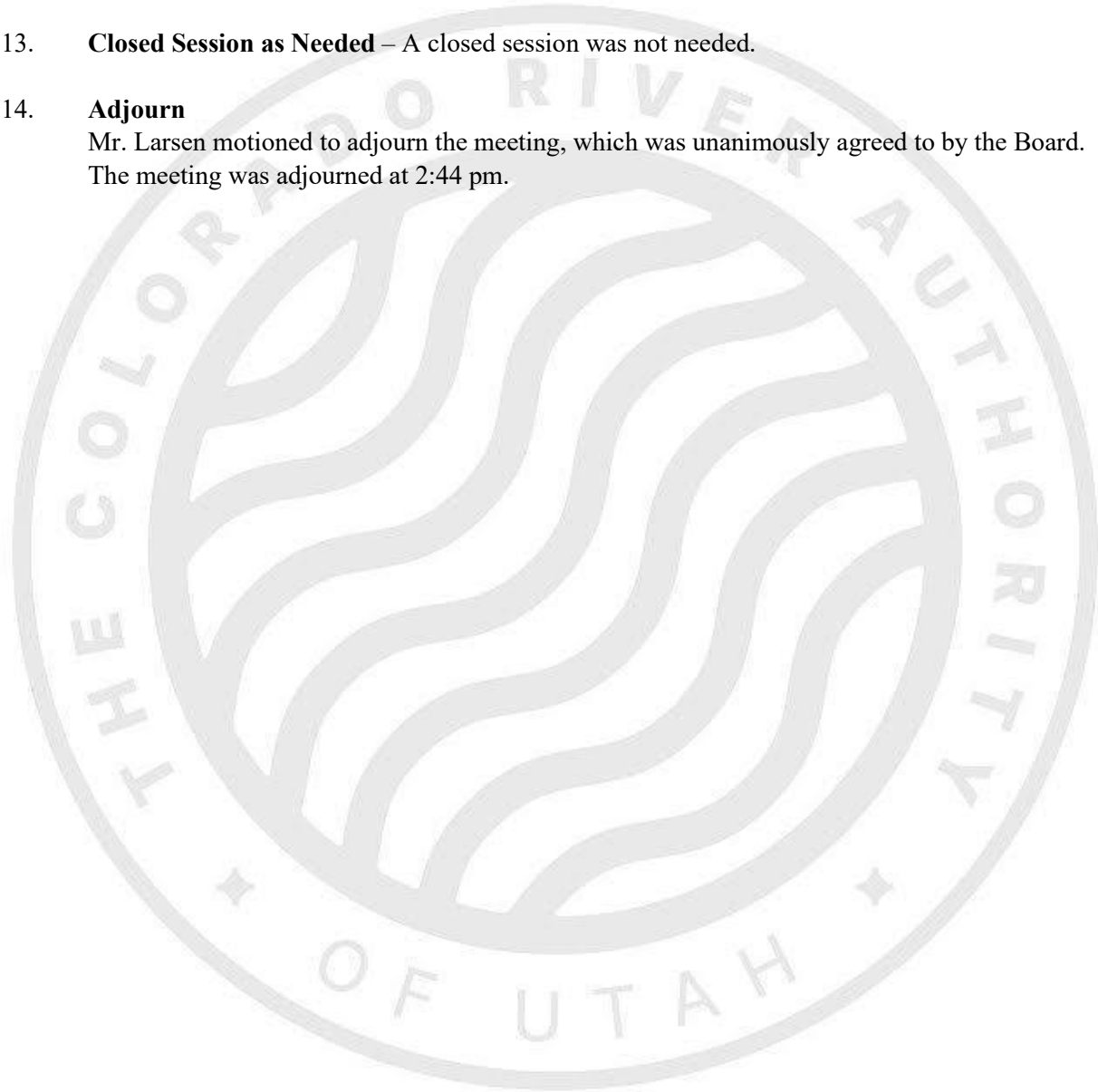
There was no other business.

12. **Next Meeting:** January 30, 2024, 2:00 PM, World Trade Center 1st Floor Conference Room, 60 East South Temple, Salt Lake City, UT 84111

13. **Closed Session as Needed** – A closed session was not needed.

14. **Adjourn**

Mr. Larsen motioned to adjourn the meeting, which was unanimously agreed to by the Board. The meeting was adjourned at 2:44 pm.



Attachment #1 – January 4, 2024 Attendee List

**January 4, 2024
Colorado River Authority of Utah Board Meeting**

Board Member Attendees:

Gene Shawcroft, Chair
Dan Larsen
Candice Hasenyager
Zach Renstrom (virtual)
Paul Tsosie (virtual)

Attendees:

Amy Haas, CRAU
Betsy Coleman, CRAU
Betsy Morgan, CRAU
Cody Stewart, CRAU
Lily Bosworth, CRAU
Holly McCall, CRAU
Cadi Sande, CRAU
Bart Leeflang, Central Utah Water Conservancy District
Wendy Crowther, Utah Assistant Attorney General
Scott McGettigan, Division of Water Resources
William Merkley, Central Advisory Council
Chris Robinson, Northern Advisory Council

Virtual Attendees:

Ted Sonnenberg, DWRi
Teresa Wilhelmsen, DWRi
Adam Snow, Southern Advisory Council
Jordan Nielson, Trout Unlimited
Bryan Dixon
William Butcher, Central Advisory Council
Sue Bellagamba, The Nature Conservancy
Megan Nelson, The Nature Conservancy
Cody Allred, Central Advisory Council
David Jones, DWRi
Evan Curtis
Norma Willis



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.

Water Year	Historic Flow at Lee Ferry (AF)	Progressive 10-Year Total Flow (AF)	Total Flow in Excess of 1922 Compact Requirements (AF)
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



NAC Recommendations to the CRAU Board on Post-2026 Operation Guidelines January 4, 2024

Good afternoon. My name is Chris Robinson. I am the co-chair of the Northern Advisory Council.

Let me start by thanking River Commissioner Shawcroft, Executive Director Haas, and Authority Board members for the opportunity to comment on the post-2026 Guidelines. We are grateful in particular for Commissioner Shawcroft requesting our advisory council input as he engages with other Basin states in negotiation. We also appreciate this Board taking into account our recommendations.

The NAC made several general recommendations to the Board in January of 2023. As we've prepared for these post 2026 Guideline comments we have reviewed those comments and believe they continue to be relevant and can help inform the Board as it continues its work. We intend to send an updated version of our council's general recommendations in the near future.

As for the post-2026 Guideline discussion, attached are our councils' recommendations:

- Lake Powell and Lake Mead need to operate independently so Lake Mead can serve Lower Basin irrigation and Lake Powell can serve Upper Basin storage to meet compact requirements. Utah should advocate for doing away with the balancing tiers.
- The state of Utah and all Basin states should continue to commit resources and funding to promote meaningful and measurable agricultural optimization projects.
- The Lower Basin should take cuts commensurate with hydrology in a similar manner as the Upper Basin.
- Utah should work to either make Demand Management happen or another scenario similar to Lower Basin ICS for Upper Basin in CRSP reservoirs. Users should be able to bank water under a Utah account in Lake Powell. This will allow water users to shepherd water to Lake Powell and bank it for another day. Any Demand Management program needs to be transparent and durable.

- Protecting the health and resiliency of the Colorado River ecosystem is fundamental to ensuring the river system's continued viability and its ability to provide for people and nature. The post-2026 guidelines should factor in the need to assess the full extent of impacts across a range of ecosystems, habitats, and communities in evaluating water supply options, including steps to avoid or mitigate negative impacts. This is particularly necessary in light of changing hydrologic conditions and the need for resiliency. The new guidelines should focus on stabilizing the system in relation to climate change impacts.
- Finally, we support continued and enhanced tribal involvement in all key water discussions related to the Colorado River

It is our sincere hope that the above recommendations can provide the River Commissioner and the Board with ideas that can prove helpful in your ongoing negotiations with the other Basin states.

On behalf of the Northern Advisory Council, thank you again for your consideration of our recommendations.



Southern Advisory Council (SAC) Recommendations to the CRAU Board on Post-2026 Operation Guidelines January 4, 2024

We would like to thank Commissioner Shawcroft for providing us with the opportunity to offer suggestions for the post-2026 negotiations.

It is our hope that in all post-2026 and other related discussions, as a general rule, the representatives from the state of Utah will push to ensure that decisions are made with realistic growth, housing, and conservation needs in mind. We also urge the state to seek ways to share any future curtailments or related sacrifices across all state water users and to ensure that certain regions do not bear disproportionate burdens.

On behalf of the Southern Advisory Council, we would like to formally submit the following nine recommendations for your consideration:

- Protect the Virgin River Basin for Utah's use
- Allow states to use their respective Colorado River allocations wherever needed within their borders
- Safeguard upper basin storage
- Establish and require consistent water use measurement and reporting processes amongst all system users, which include accounting for system loss and evaporation
- Create a sustainable structure where water use is based on allocations adjusted for hydrological conditions and available storage
- Federally created compensation incentives to minimize use should apply equally to users in the upper and lower basins
- Prioritize the settlement of any outstanding tribal water rights so states can better manage their respective river allocation
- Continue promoting and incentivizing conservation initiatives
- Support infrastructure investments, agricultural water optimization efforts, water reuse and desalination projects, and the installation of secondary water meters