

Arizona cancels water meeting amid difficult negotiations on Colorado River deal

[Ian James](#)

With a deadline approaching for Arizona to finish a deal that would divvy up cutbacks in Colorado River water deliveries, the state's cities, tribes and agricultural irrigation districts are entering what should be the final stretch of negotiations.

The talks are proving difficult, though, with points of disagreement over how the cuts should be spread around and how much water should be used to soften the blow for farmers in central Arizona who have the lowest priority in the state's pecking order of water users.

The state's top water managers canceled a Thursday meeting of a group they call the Drought Contingency Plan Steering Committee, saying in a statement that they wanted to "give time for additional discussions and analysis related to the four essential elements involved in this process."

Those elements include how much "mitigation water" would be lined up for growers in central Arizona through 2026, as well as a water conservation plan and other elements of the proposed deal.

The Arizona Department of Water Resources and the Central Arizona Project said in a joint statement that progress is being made through discussions between groups of stakeholders, "which we believe will lead to Arizona's Drought Contingency Plan."

"The goal remains to complete the plan by the end of November," the agencies said.

The biweekly meetings began in July and two more are scheduled on Nov. 8

and Nov. 29, by which time Arizona's water managers hope to finish an agreement.

Much remains to be worked out by then.

“We have every possibility that they will come up with an agreement,” said Sarah Porter, director of the Kyl Center for Water Policy at Arizona State University. “But we’ve always known that there was a likelihood, some possibility, that they wouldn’t be able to get to agreement. If it were easy, we would have already had an agreement.”

READ: ["Unnatural Wonder," *The Republic's* special report about the Colorado River](#)

Tribal leader calls proposal inequitable

The state's water managers [offered a proposal earlier this month](#), laying out a schedule of mitigation water deliveries that would go to farmers in central Arizona who would otherwise lose much or all of their water.

One potential approach for freeing up water to make an agreement work would be paying some high-priority entities, such as a tribe or agricultural water district, to leave some farmland fallow and send that water elsewhere.

But the proposal quickly ran into opposition, with the proposed numbers generating debate.

“When people are being asked to give up water or do without water, it’s a really big deal,” Porter said. “This is really about what are contract holders willing to give up?”

Gov. Stephen Roe Lewis of the Gila River Indian Community [rejected the initial proposal](#) in a letter to the state's top water managers.

“Tribes are deeply concerned about the prospect of drought being declared on

the Colorado River as soon 2020, both on their respective tribal nations and economies, but also on the greater Arizona economy,” Lewis said in the Oct. 19 letter to Thomas Buschatzke of the state Department of Water Resources and Ted Cooke of the Central Arizona Water Conservation District.

“We are all affected by major climate changes such as this, and we recognize the need to jointly plan for and address the impacts of drought,” he wrote.



The Central Arizona Project Canal delivers water from the Colorado River to cities from Phoenix to Tucson. *(Photo: Mark Henle/The Republic)*

Lewis said the Gila River Indian Community “is very concerned about the concepts that are emerging” in the discussions. He said the community’s leaders consider the initial proposals to be attempts to improperly transfer their higher-priority water to the lower-priority growers, and would be “inequitable.”

The Gila River Indian Community’s support would be key for any deal because it’s entitled to nearly 312,000 acre-feet of water each year, about a quarter of the Colorado River water that flows through the Central Arizona Project canal.

Lewis said one problem with the proposal from the state's water managers was that it would provide more water to the lowest priority "agriculture pool" than those growers would expect to receive under the current guidelines for management of Colorado River water, putting them in a better position under the proposed plan than they would otherwise be.

He said as it stands, it's "essentially a proposal to transfer" more than 300,000 acre-feet of water from the so called Non-Indian Agriculture Priority Pool — the classification for part of the community's water — to the lower-priority growers, who farm mostly in Pinal County.

Lewis pointed out that the purpose of the proposed Drought Contingency Plan, a three-state deal involving California, Arizona and Nevada, is to boost water levels in Lake Mead to prevent bigger cutbacks triggered as the reservoir shrinks.

"To fulfill this goal, we strongly believe that we should not make the problem in Lake Mead any worse by using additional water drawn from Lake Mead in order to mitigate the impact ... on any pool of CAP water users," Lewis wrote. "To do so would violate the 'Rule of Holes,' which states that when you are in a hole, you should stop digging."

MORE: [At water-starved Lake Mead and Lake Powell, 'the crisis is already real'](#)

READ: [Officials: Drought-contingency plan will be ready for Legislature's next session](#)

He said all water cuts should be proportional, and the Gila River Indian Community wouldn't support any plan that requires tribes to give up any of their existing tribal water rights. In the community's case, the water rights were secured in a 2004 settlement.

Lewis said the community's leaders were working on their own proposal and

planned to share it for others to consider this week.

"The Community is fully committed to DCP and is working to find a path forward," Lewis said in a statement emailed to *The Arizona Republic*, "but the solution ultimately must be one that is fair and equitable for all."

Without a deal, uncertainty grows

With proposals and counter-proposals flying, it's not yet clear how far apart the players might be in their private discussions.

"I think this is the kind of thing that happens when you start getting down to brass tacks and getting proposals out on the table," Porter said.

She said she hopes the contract-holders "keep in mind that we have this almost hundred-year history of states working cooperatively to negotiate agreements along the Colorado, and right now Arizona is kind of the lone holdout in terms of joining in to the DCP, and the optics of Arizona not participating in DCP could be troublesome."

She said nobody wants to see Arizona end up being seen as the one intransigent state "that couldn't make our way to this multi-state way of managing the Colorado."

"Another risk that we take if we don't sign on is that we don't really know what would happen. We're in kind of unknown, uncharted territory," Porter said. The 2007 guidelines for managing the river's flows would still be in place, "once we're through those, we're sort of at the mercy of the Secretary of the Interior."



The Central Arizona Project canal flows through Pinal County near Picacho Peak. *(Photo: Mark Henle/The Republic)*

Earlier this month, the federal government and states that rely on the Colorado River [released drafts of a set of agreements](#) intended to prevent reservoirs from falling to perilously low levels. The documents lay out a framework for cuts in water deliveries to prop up the levels of the river's two biggest reservoirs, Lake Mead and Lake Powell.

The agreements include proposed drought-contingency plans for the Upper Basin states — Colorado, New Mexico, Utah and Wyoming — as well as the Lower Basin states of Arizona, Nevada and California.

The details of how much water each state would leave in Lake Mead have been negotiated over the past couple of years, and the proposed numbers haven't changed since the outlines of an agreement were circulated earlier this year.

Federal officials have been discussing the proposed deal with representatives of water agencies in Arizona, California and Nevada for the past several years. Federal Bureau of Reclamation Commissioner Brenda Burman has urged the

states and local agencies to finish up their negotiations.

Officials who are leading the talks in Arizona have expressed optimism about finishing agreements between water users in November so the Legislature can sign off in January.

Federal officials have said they hope to have a deal finished by the annual conference of the Colorado River Water Users Association in mid-December.

Drought, climate change reduce flow

Lake Mead is now just 38 percent full. Under the current rules, if the reservoir's water level reaches elevation 1,075 feet above sea level at the end of any year, the federal government will declare a shortage and supplies to Arizona and Nevada will be cut back.

Federal officials have said a shortage may be declared in 2020.

The Colorado River and its tributaries supply about 40 million people and vast stretches of farmlands from Wyoming to California's Imperial Valley. The river has long been overallocated, with the demands of farms and cities exceeding the available water supply, and the strains are being compounded by growing population, drought and climate change.

Since 2000, the amount of water flowing in the Colorado River has dropped 19 percent below the average of the past century.

Scientific research has found that global warming is contributing significantly to the river's decline. In one study, scientists calculated that about half the trend of decreasing runoff in the Upper Colorado River Basin from 2000-2014 was the result of unprecedented warming across the region.



Some environmentalists advocate a “Fill Mead First” solution, leaving Glen Canyon Dam in place but largely draining Lake Powell and letting the water flow through Grand Canyon to prop up Lake Mead below. They believe this would reduce losses of standing water from seepage into Glen Canyon’s sandstone, and that Lake Mead could handle the amount of water likely to be available in a regional climate that is increasingly drier and warmer than the dam’s builders had expected. *(Photo: Michael Chow/The Republic)*

The legal framework that divvies up the Colorado River was established during much wetter times nearly a century ago, starting with the 1922 Colorado River Compact. That and subsequent agreements have handed out more water than what flows in the river in an average year.

The treaties that originally divided the river among seven states and Mexico allocated 7.5 million acre-feet of water per year for the four states in the river’s Upper Basin, 7.5 million acre-feet for the three states in the Lower Basin, and 1.5 million acre-feet for Mexico.

Of that, Arizona is entitled to 2.8 million acre-feet per year. Under the existing guidelines, if a first-tier shortage is declared, Arizona’s water take would drop by 320,000 acre-feet or 11 percent. Under terms of the proposed deal, cutbacks at that level would increase to 512,000 acre-feet, or 18 percent of the state’s total.

Arizona's losses would increase if the reservoir levels continue to drop. And California and Nevada would similarly share in larger cuts to keep more water in Lake Mead.



A line along a cliff illustrates where the surface of Lake Mead once stood near South Cove in the Lake Mead National Recreation Area on Aug. 1, 2018. Lake levels are at or near historic lows. *(Photo: David Wallace/The Republic)*

In central Arizona, agricultural irrigation districts have supported the proposal from the state's water managers, which represented 25 percent less water than the group's original request of 778,000 acre-feet of water between 2020 and 2026.

Paul Orme, a lawyer who represents four agricultural irrigation districts that include about 200 farms, said the districts support the amount of water included in the proposal — 595,000 acre-feet over that seven-year period — but wouldn't want to get less than that.

“Our position is that we're still bearing the vast majority of the cuts under the DCP. We're losing roughly 60 percent of our water supply any way you look at it,” Orme said.

“No other user is losing close to that,” Orme said. “We feel that what we’re agreeing to is the bare minimum that we need to stay in business.”

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Environmental coverage on azcentral.com and in The Arizona Republic is supported by a grant from the Nina Mason Pulliam Charitable Trust. Follow The Republic environmental reporting team at OurGrandAZ on [Facebook](https://www.facebook.com/OurGrandAZ), [Twitter](https://twitter.com/OurGrandAZ) and [Instagram](https://www.instagram.com/OurGrandAZ).

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