

Is There Water Left To Be Developed In The Colorado River Basin?

By [Luke Runyon](#) • Aug 23, 2018



The Colorado River is running low on water. The lifeline that slakes the thirst of 40 million southwestern residents is projected to hit a historic low mark within two years, forcing mandatory cuts to water deliveries in Arizona, Nevada and Mexico.

Facing exceptional drought conditions, cities throughout the watershed this summer have imposed mandatory water restrictions, ranchers have begun selling off cows they're unable to feed, and the river's reservoirs are [headed toward levels](#) not seen since they filled decades ago.

Luke Runyon reports on a controversial water pipeline proposal.

Many of those who watch the Colorado River closely say it's tapped out, citing a range of symptoms: the impending shortage declaration, the river's inability to reach the ocean, the species whose populations tanked as dams went up. To them, it's an overallocated system and any new proposal to pull water from it should be under intense scrutiny or halted all together.

But not everyone agrees with that assessment. A few developers say there are still places in the watershed to dam and divert. They say while some portions of the watershed are bracing for impending shortages, other regions are dealing with surpluses and it's irresponsible not to put that extra water to use.

These parties can look at the same set of facts, the exact same river system and come to two different conclusions. How can it be that the Colorado River watershed has too much water and not enough at the same time?

The answer is tied up in multi-state agreements that take into account water that exists on paper, but often doesn't show up in the real world.

A developer's pipe dream

Aaron Million styles himself as a western maverick. At a Fort Collins, Colorado coffee shop he's dressed in a cowboy hat, denim, plaid, pulled together by a shiny belt buckle. During our conversation he quotes both Chuck Norris and the 1995 movie *Braveheart*. More than twice he referenced a six-shooter.

Million's name is synonymous with a water pipeline he's been pushing for almost a decade. On a wire cafe table, he unfurls a map and points out the features of his latest proposal.

With his finger Million traces the route of his new iteration, billed as a renewable energy project. It would start in Utah on the Green River, then snake across Wyoming before dropping down into Colorado's populated

Front Range, generating electricity as the water moves from one side of the Continental Divide to the other. Million says it would cost about a billion dollars to build.

“It's a bigger project, but they get done every day,” he says. “I mean we built the Transcontinental Railroad last I remember.”

In 2012 the Federal Energy Regulatory Commission quashed a different water pipeline proposal from Million. He wanted to construct a 500-mile pipeline from Wyoming's Flaming Gorge reservoir to Colorado's Front Range. FERC regulators [at the time](#) said the proposal was incomplete.

“Keep in mind we've been in the saddle for a while,” Million says. “And you know we got knocked off pretty hard. I know people thought I was dragged to death, but I'm pretty tough, raised in the Utah desert.”

Both pipelines, old and new, take advantage of an historical fluke. The 1922 Colorado River Compact -- which divvies up its water -- was written when the river was flowing at a record high. But for the past 18 years, high temperatures, drought and overuse have sapped the river's flow.

Aaron Million says that's more of an Arizona, California and Nevada problem.

“People say there's no water left in the system,” Million says. “Well, when California has drained, and Nevada and Arizona have drained the river and then cry foul because Lake Powell and Mead are low, again I'll reiterate: Had they not their drained and over taken their share they'd be full by four or five times. Those are the facts. You can run the numbers.

Million says the river's Upper Basin, which includes the states of Wyoming, Colorado, Utah and New Mexico, haven't fully developed their share, while those in the Lower Basin have gone above and beyond what they're entitled to. His pipeline is just one more plan among many to fully develop the river's water, he says.

“The straw that breaks the camel's back”

Nick Schou, conservation director with the Utah Rivers Council, says the idea that the Colorado River Basin is dealing with a surplus is laughable.

“This river is already reeling. It's nearly close to death from a thousand cuts,” Schou says.

The Salt Lake City-based environmental group is [one of many](#) filing protests against Million's pipeline proposal. The group is also fighting a proposed pipeline in southern Utah that would pump water from Lake Powell to St. George, Utah.

“These big new diversions could be the straw that breaks the camel's back,” he says.

Schou says the notion that further diversions on the river and its tributaries won't have a negative effect for the whole basin is wrong. That mindset is the result of keystone agreements made over the years to manage and allocate the river.

“There's this disconnect between what water rights states are entitled to on paper via the Colorado River Compact and what water is actually in the system,” Schou says.

What Schou is talking about is the concept of “paper water.” In these agreements among states -- like the 1922 Colorado River Compact and the Upper Colorado River Basin Compact of 1948 -- there's a certain amount of water that those who signed it agree exists on paper.

But that amount doesn't always match up with so-called “wet water,” or what exists in reality.

Some states [have met the limit](#) of their paper water from the Colorado River. Others haven't. And Schou says water managers should think of and manage

the watershed as a connected system rather than a disconnected series of tributaries. Without that mental and legal shift, Schou says, everyone can claim to be following the rules while draining the river in the process.

“Water rights are never simple. The Colorado River Basin is not simple,” says Anne Castle, a former official with the Department of the Interior, now with the University of Colorado in Boulder.

Castle’s work receives funding from the Walton Family Foundation, which also provides funding for KUNC’s Colorado River coverage.

“The Colorado River system is at risk of crashing Lake Mead or crashing Lake Powell,” Castle says. “Meaning that the all the water gets used and the elevations drop so low that that you can't force water through the system anymore.”

Castle says Aaron Million’s pipeline increases the chance of those reservoirs dipping even further.

But Million’s not the only person suggesting we take more water from the Colorado River and its tributaries. Two water agencies on Colorado’s Front Range -- Denver Water and the Northern Colorado Water Conservancy District -- are finalizing projects that would do just that. So, too, would the proposed Lake Powell pipeline in southern Utah.

But Castle makes a distinction between those projects and Million’s pipeline. They were included in the Colorado Water Plan, the diversions already accounted for in the state’s share of the Colorado River’s water. Additional diversions could place the state above and beyond what it’s allowed to take.

“Some of the projects that have been proposed for transmountain diversions within Colorado (...) were understood to be part of the baseline that we're dealing with,” Castle says. “So we have to provide for the additional risk to the Colorado River Basin over and above those projects.”

One thing is certain, Castle says, when it comes to river politics, everyone's fates are intertwined.

That argument doesn't sway Aaron Million, who says western water law is on his side.

"People think that California, Nevada, and Arizona can stop this project or that the governor in Wyoming can," he says. "That's just simply not true."

Even with a host of critics calling the project speculative and unneeded, Million is unfazed. The developer says his odds of getting his pipeline are good.

He says he doesn't believe in absolutes, but gives himself a 92 percent chance of coming out on top.

This story is part of a project covering the Colorado River, produced by KUNC and supported through a Walton Family Foundation grant. KUNC is solely responsible for its editorial content.