

Tribes, farms wary of proposed CAP cuts as Lake Mead falls

By Tony Davis Arizona Daily Star Updated 2 hrs ago

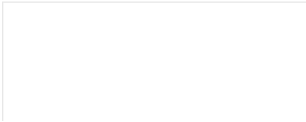


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Low water levels in the Lake Mead reservoir and at the Hoover Dam revealed a "bathtub ring" in October 2015. Water levels in the lake have dropped steadily since 2000.

MORE INFORMATION



PHOENIX — Tribes are apprehensive, cities are more upbeat and farmers stand somewhere in between over a proposed plan to cut CAP water deliveries to keep Lake Mead from falling to



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dangerously low levels.

At separate meetings here this week, tribal officials, attorneys and irrigation officials grilled Central Arizona Project officials about the proposal. It would require a 33 percent cut in water deliveries once the lake dropped another 4 or 5 feet below where it's expected to be at the end of this year, and cuts of up to 40 percent later. City officials, who stand at the top of the priority list for CAP water, asked few questions.

The drought-contingency plan is being discussed by Arizona, California and Nevada as a way to avert catastrophic cuts later.

Some tribes are concerned because they agreed in water-rights settlements many years ago to give up their historic rights to other water supplies and take CAP water to compensate.

Farmers would take by far the largest share of the cuts at first. An attorney for four irrigation districts made it clear at the farmers' meeting with CAP on Tuesday that they want access to other water supplies or money to compensate for their water losses.

Arizona Department of Water Resources officials hope to get all interest groups on board for the drought plan in a series of meetings starting next month, and to take the plan to the Legislature in early 2017. California and Nevada officials also must approve the plan. Congress would have to give the U.S. interior secretary the ability to OK it. The plan would take effect by 2018.

Here's an overview of what's proposed :

CAP REDUCTIONS

Under current guidelines, the CAP will lose 320,000 acre-feet — about 20 percent of its supply, and enough to serve roughly 600,000 homes for a year — when the lake drops below 1,075 feet . That's unlikely to happen this winter, but could by 2018. Even a 2018 shortage might be forestalled because the project has left 200,000 acre-feet of its water in the lake for the past two years, project officials said.

Once shortages start, they'll escalate to 400,000 and ultimately 480,000 acre-feet as the lake drops to 1,050 and 1,025 feet, respectively.

Under the proposed plan, the project would lose 200,000 acre-feet a year at first, before Mead hits 1,075. Then the cuts would hit 520,000 acre-feet a year. At 1,025 feet, around 720,000 acre-feet would be cut.

“The Colorado River is in a fragile state due to years of drought,” CAP general manager Ted Cooke told the farmers’ gathering Tuesday. “It’s delicate. It doesn’t mean critical. It doesn’t mean it’s beyond hope. It still will respond to some care from us.”

If the states don’t approve a plan, the interior secretary will decide what happens when Mead drops below 1,025 feet, Cooke said.

“That’s something nobody wants,” Cooke said.

TRIBAL LOSSES

Historically, tribes and cities stood at the end of the line for major cuts in CAP deliveries. But in more recent water-rights’ settlements, tribes, including the Tohono O’Odham, have taken blocks of what had been called non-Indian agricultural CAP water that once belonged to farmers.

That water is subject to cuts in deliveries much sooner, particularly under the new drought-contingency plan. Plus, state officials have said they’d like to strike a “grand bargain” among all users, having tribes and cities give up some water to spread the pain around.

Officials with the Gila River Indian Community, by far the largest CAP water holder, were noncommittal. Tribal attorney Jason Hauter said the tribe could be substantially affected by CAP cuts, particularly since it has rights to more than half the non-Indian agricultural water. The Gila River community “is still open to discussion — it doesn’t know what other stakeholders are thinking,” he said.

Another tribal attorney, Joe Sparks, wasn’t sympathetic to tribal CAP cuts. He represents the San Carlos and Tonto Apache tribes.

“My view has been for the entire time I’ve been in Arizona since 1961, that the state is not living within its means. It promotes growth but it doesn’t have the water to sustain that growth without retiring agriculture entirely, which I don’t think is a good idea,” Sparks said.

In water-rights struggles that led to congressionally approved settlements, tribes had the choice of taking water from local sources such as the Santa Cruz and Gila river basins that were already overcommitted, or taking CAP water that wasn’t being used much, he said.

“Now, other users are implying that to be fair, the Indians should take some share of the reduction in Colorado River supplies, when they already took reductions in accepting CAP,” he said. “

'We're asking you to be a good sport and chip in,' is what they're saying, when the whole state needs to look at its entire supply."

Tribes have been frustrated over water issues because they weren't allowed at the table for the three-state Colorado River negotiations, and aren't represented on Gov. Doug Ducey's new Water Augmentation Council, said Robyn Interpreter, attorney for the Pascua-Yaqui Tribe and the Yavapai-Apache Nation.

If cuts are made in tribal CAP supplies, tribes such as the Gila and O'odham that made water-rights settlements could end up suing on the grounds that settlements were breached, she said.

At the same time, "We're always hopeful that folks would listen to the tribes. We think we could come up with good, collaborative results," she said.

FARMS

Farmers don't want the entire burden of protecting the lake and river, said Paul Orme, an attorney for four irrigation districts, speaking after Tuesday's meeting. But it appears the impacts on farms would be sped up under the drought-contingency plan because more of what's now in the agricultural CAP pool would be cut off when Lake Mead drops below 1,075 feet.

"The main purpose of this plan is to protect the long-term allocations of cities and tribes," Orme said.

The farms hope for access to alternative water supplies that are being stored and not slated for direct use for 40 or 50 years, he said. It could be municipal or tribal water, commonly known as "in lieu" water, that's stored underground and earns credits that allow its owners to pump groundwater elsewhere.

"If we can't find the water, or ADWR and CAP can't find the water, there may be some form of economic mitigation through helping fund conservation on farms," Orme said. "This whole plan is not meant to protect agricultural supplies. It poses additional threats to us."

In the short run, farmers understand that keeping water in Mead now prevents the lake from dropping below 1,075 feet, he said, and "we see that as a favorable outcome.

"It's way too early to say we absolutely oppose this, or support it," he said.

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