

Upper Colorado River basin states approve drought-management agreements

By [Brent Gardner-Smith](#) December 13, 2018



Brent Gardner-Smith/Aspen Journalism

A September morning along the Green River this year was scenic, but the river was low, and has been for several Septembers in a row. Water managers in Utah, Wyoming and Colorado are working to put more water into both the Green and Colorado rivers in an effort to bolster water levels in Lake Powell.

LAS VEGAS — The Upper Colorado River Commission voted unanimously Wednesday to execute three agreements designed to bolster Lake Powell's and Lake Mead's water levels, which have been falling due to persistent

drought and encroaching aridification in the Colorado River system.

The members of the commission, established in 1948 to help administer the Colorado River Compact, include representatives from the “upper basin” states of Colorado, Utah, Wyoming and New Mexico, as well as a federal representative.

The three agreements — and a set of companion agreements still being worked out in the “lower basin” states of California, Arizona and Nevada — are contingent upon federal legislation, which the involved parties hope to obtain during the current “lame duck” session of Congress.

Before the vote, James Eklund, who represents Colorado on the commission, said the set of “drought contingency planning” agreements were “historic” in their importance.

Asked after the meeting to put that into context, Eklund said, “I think we’re going to look back at this moment and realize that this was the opportunity we had to stand some tools up to keep the river system from crashing, or at least mitigate the impacts of it crashing.”

The first agreement OK’d by the commission allows the upper basin states to coordinate with the Bureau of Reclamation on releasing water from Flaming Gorge, Blue Mesa and Navajo reservoirs to send downstream to Lake Powell, currently 43 percent full and at a surface elevation of 3,585 feet above sea level.

If Lake Powell, a huge reservoir formed by Glen Canyon Dam, falls to an elevation of 3,525 feet, then the “coordinated reservoir operations” agreement will kick in and water will be released from the three big upstream reservoirs to ensure that Lake Powell does not fall to 3,490 feet, which is the “minimum power pool” level when the dam’s hydropower generation ceases.

It’s also the level at which it becomes harder to release enough water from the

dam to meet the upper-basin states' obligations, under the terms of the Colorado Compact, to annually deliver more than 8 million acre-feet of water to the lower-basin states.

The second agreement approved Wednesday sets up a program where water can be stored in Lake Powell without the water being subject to a 2007 agreement that seeks to equalize the water levels of Lake Powell and Lake Mead, which today is 38 percent full. Under the terms of the compact, Lake Mead is considered to be in the lower basin.

The water eligible under the agreement to be stored in Lake Powell, which would not be subject to being sent down to Lake Mead, must come from "conserved consumptive use," or water that otherwise would have been mainly used in the growing of crops — such as alfalfa and hay — in the upper basin.

Such a water-use-reduction effort is called a "demand management" program, and the details of programs in each of the upper-basin states still need to be worked out. But the second agreement approved Wednesday will create a way for the upper basin to securely store such "conserved" water in Lake Powell.

The Colorado Water Conservation Board, which manages water-supply planning in the state, recently adopted a policy saying it is committed to setting up a demand-management program that is "voluntary, temporary and compensated," although there are fears, especially on the Western Slope, that such a program could become mandatory, long-term and uncompensated.

The second agreement approved Wednesday allows for as much as 500,000 acre-feet of water to be stored in a demand-management pool in Lake Powell. By comparison, Ruedi Reservoir, above Basalt, holds 100,000 acre-feet of water.

The third agreement is a "companion agreement" to a set of agreements that

are still being negotiated in the lower basin that provide for water entities in California, Arizona and Nevada to reduce their water use and store the water in Lake Mead in an effort to keep operational that reservoir, formed by Hoover Dam.

Patrick Tyrrell, who represents Wyoming on the upper-basin commission, echoed Eklund's sentiments about the nature of the drought-management agreements, saying before the vote that "it is necessary and important to get this done at this time."

Tyrrell said the upper-basin states were going to keep urging the lower-basin states, especially Arizona, to come to terms on their draft agreements, as it was important for all the entities that depend on the river.



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Lake Powell, and an increasingly familiar bathtub ring.

Not ‘done done’

The approval of the three agreements happened in Las Vegas, the location of the annual meeting of the Colorado River Water Users Association, where it is customary for water managers from both the upper basin and lower basin to meet for three days in mid-December in the conference center at Caesar’s Palace.

There has been intense pressure for months on the lower-basin states to approve their set of “drought-contingency planning” documents during the conference, as the upper-basin states did Wednesday, but there are still complicated issues to be worked out among water entities in Arizona.

Terry Fulp, the regional director of the Bureau of Reclamation in the lower Colorado River region, on Wednesday told the ballroom full of water managers from the upper basin that the lower-basin entities were making progress and were closer than ever to reaching consensus.

He also said he’s learned to distinguish between agreements that are “done” and those that are “done done,” or truly finalized.

“We’re definitely not ‘done done,’” Fulp said of the lower basin. “And we’re probably not ‘done,’ but we’ve come a long way.”

He also said that over the past three months, the process has managed to step over any number of stumbling blocks that could have set back the entire process.

“It’s within our power to keep ourselves on the trajectory that this basin has been on for two decades,” Fulp said, referring to the overall Colorado River basin. “And that trajectory is one of collaboration and problem solving and doing it together, and not waiting until the secretary of the Interior, or someone, has to come in and solve it for us.”



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Sand and silt are piling up on the Colorado River above Lake Powell, as water levels continue to fall due to persistent drought and encroaching aridification. Water managers from San Diego to Wyoming are working to find ways to keep the river's reservoirs, and water delivery systems, functioning.

Federal deadline

Fulp's boss, Brenda Burman, is the commissioner of the Bureau of Reclamation, which is part of the Interior Department.

If the upper- and lower-basin states can't find a way to keep Lake Powell and Lake Mead functioning, it's up to Burman to intervene.

On Thursday, Burman spoke to the attendees at the Colorado River Water Users Association meeting and set a Jan. 31 deadline for parties in Arizona and California to approve the proposed drought contingency agreements.

“It is high time to wrap up these efforts,” she said.

If the parties have not do so by then, Burman said Reclamation will publish a notice in the federal register and give the parties 30 days to submit proposals to the Secretary of the Interior on what next steps he should take to avoid a crisis in the basin.

“We will act, if needed, to protect this basin,” Burman said.

The possibility of direct federal intervention on the Colorado River system is something that many water managers in the seven basin states want to avoid.

Burman said the combined level of storage in Lake Mead and Lake Powell is at 46 percent, the lowest combined level since 1966, when Lake Powell was filling for the first time.

“It is time for us to pay attention,” Burman said. “We are quickly running out of time.”

She praised the upper basin states for reaching agreement, and she challenged the entities involved in California and Arizona to “step up, compromise and contribute.”

She also said just getting close to an agreement was not the point.

“Close isn’t done, and we are not done,” she said. “Only done will protect this basin.”

Editor’s note: Aspen Journalism covers water and rivers in collaboration with The Aspen Times, the Glenwood Springs Post Independent and other Swift Communications newspapers. The Post Independent [published](#) a version of this story on Thursday, Dec. 12, 2018. This version was updated on Thursday to include Commissioner Burman’s comments.