



Colorado River District

Protecting Western Colorado Water Since 1937

MEMORANDUM

October 4, 2017

TO: BOARD OF DIRECTORS, CRWCD

FROM: ERIC KUHN 

SUBJECT: *COLORADO RIVER ISSUES*

Board action requested for approval of a contract amendment with Hydros Consulting for Upper Colorado River modeling in the amount of \$80,000.

1. Overall, water year 2017 was an above average year. Unregulated inflow to Lake Powell was about 8.1 million acre-feet or 114% of average. However, conditions in the basin varied. The inflow to Flaming Gorge Reservoir was 220% of average and may have set a record (1986 was the previous record and the accounting has not been made final). Whereas, runoff on three River District rivers, the Yampa, White and Eagle Rivers was below average. Both the Yampa and White Rivers were less than 80%.

For water year 2017 Lake Powell gained about 1.9 million acre-feet of storage. It ended the water year at elevation 3,628'. Due to a nine million acre-feet release from Lake Powell and conservation efforts by the Lower Division states (which reduced the 2017 uses to less than 6.5 million acre-feet), Lake Mead actually gained 6' ending at 1,081'.

Releases from Glen Canyon Dam for water year 2018 will be nine million acre-feet. Another big year could trigger equalization releases. The most probable annual release for each of the next three years, 2018-2020 is nine million acre-feet.

2. As expected, Minute 323 has been signed by both Mexico and the United States. Minute 323 has a number of provisions addressing joint projects, environmental improvements in the delta and shortage sharing. There are actually two shortage provisions. The first is an extension of the Minute 319 shortage provisions where if an official shortage is declared under the 2007 Interim Guidelines, Mexico will share in that shortage. Second; there is a contingent shortage provision. If the Lower Division states (California, Nevada, and Arizona) approve drought contingency plans, then Mexico has agreed to implement additional conservation measures. Minute 323 will expire with the 2007 Interim Guidelines in 2026.

3. The Lower Basin drought contingency plans (DCPs) are in a state of flux. The hydrology has been completed, the issues are now political and economic. The message from the recent Santa Fe meeting was there is about a 50/50 chance Arizona will reach agreement on their DCP next year. Arizona's DCP must be approved by the state legislature.

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The Central Arizona Project (CAP) is clearly on the defensive. The Governor's office and the Arizona Department of Water Resources believe that the CAP board has too much power. The problem is, in part, caused by how water is used in the Lower Basin in and below Lake Mead.

Under the law of the river (the 1928 Boulder Canyon Project Act and the 1963 Supreme Court decision in *Arizona v. California*) every water user on the mainstream must have a contract with the Secretary of the Interior. These are commonly referred to as Section 5 contractors. Arizona has an umbrella contract for 2.8 million acre-feet of mainstream water, but its individual water agencies have the actual contracts for water delivery. The CAP has a contract with the Secretary that gives it the right to "sweep the river." This gives the CAP the right to pump however much water the users senior to the CAP don't use up to the 2.8 million acre-feet normal year limit. In a normal year, users senior to the CAP use about 1.2 million acre-feet giving access to about 1.6 million acre-feet of water. The goal of Arizona's DCP is to leave conserved water in Lake Mead. Thus, this gives the CAP a critical role in the functioning of Arizona's DCP.

At the Santa Fe meeting (a biennial event sponsored by the Water Education Foundation), there was also considerable public discussion of the need for federal legislation to implement the Lower Basin drought contingency plans. The basin states have been discussing the need for federal legislation behind the scenes for several years, but this was the first public "airing" of the issue.

There are differences in the Lower Basin. Arizona has always taken the position that federal legislation is essential. It wants to change a provision in the *Arizona v. California* Supreme Court decree that in its view must be changed. It gives the Secretary the discretion to reallocate unused apportionment on an annual basis. California would also like federal legislation, but takes the more realistic view that with a dysfunctional Congress why make federal legislation a prerequisite to doing good things on the river. During their presentations, Bennett Raley and Jim Lochhead both said that if the Lower Basin is going to discussing legislation, don't forget the Upper Basin.

5. To support continued modeling of basin wide issues, I recommend the Board authorize a contract amendment with Hydros Consulting in the amount of \$80,000. The River District and CWCB have been splitting the costs.

REK/ldp