

Tensions grow over lack of a water deal for the shrinking Colorado River

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Two months ago, federal officials took the unprecedented step of telling the seven states that depend on Colorado River water to prepare for emergency cuts next year to prevent reservoirs from dropping to dangerously low levels.

The states and managers of affected water agencies were told to come up with plans to reduce water use drastically, by 2 million to 4 million acre-feet, by mid-August. After weeks of negotiations, which some participants say have at times grown tense and acrimonious, the parties have yet to reach an agreement.

The absence of a deal now raises the risk that the Colorado River crisis—brought on by chronic overuse and the West's drying climate—could spiral into a legal morass.

Interior Department officials have warned they are prepared to impose cuts if necessary to protect reservoir levels. Managers of water agencies say they have been discussing proposals and will

continue to negotiate in hopes of securing enough reductions to meet the Biden administration's demands, which would mean decreasing the total amount of water diverted by roughly 15% to 30%.

But some observers worry the talks could fail, saying they see growing potential for federal intervention, lawsuits and court battles.

"There are a lot of different interests at loggerheads. And there's a lot to overcome, and there's a lot of animosity," said Kyle Roerink, executive director of the Great Basin Water Network.

The latest round of closed-door talks occurred Thursday in Denver. Participants said they wouldn't publicly discuss the offers of water reductions made so far, but they acknowledged those offers have amounted to far less than 2 million acre-feet. For comparison, the total annual water use of Los Angeles is nearly 500,000 acre-feet.

Those involved in the negotiations say there have been difficult discussions among the states, and among urban and agricultural water districts. There have also been growing tensions between the states of the river's Lower Basin—California, Arizona and Nevada—and those of the Upper Basin—Colorado, Wyoming, New Mexico and Utah.

Roerink said that if the regional tensions and dividing lines continue and deepen alongside more dry winters, the Colorado River Basin seems headed for conflicts.

"It's going to be a mess," Roerink said. "I don't see how we ever get over some of what I believe are irreconcilable differences among the states."

The federal Bureau of Reclamation is scheduled to hold a news conference on Tuesday to present the government's latest projections of reservoir levels, which will dictate water cuts for the Lower Basin

states under a previous 2019 deal. Lake Mead and Lake Powell have fallen to record low levels, now nearly three-fourths empty, and are projected to continue dropping.

Reclamation officials are expected to give an update on the proposals for water cuts that have been discussed so far. They haven't said how they will respond to the lack of an agreement among the states.

The federal government's call for [urgent action](#) came in a congressional hearing on June 14, when Bureau of Reclamation Commissioner Camille Calimlim Touton announced that cuts of 2 million to 4 million acre-feet will be needed in 2023 to address declining reservoir levels. She warned that the bureau has the authority to "act unilaterally to protect the system."

Touton called for negotiating a plan for the reductions within 60 days, a schedule that hasn't been achieved.

The Upper Basin states have looked to the Lower Basin states, which use more water, to contribute much of the reductions. In a July 18 letter to Touton, Charles Cullom, executive director of the Upper Colorado River Commission, said the four upper states have "limited" options available to protect reservoir levels.

Cullom wrote that "previous drought response actions are depleting upstream storage by 661,000 acre-feet," and that the four states' water users "already suffer chronic shortages under current conditions."

Cullom offered a plan with various steps in the Upper Basin but said "additional efforts to protect critical reservoir elevations must include significant actions focused downstream."

One of the entities that many water managers are looking to for major contributions is the Imperial Irrigation District, which supplies farmlands in California's Imperial Valley and controls the single largest share of Colorado River water.

IID board member J.B. Hamby said California's

water districts have made significant proposals laying out "where we think we can be in a very short period of time." He declined to discuss how much water those proposals would conserve and leave in Lake Mead.

"We're seeing different approaches from other states," Hamby said. "The Upper Basin is not contributing anything firm whatsoever at this point, and things are still in flux with Arizona and Nevada."

Even as the river is in a crisis that demands contributions from across the region, Hamby said, it remains "a ways from any agreements being inked."

"Significant contributions are not really forthcoming at this time, which is unfortunate, because that's really what's needed in order to prevent the system from completely crashing," Hamby said.

He said it's especially critical to ensure Lake Mead doesn't decline to "dead pool" levels, at which water would no longer pass through Hoover Dam to Arizona, California and Mexico.

"Everybody across the board needs to take a serious look at making contributions that, while not comfortable, are what's necessary," Hamby said. "Everybody needs to commit to a significant sacrifice in order to avoid having nothing at all."

The Colorado River has long been severely overallocated. For decades, so much water has been diverted to supply farms and cities that the river's delta in Mexico has dried up, leaving only small remnants of its once-vast wetlands.

Since 2000, the flow of the river has shrunk dramatically during a "megadrought" that research shows is being intensified by global warming.

Even years before the current shortage, scientists and others repeatedly alerted public officials that the overuse of the river combined with the effects of climate change would probably drain the reservoirs to perilously low levels. In recent years, researchers have warned that while dry and wet cycles will continue, the West is undergoing climate-

driven aridification and will have to permanently adapt to drier conditions.

Some experts, such as former Interior Secretary Bruce Babbitt, have said it's time to revamp the 1922 Colorado River Compact, which divided the river among the states, because it allocated much more water than is available.

Thorny negotiations lie ahead over the next three years, when the states are due to negotiate new rules for managing shortages after 2026, when the current rules expire.

For now, the immediate task facing water management officials is to find ways to rapidly reduce [water use](#).

Congress' newly passed Inflation Reduction Act included \$4 billion to help address the Colorado River's shortfall.

Much of that money is expected to be used to pay farmers and others to voluntarily use less water. Under one proposal offered by Arizona farmers, participating growers would forgo one acre-foot of water for each acre of farmland, generating roughly 925,000 acre-feet of savings.

Funds will also be available for environmental projects, such as controlling dust and restoring habitat around the shrinking Salton Sea, which is fed by agricultural runoff in the Imperial Valley. IID officials have pointed out that water reductions will hasten the shrinking of the Salton Sea, where the retreating shorelines are already releasing lung-damaging dust, and they have demanded "protection" of the lake as part of any deal.

Henry Martinez, the Imperial Irrigation District's general manager, said the talks have gone over various proposals aimed at moving toward the Bureau of Reclamation's targets.

"It's going to require quite a bit of cooperation for everybody to achieve that goal," Martinez said, describing the talks as being on "unsure ground at this point."

"We see that California has a large contribution to

make," Martinez said, but those numbers "will have to be firmed up with all the California participants and then submitted to the bureau for consideration."

Federal officials have also been negotiating separately with Mexico.

Another major player in the talks is the Metropolitan Water District of Southern California, which supplies drinking water for 19 million people. Bill Hasencamp, the MWD's manager of Colorado River resources, said he's hopeful the negotiations will eventually lead to a plan that meets the federal government's goals, "maybe not next week, but at some point later this year."

Last week, the MWD's board held a three-hour meeting at which the district's staff discussed the need to reduce the region's reliance on the Colorado River.

"We are in discussions with our board about the possibility of extending mandatory conservation throughout Southern California," Hasencamp said. The district has already ordered restrictions on outdoor watering in areas that depend on severely limited supplies from the State Water Project, which brings water from the Sacramento-San Joaquin River Delta.

How soon the district might adopt these additional conservation measures has yet to be decided, Hasencamp said. And once a plan is developed, he said, each member city and local water district would determine how to achieve the necessary reductions in 2023.

The negotiations that are happening now, Hasencamp said, are one step in a multiyear process of determining how the western United States lives with less water from the Colorado River. He said he hopes the states agree on a plan because the alternative would be worse.

"If the federal government does have to take unilateral action, it will likely lead to litigation, which will make it even harder to develop new guidelines for the Colorado River. So that's a big risk," Hasencamp said. "I think everyone would agree

that a consensus-based plan is better than either the courts or the federal government taking action to determine our future."

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