State pushes its plan to save water

Proposal counters one by six neighbors that targets California for Colorado River cuts.

BY IAN JAMES

California has given the federal government its own proposal for making cuts in Colorado River water use, saying a plan offered by six other states would disproportionately burden farms and cities in Southern California.

Water agencies that depend on the river submitted their proposal to the Biden administration on Tuesday, the same day federal officials had set as a deadline for the Colorado River Basin states to reach agreement on how to prevent reservoirs from dropping to dangerously low levels.

The state put forward its proposal a day after Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming released their alternative. A large portion of the cuts they proposed would be made by accounting for evaporation and other water losses along the lower portion of the river — a calculation that would translate into especially large reductions for California, which uses more Colorado River water than any other state.

“The six-state proposal directly and disproportionately impacts California,” said Wade Crowfoot, the state’s natural resources secretary. “It doesn’t seem like a constructive approach for some states to fashion a proposal that only impacts the existing water security and water rights of another state that’s not part of that proposal.”

Crowfoot said the other states had devised an approach that would go beyond anything established in the agreements and laws that govern how the Colorado River is managed and used. He said the proposal by California water agencies, in contrast, lays out practical and achievable changes that can be made starting this year to stabilize reservoir levels.

The state’s proposal builds on a previous commitment by four Southern California water agencies to cut water use by 400,000 acre-feet per year, a reduction of about 9%, through 2026. The federal government has asked the states to reduce their total usage by 2 million
to 4 million acre-feet.

On top of the planned reductions in California and other states, the proposal calls for taking measures aimed at keeping reservoirs above certain levels, including making additional cuts on a tiered scale if the level of Lake Mead, the country’s largest reservoir, continues to decline toward critically low levels.

In the proposal letter, JB Hamby, chair of California’s Colorado River Board, said the state’s alternative “provides a realistic and implementable framework to address reduced inflows and declining reservoir elevations by building on voluntary agreements and past collaborative efforts in order to minimize the risk of legal challenge or implementation delay.”

California agencies including the Imperial Irrigation District and the Palo Verde Irrigation District, which deliver water to vast farmlands, have high-priority senior water rights dating back more than a century. California officials have insisted that these rights and the existing law of the river must be upheld in any plan for reducing water use.

“California is not wavering from our legal position,” Hamby said. “We continue to look forward to developing a seven-state consensus if possible, but in the absence of that, it defaults to the law of the river.”

If any legal disputes erupt, that could complicate efforts to come up with solutions. The states are submitting their proposed alternatives as the Interior Department and the Bureau of Reclamation begin a review process to revise the current rules for dealing with Colorado River shortages.

Hamby said California is focused on “practical solutions that can be implemented now to protect volumes of water in storage without driving conflict and litigation.”

“As of this point in time, we were not able to reach that consensus, but we hope to achieve that moving forward,” Hamby said. “We need to be able to reach consensus among the seven basin states to come up with voluntary approaches where each state is comfortable with the direction.”

Even after the federal government’s deadline, managers of water agencies have more talks scheduled to continue negotiating.

The Colorado River, which supplies cities, farming areas and tribal nations from the Rocky Mountains to the U.S.-Mexico border, has been pushed to a breaking point by chronic overuse, drought and the effects of global warming.

Over the last 23 years, the watershed has been desiccated by the worst drought in centuries, which has been intensified by rising temperatures.
Lake Mead and Lake Powell now sit about three-fourths empty. And although the Rocky Mountains have seen an above-average amount of snow so far this winter, it’s not nearly enough to lift the reservoirs out of the severe water deficit.

Federal officials in June called for the seven states to come up with plans to reduce water diversions by approximately 15% to 30%. But negotiations among the states grew acrimonious and didn’t produce a deal.

In October, the Biden administration announced plans to revise the current rules for dealing with shortages and to pursue a new agreement for major reductions in water use.

After the latest round of talks reached an impasse, the six states released their proposal. They called it an “alternative framework” for the Bureau of Reclamation to consider as part of its review while preparing what is called a supplemental environmental impact statement.

The six states urged federal officials to begin accounting for more than 1.5 million acre-feet of water losses, primarily caused by evaporation, which would mean major cuts for Southern California.

“I don’t think there is disagreement on the magnitude of the reductions that are needed,” said John Entsminger, general manager of the Southern Nevada Water Authority. “We need this magnitude of cuts in order to stabilize the system.”

The question is how those cuts will be divided, he said, adding that the talks among the states will continue.

“I think there’s still a strong commitment by all seven states to continue to work in good faith towards a solution,” Entsminger said.

Federal officials aim to release a draft review of alternatives by the end of March, followed by a decision in the summer.

Entsminger said even though the states haven’t reached a consensus yet, he’s hoping “we can come up with something everybody can live with.”

Crowfoot said California’s proposal, while specifying reductions, also focuses on protecting “baseline water needs of communities across the West by prioritizing water supplies for human health and safety.”

While negotiating on immediate plans, the seven states are also due to begin talks soon on rules for managing shortages after 2026.

Crowfoot said those talks would be more suited to discussing any changes in the established allocation system, like the six states’ proposal to focus on water losses from
evaporation.

“To do that in a matter of months on a system that’s been built over a century, we think is not the approach to build consensus,” Crowfoot said. “Let’s focus on the task at hand ... which is making changes in water conservation here in the coming months.”

California Sens. Alex Padilla and Dianne Feinstein supported the state’s proposal, saying no state will be spared from water reductions as drought and climate change shrink the flow of the river.

The two Democratic senators said in a joint statement that “six other Western states dictating how much water California must give up simply isn’t a genuine consensus solution — especially coming from states that haven’t offered any new cuts to their own water usage.” They added that the six states’ proposal “fails to recognize California’s senior legal water rights.”

A leader of one California tribe joined water managers in supporting the state’s proposal. Quechan Tribal Council President Jordan Joaquin said the proposal “reflects a meaningful effort to address the hydrologic challenges facing the [Colorado River] Basin while respecting the senior water rights of the Tribe and others and ensuring that the Colorado can continue to exist as a living river.”

Managers of the Metropolitan Water District of Southern California said they plan additional steps to reduce usage of Colorado River water this year.

“But we must do it in a way that does not harm half of the people who rely on the river — the 19 million people of Southern California,” said Adel Hagekhalil, MWD’s general manager. “We must do it in a way that does not devastate our $1.6-trillion economy, an economic engine for the entire United States. We must do it in a way that can be quickly implemented, adding water to lakes Mead and Powell without getting mired in lengthy legal battles.”

In December, leaders of the water wholesalers declared a regional drought emergency and called for local suppliers to reduce water use. MWD’s managers have been discussing plans for moving to mandatory conservation measures throughout the region by starting to allocate supplies for all of the district’s 26 member agencies.

Adán Ortega, chair of the MWD board, said the district is preparing to take these measures to “do our part in saving the Colorado River.”

“We’ve actually begun preparing our member agencies and the public for this possibility, and so that’s a good faith gesture that we hope the other states will take seriously,” Ortega said.
Ortega said the six states’ proposal would lead to disputes over calculations of evaporation losses, “not to mention the disputes that you’re going to get into over changing the rule on the river.”

He said that would be a “very ill-advised shortcut.”