How Colorado River talks will affect Utahns and millions more across the Southwest

States are in tense negotiations over the future of the drought-ridden river. What they decide will affect cities, tribes and farmers across Utah.

Water from the Colorado River and its tributaries irrigates farms, sprinkles lawns and quenches the thirst of millions across Utah and the greater Southwest.

While only 27% of the state's water comes from it, some 60% of Utahns rely on the Colorado River for drinking water, agriculture and industries such as energy and mining.

The future of that water supply is increasingly tenuous, though. The river is overallocated, meaning farmers, cities and companies have rights to more water than actually runs through the basin. That gap is only growing as climate change makes the region hotter and drier, slowing the river's flow.

For years, representatives from the seven U.S. states that share the river have been in tense negotiations over how to manage the waterway during dry years. States were supposed to reach a basic agreement on Nov. 11, but they had nothing to show.

These complex negotiations have been happening behind closed doors with little opportunity for public input. But the result of these talks affects the lives of not only most Utahns, but 40 million people across the U.S. Southwest, northern Mexico and 30 federally recognized tribes.

The stakes are high. The river has sustained tribes for time immemorial and has allowed desert cities, such as Salt Lake City and Phoenix, to boom. It waters fields of fruit, vegetables and alfalfa, from melon farms in Utah's Green River to agriculture giants in California's Imperial Valley. It

creates habitat for endangered fish and carves sandstone layers in beloved national parks, such as Canyonlands and the Grand Canyon.

(Francisco Kjolseth | The Salt Lake Tribune) The Colorado River loops back on itself before reaching the confluence with the Green and the start of Cataract Canyon in Canyonlands National Park as seen in mid-October 2021.

"[The Colorado River] matters to the economic integrity of the United States," said Jack Schmidt, director of the Center for Colorado River Studies at Utah State University. "It matters to the well being of a significant amount of people."

With less water flowing through the river system, though, states will have to cut back their consumption. But negotiators can't agree on who carries that burden. If that plan includes mandatory cuts to Utah's water use, that may affect cities, tribes and farmers across the state.

Utah's major cities are "potentially vulnerable to cuts"

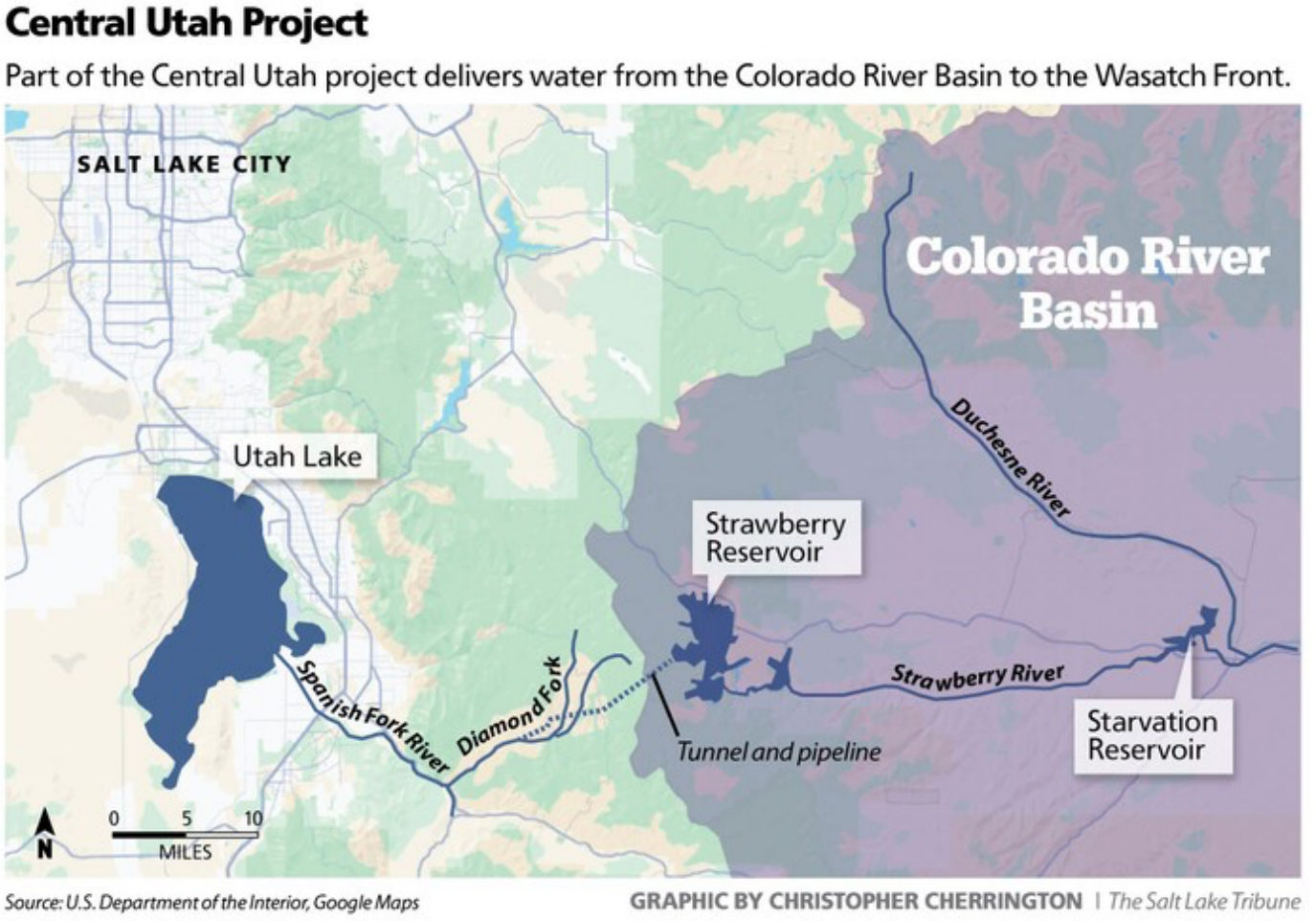
Utah's bustling cities along the Wasatch Front are outside of the Colorado River Basin and get much of their water from the creeks and rivers that eventually end up in the Great Salt Lake. But residents still rely in part on the Colorado River thanks to a series of reservoirs and pipelines that deliver water from eastern Utah to cities such as Salt Lake.

Snow flakes falling in the Uinta Mountains this winter will eventually melt into rivers and creeks that feed the Green River, the Colorado River's largest tributary. But some of that water will be diverted to Strawberry Reservoir then travel through pipelines across the Wasatch Mountain to Utah and Salt Lake Counties.

That web of dams and tunnels is called the Central Utah Project, the Bureau of Reclamation's largest and most complex water project in Utah, according to the agency. That project is "potentially vulnerable to cuts," though, because its water rights are newer, said Michael Drake, deputy state

engineer with the Utah Division of Water Rights.

Utah, like most Western states, follows prior appropriation, or "first in time, first in right." Those who began using water first, such as multigenerational farming families, hold senior rights and see cuts last.



(Christopher Cherrington | The Salt Lake Tribune)

"There's no doubt the Central Utah Project is a junior user on the river," Gene Shawcroft, Utah's Colorado River commissioner, said during a press conference on Nov. 12. "We have capacity in reservoirs to help us through drought cycles. We will have to be very judicious about how we use the water during these periods of time when we have low

water."

One option, he added, was purchasing a farmers' "third crop of hay," to supplant the water available to cities and towns.

Farmers may take a "significant hit"

Some Utah farmers have been paid to temporarily fallow their fields as part of a new pilot program under the Colorado River Authority of Utah to reduce water use.

Kevin Cotner, a third generation farmer in Carbon County and the president of the Carbon Canal Company, let some of his fields rest for the past three years. He hopes his and his fellow farmers' voluntary actions will prevent forced cuts.

"We've been aware of this potential downstream call on us at some point in the future," he told reporters with the Colorado River Collaborative last month. "Our thoughts were ... if there's ever a negotiation, we'd be able to raise our hand and say, 'Hey, we've been proactive on this from the get go."

Agriculture accounts for roughly 62% of Utah's use of Colorado River water, according to the Colorado River Authority of Utah. Utah's state engineer already cuts farmers' water use based on daily river flows and priority of water rights, Drake said.

Farmers may see deeper cuts, though, if Utah is required to

use less water under a new Colorado River agreement. “Certainly our ag producers will take a pretty significant hit if we, the state engineer’s office, are called upon to curtail water rights,” Drake said.

During dry years, that may mean farmers have very little water. A few years ago, the Carbon Canal was only able to deliver direct flow water to the area’s farmers for three days out of the year, Kotner said. They relied on water from the Scofield Reservoir for the rest of the season.

(Francisco Kjolseth | The Salt Lake Tribune) Kevin Cotner, a farmer who uses Price River water, fallows some of his fields and leases the saved irrigation water to benefit the over-allocated Colorado River system, as seen on Aug. 16, 2023.

But those reservoirs may not be able to get farmers through dry stretches to the same extent if the state has to cut water use at a basin-wide scale. “Many of the storage reservoirs are operating on relatively junior water rights, so you might see those cut first,” Drake said. If those rights are cut back, the water will flow down stream rather than getting stored in reservoirs.

“A lot of these places are going to be operating as kind of run of the river, however much water is available in the river at any given time in the year,” Drake said. “So that’s going to be a hard challenge for farmers.”

Tribes have substantial water rights, but not all are settled or developed

The Ute Mountain Ute’s tribal owned farm enterprise couldn’t grow wheat this year for Cortez Milling Co., which makes the popular Blue Bird Flour, said Letisha Yazzie, water resources director for the Ute Mountain Ute Tribe.

The tribe only received 35% of its water allocation in Colorado this year. It bumped up its supply to 50% by purchasing water from the local irrigation company, but the tribe still had to fallow nearly half of its fields, Yazzie said.

Tribes typically have some of the most senior water rights in the Colorado River Basin, often dating back to the year the

tribe's reservation was established or in some cases time immemorial, according to the Congressional Research Service. But some tribes have accepted more junior water rights when resolving claims. As part of its settlement with Colorado, the Ute Mountain Ute Tribe agreed to take more junior water rights in exchange for drinking and agricultural water infrastructure.

The tribe still hasn't resolved its rights in Utah. The Ute Indian Tribe, San Juan Southern Paiute Tribe and Kaibab Paiute Band also have unresolved water rights in Utah, according to a report by the Water & Tribes Initiative, an organization that builds tribal capacity in water policy and management. The federal government has an obligation to protect tribes' federally reserved water rights, but tribes have to go through a lengthy and expensive legal process to quantify and secure their water.

Across the Colorado River Basin, eleven tribes still have unresolved claims as of 2023, according to the Congressional Research Service.

(Rick Bowmer | AP) Delanna Mart stands on a dock at a lake on Ute Indian Tribe of the Uintah and Ouray Reservation, Monday, July 25, 2022, in Fort Duchesne. The divvying up between Colorado River Basin states never took into account Indigenous Peoples or many others, and from the start the calculation of who should get what amount of that water may never have been balanced.

Colorado River Basin tribes that have settled their claims currently hold substantial water rights, roughly a quarter of all water in the basin, according to the Water & Tribes Initiative. Not all have the infrastructure to use that water, though.

“Certainly there’s been increased recognition that tribes don’t just have senior water rights, substantial water rights, but also that they haven’t been able to fully develop their

rights and access that for the benefit of their communities," said Heather Tanana, a citizen of the Navajo Nation and law professor at the University of Denver.

As the basin states discuss cuts, she added, "it's not quite fair or equitable" to ask tribes to cut back their use since they haven't been able to develop over the past century to the same extent as others.

"What we have at stake is our future," Yazzie said.

The seven basin states — Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming — have until mid-February to develop a more hashed out plan for the river's future, according to the Interior Department. Whatever they decide will shape the future for tribes, farmers and millions of people across the Colorado River Basin.

This article is published through the Colorado River Collaborative, a solutions journalism initiative supported by the Janet Quinney Lawson Institute for Land, Water, and Air at Utah State University. See all of our stories about how Utahns are impacted by the Colorado River at greatsaltlakenews.org/coloradoriver.

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