



Honorable Mark Lee Greenblatt  
 Office of Inspector General  
 U.S. Department of the Interior  
 1849 C Street NW  
 Washington, DC 20240

July 15, 2021

**Re: Request for Investigation into Central Utah Water Conservancy District’s Use of Congressional Appropriations**

Honorable Inspector General Greenblatt,

We the undersigned are writing to request that your office investigate the use of \$832 million in congressional funds that have been awarded to complete the Central Utah Project, Utah’s transbasin diversion of Colorado River water. These funds have been awarded over the last 25 years through the Bureau of Reclamation budgeting process to the Central Utah Water Conservancy District (CUWCD).

Our concern is that the CUWCD has used substantial portions of these federal funds to advance the proposed Lake Powell Pipeline, the largest new proposed water diversion in the Colorado River Basin. This project is well outside the geographic scope of the Central Utah Project service area, and federal funds should not be used to advance a proposed water project that threatens other water users in the basin. We also wish to determine whether the CUWCD comingled federal funds with other funding used by the CUWCD to advance the Lake Powell Pipeline.

Our concerns are founded on the demonstrable evidence that the CUWCD has awarded over \$1 million to a family lobbying firm of its second highest ranked employee, the Assistant General Manager, to advance efforts for both permitting and funding for the proposed Lake Powell Pipeline.<sup>1</sup> The nature and extent of this work is well known to other senior staff at the CUWCD, including its General Manager.

The Lake Powell Pipeline would deliver water to Washington County, Utah, a region whose population uses 306 gallons of water per person per day, according to the project’s June 2020

<sup>1</sup> Transparent Utah. “Detailed Search – Vendors.” <https://transparent.utah.gov/vendet.php>. (Jan 2021).

Draft Environmental Impact Statement prepared by the Bureau of Reclamation.<sup>2</sup> This water use is more than twice the U.S. municipal average, according to the U.S. Geological Survey. Yet, instead of conserving water to reduce this high consumption, the CUWCD Assistant General Manager and her family lobbying firm have consistently worked to oppose water conservation efforts inside Utah in an apparent attempt to keep water use high and create a false justification for the Lake Powell Pipeline. Over the past two decades, this family firm has opposed and defeated numerous water conservation bills at the Utah Legislature.

It is worth noting that Washington County has a population of just 180,000 people, yet the area has access to surface waters in excess of 160,000 acre-feet of water – even without the additional 86,000 acre-feet of water from the proposed LPP.<sup>3</sup>

The CUWCD's anti-conservation efforts are especially problematic given that Congress directed the CUWCD to implement a range of water conservation measures, as per the Central Utah Project Completion Act of 1992 (CUPCA). Accordingly, in addition to exploring whether federal funds have been improperly used to advance the Lake Powell Pipeline, we ask that your office investigate whether the CUWCD's anti-conservation actions conflict with the legislative intent of CUPCA and subsequent congressional funding. An investigation into these matters is of the utmost importance to the Colorado River Basin, as the proposed Lake Powell Pipeline threatens the water supply both inside and outside Utah.

Climate change is shrinking the snowpacks of the Colorado River Basin and, as that happens, the flows and reservoir levels of the Colorado River Basin are dropping dramatically. As water levels in Lake Mead continue to decline, Lower Basin states will continue to take additional cuts in their Colorado River water supply. Nevada, Arizona, and Mexico will be forced to take cuts of 613,000 acre-feet from their water supply beginning in 2022.<sup>4</sup> If Lake Mead continues to decline, California may be forced to take cuts to its water supply thereafter.

The proposed Lake Powell Pipeline would only exacerbate these water shortages in the Colorado River, and these challenges explain why the six other states of the Colorado River Basin opposed the proposed Lake Powell Pipeline in their September 2020 letter to the Secretary of Interior.<sup>5</sup> The likelihood that a curtailment scenario occurs in the future is very high

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<sup>2</sup> *Lake Powell Pipeline Draft Environmental Impact Statement, Appendix B*, Bureau of Reclamation. (2020). <https://cdxnodengn.epa.gov/cdx-enepa-ll/public/action/eis/details?eisId=297778>.

<sup>3</sup> Reclamation. 2014. "Virgin River Climate Change Analysis Statistical Analysis of Streamflow Projections." Technical Memorandum. Katrina Grantz. March 26, 2014.

<sup>4</sup> Stern, C. V; Sheikh, P. A. (2021). *Management of the Colorado River: water allocations, drought, and the federal role*. (CRS Report No. R45546). Congressional Research Service: <https://crsreports.congress.gov/product/pdf/R/R45546>

<sup>5</sup> Letter from Colorado River Basin States Representatives of Arizona, California, Colorado, Nevada, New Mexico, and Wyoming to Secretary of the Interior David Bernhardt, September 8, 2020.

as a chorus of studies and climate scientists estimate that the 18% drop in Colorado River flows observed this century are likely only the beginning of future flow declines.<sup>6</sup>

The proposed Lake Powell Pipeline also threatens the water rights of the Tribes of the Colorado River Basin. In particular, the Navajo Nation and Ute Indian Tribe of the Uintah and Ouray Reservation have combined water rights of roughly 362,000 acre-feet of annually.<sup>7</sup> While some inside Utah claim there are ample Colorado River supplies to meet these Tribes' water rights, studies show that this is untrue.<sup>8</sup> The Ute Indian Tribe contends that the State of Utah wrongfully terminated one of the Tribe's water rights and granted it to the proposed Lake Powell Pipeline.<sup>9</sup>

Finally, the Lake Powell Pipeline threatens the water supply of existing Colorado River water users inside Utah. As mentioned above, climate change has substantially depleted the flow of the Colorado River, in turn decreasing Utah's Colorado River allocation, which is based on a percentage share of whatever water is leftover in the River. As such, Utah is already using its full Colorado River allocation, meaning any new diversions must take water from existing users elsewhere in the state or Basin. Pursuing the Lake Powell Pipeline further pushes Utah's use over its legal Colorado River allocation, making it all the more difficult for the tribes to utilize their water rights in addition to threatening existing agricultural and municipal water use inside Utah.

Federal funds should not be used to advance a project that threatens the security of almost every other water user in the Colorado River Basin and is opposed by six out of seven Colorado River Basin states. This is especially true given that Congress intended that funds given to the CUWCD be used on the Central Utah Project, which is entirely distinct from – and may even be endangered by – the Lake Powell Pipeline project.

We appreciate you taking the time to review this request, and hope your office examines this issue. If you have questions or would like additional information, please contact Zach Frankel at zach@utahrivers.org or at 801-699-1856.

Sincerely,

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<sup>6</sup> Lukas, Jeff, Ethan Gutmann, Ben Harding, and Flavio Lehner. 2020. "Climate Change-Informed Hydrology." Chap. 11 in *Colorado River Basin Climate and Hydrology: State of the Science*, edited by J. Lukas and E. Payton, 384-449. Western Water Assessment, University of Colorado, Boulder.

<sup>7</sup> Ten Tribes Partnership & Bureau of Reclamation. *Tribal Water Study Report, Chapter 5*. (2018). <https://www.usbr.gov/lc/region/programs/crbstudy/tws/docs/Ch.%205.1%20Ute%20Tribe%20Current-Future%20Water%20Use%2012-13-2018.pdf>

<sup>8</sup> Robison, J. A. (2016). Climate Change and Allocation Institutions in the Colorado River Basin. *Water Policy and Planning in a Variable and Changing Climate*, 289.

<sup>9</sup> Penrod, Emma. "Lake Powell Pipeline plans to tap water promised to the Utes. Why the tribe sees it as yet another racially based scheme." (2021). <https://www.sltrib.com/news/environment/2021/06/13/lake-powell-pipeline/>

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