

# The Salt Lake Tribune

## Sen. Lee wants consequences for states suing over Colorado River

Senate Energy and Natural Resources Committee held a hearing on the Colorado River as states continue to struggle to reach deal.

By Brooke Larson for The Salt Lake Tribune

6/13/26, 11:38 AM



Photo caption: A boat navigates the main channel of Lake Powell as bathtub rings are indicative of how far the water levels have fallen since being at full capacity in the early 1980s.  
FRANCISCO KJOLSETH | The Salt Lake Tribune



Photo caption: Office of Sen. Curtis From third from right: Sen. Mike Lee, R-Utah, Sen. John Curtis, R-Utah, and Utah Gov. Spencer Cox meet with Wyoming Gov. Mark Gordon and Sens. John Barrasso, R-Wyo., and Cynthia Lummis, R-Wyo., from left, during a discussion of the Colorado River negotiations in Washington on Wednesday.

States that choose to sue a fellow Colorado River Basin state “should not expect Congress to reward that decision with additional federal funding,” Utah Sen. Mike Lee warned during a Senate committee hearing this week.

“Taxpayers should not be asked to subsidize litigation among states,” he added.

The Senate Energy and Natural Resources Committee held a hearing on Wednesday to conduct oversight on the Colorado River Basin and the ongoing negotiations over future operations of the river system. Senators discussed requests for billions of dollars to help the region shore up water supplies, but Utah representatives don’t think any funding should go to states that sue over the river.

“Utah asks that you fund solutions, not lawsuits,” Amy Haas, executive director of the Colorado River Authority of Utah, said during her testimony. “Some states in this basin are preparing to sue their sister states. Some have made a public display over hiring high-dollar law firms. Litigation funds are being set aside.”

Utah is among those states that have set aside money for litigation. The Legislature budgeted roughly \$6 million for a potential Colorado River lawsuit in the 2026 legislative session.

Arizona has hired a “high-powered law firm” and also allocated millions of dollars to a Colorado River legal defense fund, according to the Arizona Mirror. Colorado is also preparing for litigation.

“We urge Congress to send a clear signal: states that choose courtrooms over cooperation should not expect Washington to bankroll it,” Haas added. “States that sue other states should not be rewarded.”

Negotiations among Utah and the six other states that share the river have been at a standstill. The Interior Department is conducting its environmental review process and must release a decision on how to operate the reservoirs it manages, including Lake Powell and Lake Mead, before the next water year begins on Oct. 1. The department hoped to use a seven-state deal as a guide for its plans, but no consensus has surfaced.

Senators and governors from Utah and Wyoming met in Washington ahead of the committee hearing to affirm their commitment to a consensus deal on the river.

“Utah remains committed to a seven-basin-state solution that protects the long-term future of the Colorado River,” said Gov. Spencer Cox in a statement. “Any durable agreement must recognize the realities facing the Upper Basin, where communities are already living with significant shortages and doing their part to conserve water. We believe the best path forward is a fair, negotiated solution that keeps all states at the table and avoids years of costly litigation.”

Meanwhile, the various reservoirs along the Colorado River are at about 34% of the total system capacity, according to a June 7 report from the Bureau of Reclamation. Lake Powell is only 25% full and Lead Mead is 29% full.

“The window to solve this without lawyers, judges, and generational damage to basin relationships is shrinking faster than Lake Powell,” Haas said.

The Bureau of Reclamation is releasing an unprecedented amount of water out of Flaming Gorge and reducing flows out of Lake Powell to protect infrastructure at Glen Canyon Dam this year.

“Everyone agrees that a seven-state consensus agreement is the preferred outcome, yet I’m concerned that Interior has spent a great deal of time focused on short-term operations,” Sen. Martin Heinrich, D-N.M., said. “The department has yet to articulate a clear strategy for moving the basin towards a long-term agreement that everyone says they want.”

“Without a seven-state agreement,” he added, “the consequences are clear: more litigation, unplanned water shortages, economic disruption and heightened risk to communities least able to absorb it.”

If litigation happens, it will be “unprecedented, will involve all seven basin states, and will be orders of magnitude larger than any interstate water case ever brought,” Haas said. “It will potentially take multiple decades to resolve.”

“Utah is calling for a legal detente now,” she added, “before the first briefs are filed, before positions harden that make compromise impossible.”

### **What’s on the table**

The Interior Department plans to release a 10-year operating framework for the Colorado River this summer, said Andrea Travnicek, assistant secretary of water and science for the department. Within that broader framework, the department would release operational guidelines every two years. “The goal is to produce an alternative that bounds for certainty and stability, with the flexibility to adjust to evolving hydrologic conditions in the absence of consensus,” Travnicek said.

The plan will likely include details on shortage guidelines in the Lower Basin, coordinated reservoir operations and programs for saving and storing water in the reservoirs. It may involve elements that have been proposed by both Upper and Lower Basin states, Travnicek added.

Haas said that Utah will continue to support future releases from Flaming Gorge under three conditions: releases are capped, the reservoir is successfully recovered and the water released is used to protect elevations at Lake Powell, not provide extra water for downstream releases. Travnicek said that recovery at Flaming Gorge and the other upper reservoirs in the Colorado River system is “extremely important.”

“We want to make sure that we’re not just continuing to use those and bring them down to the mud,” she added.

Beyond Flaming Gorge, Haas said that Utah and other Upper Basin states have committed to conserving 100,000 acre-feet in 2027 and 2028, with Utah specifically contributing 23,000 acre-feet.

Lower Basin states released a proposal in May that included a conservation commitment of 3.2 million acrefeet of water through 2028. Those states have asked the Upper Basin to put verifiable water contributions on the table as part of a seven-state deal.

“I’m grateful to these states for their leadership and hope to see that plan adopted,” Arizona Senator Ruben Gallego said. Colorado River states have also submitted funding “wish lists” to the department that add up to around \$50 billion, Lee said. That list is in the early stages, though, said Travnicek, who noted that the seven basin states have received \$9 billion in federal funds over the past five years.

More than 70 organizations, ranging from Trout Unlimited to the Kaibab Band of Paiutes, sent a letter to Congress asking for at least \$2 billion in new federal funding for near-term drought

mitigation measures, alongside a long-term federal funding mechanism for the Colorado River region.

That \$2 billion could help lessen some of the “anxiety, uncertainty and stress” people are feeling across the watershed, which supports 40 million people, said Tom Kiernan, CEO of American Rivers, one of the organizations that signed on to the letter.

“The Colorado River Basin cannot transition to a resilient, secure future without significant additional federal investment,” he said. “Funding is not a temporary solution. It is a bridge to a long-term, durable solution.”

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](https://greatsaltlakenews.org/coloradoriver).