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Drought addressed in new river agreement

By BOBBY MAGILL The Daily Sentinel

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DENVER — A new agreement among the seven Colorado River Basin states may help prevent Coloradans from having to curtail their water consumption during times of drought.

If the agreement is adopted by Secretary of Interior Dirk Kempthorne later this year, the seven basin states will stop fighting over the river's water and begin using Lake Powell to help absorb the effects of drought on the Lower Colorado River Basin more than it does today.

The agreement may encourage the Lower Basin states of Arizona, California and Nevada to live within their means and force them to take water shortages, Colorado Water Conservation Board Director Rob Kuharich said Wednesday.

The board approved a recommendation that the state sign the new Seven States Agreement, which will allow Nevada to use more Colorado River water, change how lakes Powell and Mead are managed and encourage Colorado to use weather modification to help increase the amount of water flowing into the river.

The agreement is "seminal to the history of the Colorado River," Kuharich said.

The Lower Basin states are overusing their share of the river by up to 1.5 million acre-feet, said Scott Balcomb, one of Colorado's representatives to negotiations among the seven states.

Las Vegas has no future water supply, he said, and the Upper Basin states of Colorado, Utah, Wyoming and New Mexico must ensure they have enough water for new development here while also preventing the Lower Basin from being deprived of water.

The answer was the new agreement, which, he said, "commits the seven states to engage in a consulting process with each other and avoid litigation."

"We're for the first time ... agreeing to use Glen Canyon and Lake Mead in conjunction with one another to try not to create a shortage in the Lower Basin" when storage is available in the Upper Basin, he said.

The Lower Basin, according to the agreement, will take incremental shortages of up to 600,000 acre-feet, depending on reservoir elevations in Lake Powell and Lake Mead.

Some of the details haven't been worked out, but the two lakes will equalize their reservoir levels so long as Lake Powell is at a level that allows the Upper Basin states to sustain their current level of development without having to curtail water use to meet their water delivery obligation to the Lower Basin.

When Lake Powell drops below that level, Glen Canyon Dam will have to release about 8.23 million acre-feet annually to absorb the impact of drought. The Upper Basin's current obligation to the Lower Basin is about 7.5 million acre-feet.

As part of the agreement, the Lower Basin states may help pay for weather modification programs in the Upper Basin to augment the amount of water flowing downstream.

The agreement also may allow Nevada to take more than its 300,000 acre-foot share of Colorado River water, said Glenwood Springs water lawyer Jim Lochhead, who is the private legal counsel for Colorado's water users.

Lower Basin states also are looking for other sources of water, Balcomb said.

"For the first time, the Lower Basin is seriously looking at developing water supplies that don't come out of the Colorado River or come through Lees Ferry, Arizona," he said.

The Department of Interior is considering the agreement under the National Environmental Policy Act as one option for dealing with water shortages on the Colorado River. Several others exist, including one put forth by environmental groups that encourages water conservation.


If the Department of Interior adopts the agreement, then Colorado agrees to support it until 2025, Lochhead said.

If the department decides otherwise, Colorado can opt out of the agreement, he said.

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