

Conference Explores the Intersection of Law, Policy and Climate on the Colorado River

By Douglas Kenney, University of Colorado Natural Resources Law Center, Western Water Assessment.

The Colorado River is approaching a crossroads. For the first time in its history, satisfying water demands in one state may require curtailing legally-recognized uses in another. This is not the first instance of water shortages in the region, and conflict among the seven Colorado River states is certainly not new. But the potential shortages on the horizon are larger in scale and magnitude than ever seen before, and the regional insurance policy against this sort of catastrophe, the storage reservoirs of Lake Powell and Mead, are being pushed to their limits.

As shown in Figure 11, water storage has dropped precipitously. The decline of Lake Powell (along the Arizona-Utah border) is particularly alarming; the reservoir has lost more than half its storage in the past four years. Declining water levels have already meant an end to surplus deliveries relied upon by some downstream users, have further stressed environmental resources, and are beginning to impact the

ability to generate hydropower. The long-range fear is that further declines could prevent the upper basin states (Colorado, Wyoming, Utah and New Mexico) from honoring the downstream water delivery obligations (to California, Arizona and Nevada) spelled out in the Colorado River Compact, perhaps triggering a compact call.

Many factors explain this quickly emerging problem. First, population growth in this region is the fastest in the nation, and has fueled increasing demands on the river. Second, the body of law that allocates water among the states promises more water than the system can reliably provide, an error understood for many decades but one that has largely been ignored until the current crisis. And third, severe drought has exposed the limits and increasing vulnerability of the system, forcing policy-makers into rushed negotiations about how to allocate shortages. Inflows to the system in 2004 are estimated at

approximately 51% of normal, following the trend seen in 2000 (62%), 2001 (59%), 2002 (25%) and 2003 (51%).

The WWA is exploring these issues in several projects. In one effort, the WWA has joined with the Natural Resources Law Center and other collaborators to host a conference entitled “Hard Times on the Colorado River: Drought, Growth and the Future of the Compact,” scheduled for June 8-10 at the CU Law School. Key water decision-makers from throughout the basin will come together to explore a variety of topics pertaining to the Law of the River, the ability of the system to meet water delivery and hydropower obligations, potential impacts of shortages to water users and the environment, and solutions for future management. The event is open to the public, although registration is required. More information is available at: www.colorado.edu/law/summerconference/.

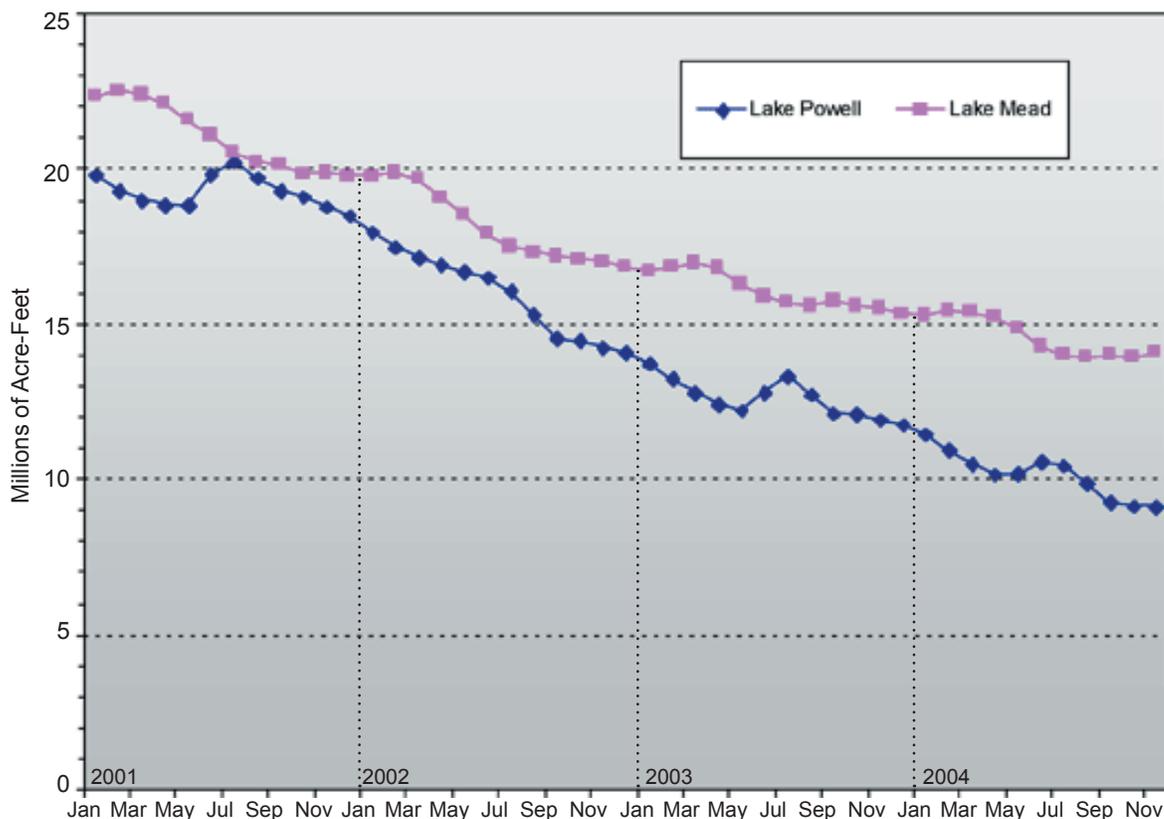


Figure 11. Storage in acre-feet of Lake Mead and Lake Powell from January 2001 – November 2004. Both reservoirs are declining due to the west-wide drought conditions.

