

9-14-2021

Hello, Sublette County, this is Albert Sommers reporting to you from interim work of the 66th Legislature. I was appointed by Governor Gordon to serve on his Colorado River Work Group, and the work group met in Rock Springs on September 7.

The Colorado River Work Group consists of municipal, agricultural, industrial, conservation/recreational and legislative members. These members represent all of the groups with an interest in Wyoming's share of the Colorado River, which includes the Green River basin, Hams/Black Fork basin, and the Little Snake River near Baggs, Wyoming. The members include Ben Bracken and Brad Brooks, representing municipal interests; Aaron Reichl and Ron Wild, representing industrial interests; Chad Espenscheid, representing agricultural interests; Jen Lamb, representing conservation interests; Representative Albert Sommers and Senator Larry Hicks, representing the Wyoming Legislature; and Wyoming State Engineer Greg Lanning.

On September 7, the work group heard updates on issues related to the Colorado River. The drought and resulting poor hydrology of the Colorado River has seen Lake Mead drop to its lowest level since it began to fill after construction. Lake Powell and Lake Mead are managed with the goal of balancing water needs in the Basin. Extremely low water levels this year will result in water being governmentally regulated in Lower Basin states.

The Colorado River is managed by a couple of multi-state compacts and a series of laws and court decrees. All of these together are called "the law of the river." Based upon the Colorado River Compact of 1922, the Upper Basin, which includes Wyoming, shall not cause the flow at Lees Ferry, which lies just below Lake Powell, to be depleted below an aggregate of 75,000,000 acre-feet for any period of ten consecutive years. In the event curtailment of use shall become necessary to maintain the flow at Lees Ferry as required by the Colorado River Compact, the extent of curtailment by each Upper Basin state is determined by the Upper Colorado River Compact. If curtailment were to occur, then all post-1922 water rights could be subject to curtailment to satisfy the Upper Basin's responsibility to the compact.

We have not hit those thresholds yet, but as drought continues, curtailment becomes more likely. The federal government has the right to manage the large reservoirs in the basin within

the scope of the “law of the river,” and we will see some draw down of Flaming Gorge to satisfy water responsibilities in the Lower Basin. By 2026, the Feds and the Colorado River Basin states will have to develop further guidance on the management of these reservoirs.

Wyoming must develop a strategy for the future. The Governor, the Wyoming State Engineer, and Wyoming’s Commissioner to the Upper Colorado River Commission have all the legal authority to make these critical decisions. It is my hope that this newly formed Colorado River Work Group can tackle some of the tough issues surrounding future Wyoming water policy on the river. I subscribe to the old adage “you are either at the table or on the menu.” Everyone in Sublette County has a stake in this discussion.

I can be reached at albert@albertsommers.com with questions or concerns.