

Water Meetings

Hello Southwest Wyoming, I am reporting on the meetings I have attended and participated in this summer related to water. Water is the most critical resource in the West, and especially in Wyoming.

On June 26 and 27 in Cheyenne, I attended a meeting of the Upper Colorado River Commission (UCRC) and Wyoming's Colorado River Advisory Committee. The UCRC is an interstate water administrative agency established by action of five state legislatures and Congress with the enactment of the 1948 Upper Colorado River Basin Compact. The Commission's role is to ensure the appropriate allocation of water from the Colorado River to the Upper Division States of Wyoming, Colorado, Utah, and New Mexico and to ensure compliance with the 1922 Colorado River Compact to the Lower Division States of Nevada, Arizona, and California and to the Republic of Mexico. This commission sets river policy, but always within the confines of each state's water law.

These meetings are totally scripted in executive sessions, and then released to the public in a series of motions. The motions included:

- UCRC staff and state advisors to prepare a proposal for conservation projects that define a mechanism for generating credits resulting from those projects for the Commission's consideration at a late summer meeting.
- UCRC staff to develop the second-year spend plan for the second tranche of BIL/IIJA federal funding (~\$30M) and priorities for consideration by the Commission by August 12.

Perhaps the most impactful statement a UCRC member made concerned a Supreme Court decision out of Texas on the Rio Grande River. The Supreme Court overruled an agreement reached by all affected states, in favor of US interests in a dam. The UCRC is a powerful organization, and water users in the Green River and Little Snake need to monitor everything they do.

On July 9 (Pinedale), July 10 (Kemmerer), and July 11 (Lyman), the State Engineer's Office and the Wyoming Water Development Office hosted extended meetings in the Green River basin on issues related to the Colorado River. They provided a refresher course on the "Law of the River," which highlighted Congressional acts and court decrees that define how water use on the Colorado River occurs. The most important fact to remember is that the Upper Basin, consisting of Wyoming, Utah, Colorado and New Mexico, must deliver 75 million acre-feet of water over the previous ten-year period to Lee's Ferry below Lake Powell, and if the Upper Basin states fail to supply that water, then they must curtail their use until that amount of water is restored to Lee's Ferry. However, because the Colorado River Compact was put in place in 1922, no water right prior to that date is affected by this obligation at Lee's Ferry.

The hydrologic trend has been declining on the Colorado River for some time, and it is possible that the decline reaches the 75/10 trigger by 2030. The Colorado River Compact's curtailment is based upon consumptive use (actually plant water use) versus appropriated water in a water right. However, we have no proven methodology to measure consumptive use during a curtailment. Wyoming has multiple river compacts to comply with, but none include this nebulous term of consumptive use. The Upper Basin is using satellite imagery to calculate consumptive use, but I believe this methodology is less than ideal.

The large reservoirs of Lake Powell and Lake Mead were designed to level out the ups and downs of precipitation in any given year. However, with extended drought these reservoirs have been dramatically reduced, even to the point of threatening the reservoirs' ability to produce power. The Colorado River Compact declares that power generation is subservient to other uses on the river, such as agriculture, municipal, and industrial. However, the Feds are very concerned about power generation and damage to the dam if water in these reservoirs drops too much.

The federal government must decide on new operating criteria for Lake Powell and Lake Mead by 2026. The Lower Basin states have become accustomed to receiving their full allotment of water for decades, while the Upper Basin states have always been subject to the vagaries of

mother nature. A reckoning is coming on the river, and I fear for agriculture in the Green River Valley. There is an old adage; “Water flows to money.” Ag has most of the water and none of the money. Wyoming water law is designed to protect the neighbor’s rights, but more pressure on the price of water will result in more trading of water. My goal is to protect Wyoming’s water, protect agriculture, protect the ecology of these streams and rivers, and work to satisfy a variety of municipal and industrial needs for water. We must figure this out together.

These meetings also addressed the Regional Conservation Project Program (RCP) that was awarded to Wyoming’s Colorado River tributaries through the Natural Resources Conservation Service (NRCS). Wyoming’s Upper Colorado River Basin Water Efficiency and Conservation Project has received \$25 million from this program. It will implement NRCS practices such as converting open canals to pipe, installing sprinkler systems, improving diversions, or lining conveyances on a wide scale to improve efficiency through greater water-use efficiency, decreased system water losses, and improved water management. Contact your conservation district if you wish to learn more about this program.

Inflation Reduction Act (IRA) funding has also been awarded to the Colorado River Basin. The Wyoming State Engineer’s Office staff is negotiating how this money will roll out to states and water users.

Inflation Reduction Act (IRA) Bucket 1 has focused on the System Conservation Pilot Project (SCPP), which pays producers to temporarily shut off water to their fields or show tangible conservation of water. There is an effort in Congress to reup this program. I remain concerned about the SCPP in that the federal government would pay producers to send water out of state. The good thing about the program is that it is temporary, but “buy and dry” can be hard on the community of irrigators because it can reduce the sub in some of these interdependent flood irrigated meadows. The amount of water saved in this program – 37,000 acre-feet in 2023, and 63,000 acre-feet projected in 2024 – represents a drop in the bucket of what is needed in the system.

Legislative Update
Representative Albert Sommers, House District 20, Sublette County, Wyoming

IRA Bucket 2 will focus on long term conservation, while Bucket 1 focused on short term conservation. The spending criteria for Bucket 2W has not been decided upon completely, but Bucket 2E funding will roll out first, and this focuses on environmental projects on rivers to mitigate drought.

If the hydrologic trend on the Colorado River continues to worsen, then we in agriculture will need to make some hard decisions. What we can't do is stick our heads in the sand and hope it all goes away. The preponderance of evidence suggests that it will not. I believe ranchers will have to look at all assets on their ranches, including their water assets, and remain flexible to continue to raise hay and cattle in the Green River Valley. Finally, remember the price of water is not the same as the price of grass hay in the Green River Valley. However, the price of agricultural products is what the Feds are using in their SCPP program to set the price for water. In reality, the price of water is the price for trona, the price of electricity from a power plant, the tap fee in Los Angeles, and the green fee in Phoenix. I attended all these meetings, and continue to learn more about the issues affecting the Colorado River. In order to protect Wyoming's water, you must first educate yourself on the complexities of water in the Colorado River.

The Select Water Committee of the Wyoming Legislature met in Cheyenne May 8-9 and again August 6-8 in Evanston. I am the Vice-Chairman of this committee. The Committee reviews projects suggested by the Wyoming Water Development Commission. These projects are divided into planning projects and construction projects. Due to inflation, several projects require plan amendments to increase their funding. The Committee continues to stay engaged on Colorado River issues. It is also examining a variety of issues concerning ground water.

I strongly believe that Wyoming needs a detailed mapping project of groundwater on the tributaries of the Colorado River, because if a curtailment ever happens, Wyoming will need to know how its groundwater and surface water interact. At our November meeting, the Select Water Committee will coalesce all the water project recommendations from the Water Development Commission into a projects planning bill and a construction bill.

Contact me with questions or concerns at albert@albertsommers.com