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Seven Basin States' Agreement Signed to Improve Colorado River Water Operations

(SANTA FE, New Mexico) — Water officials representing the seven Colorado River Basin States announced the signing of a Basin States' Agreement that will remain in place until 2025.

The Secretary of the Interior, in conjunction with the seven Colorado River Basin States, is currently working on Lower Colorado shortage guidelines and coordinated operating criteria for Lake Powell and Lake Mead under low reservoir storage conditions. The "Basin States' Alternative" is one of five alternatives included in a U.S. Bureau of Reclamation environmental impact statement (EIS) released on February 28, 2007.

The signing of the Agreement is a significant event in improving Colorado River water operations that greatly reduces the threat of litigation among the Basin States over reservoir operations and water uses through 2025.

Each of the Basin States affirms the entitlement of and the right of the other states to develop Colorado River water. The Agreement commits all involved parties to pursue alternative dispute resolution (ADR) in lieu of filing suit for the duration of the Agreement.

"The Agreement helps to protect New Mexico's ability to fully develop its apportionment of water under the Upper Colorado River Compact," said New Mexico State Engineer John D'Antonio. "The next step for New Mexico is to have Congress authorize the Navajo-Gallup pipeline project and the Navajo Settlement. The project fits within New Mexico's compact apportionment, settles the Navajo Nation's water rights claims in the San Juan Basin, and provides a safe, secure source of water to people who currently haul water for several miles to meet their basic domestic need. This is exactly the type of project that the Agreement is designed to protect".

The intent of the "Basin States Alternative" analyzed in Reclamation's EIS – and the provisions in the newly signed Agreement – are to delay the onset of water shortages in the Lower Division States (Arizona, California, and Nevada) and to minimize their extent and duration. At the same time, the intent is to maximize the Upper Division States' protection provided by having Lake Powell storage available to release so as to meet the Colorado River Compact requirement that 75 million acre-feet of water flows past Lee Ferry in each ten-year period. The "Basin States' Alternative" will provide for more efficient operation of the system reservoirs for the benefit of both the Upper and Lower Basins.

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The Agreement also implements a process to develop dedicated water supplies through participation in system efficiency improvement projects and clarifies how Nevada may proceed with uses of tributary waters reaching the Lower Basin mainstream. An important element of the seven States' proposal for the Secretary's shortage guidelines is developing "Intentionally Created Surplus" (ICS) accounting. ICS water accounting provides a means for Lower Basin water contractors to add water to the system through conservation or importation and for the Secretary of the Interior to release water in the future to the Lower Diversion States (Arizona, California, or Nevada) that added the water. Since in "normal" water supply years, the Lower Division States are using their full entitlements of Colorado River water, it is necessary for one of the states to agree to use less water (or "forbear") to allow another state to create ICS water that can be used in subsequent, water-short years. The necessary forbearance authority has been granted by the Arizona State Legislature and the forbearance agreement has been signed by the Arizona Department of Water Resources and the Southern Nevada Water Authority.

Representatives for the seven Colorado River Basin States reached consensus on the tenets of the preliminary Agreement and their proposal for interim Colorado River operations in late January 2006 and transmitted the preliminary agreement and proposal to the Secretary on February 3, 2006 – with the stated expectation that Reclamation would use the proposal as the preferred alternative in the NEPA analysis (EIS) for the Lower Basin shortage criteria and coordinated reservoir operations for Lakes Powell and Mead development process.

Reclamation will identify its preferred alternative in its final EIS and release its Record of Decision to implement the interim shortage criteria by the end of December 2007.

The Colorado River is managed and operated under numerous compacts, federal laws, and court decisions. In 1922, seven states negotiated the Colorado River Compact with the federal government, which defined the relationship between the upper basin states -- where most of the river's water supply originates -- and the lower basin states -- where most of the water demands were developing. Each basin was apportioned 7.5 million acre-feet per year. The upper basin includes Colorado, New Mexico, Utah, and Wyoming. The lower basin includes Arizona, California, and Nevada. The compact also referenced Mexico's right to the Colorado. In 1944, the United States signed a water treaty in which it agreed to deliver an annual quantity of 1.5 million acre-feet of water annual to Mexico.

The New Mexico Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

The New Mexico Interstate Stream Commission is charged with protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

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