

Upper Colorado River Commission – Decision Process and Key Staff

Mission, Authorities and Framework from 1948 Upper Colorado River Compact – Colorado, New Mexico, Utah, Wyoming & US
Commission meets at least twice annually (summer & CRWUA) plus special meetings

Upper Division State Commissioners

Colorado
Becky Mitchell

New Mexico
Estevan Lopez

Utah
Gene
Shawcroft

Wyoming
Brandon
Gebhart

Colorado Staff
Legal
Policy
Technical

New Mexico Staff
Legal
Policy
Technical

Utah Staff
Legal
Policy
Technical

Wyoming Staff
Legal
Policy
Technical

Federal Chair to the Commission

US Chair
Anne Castle



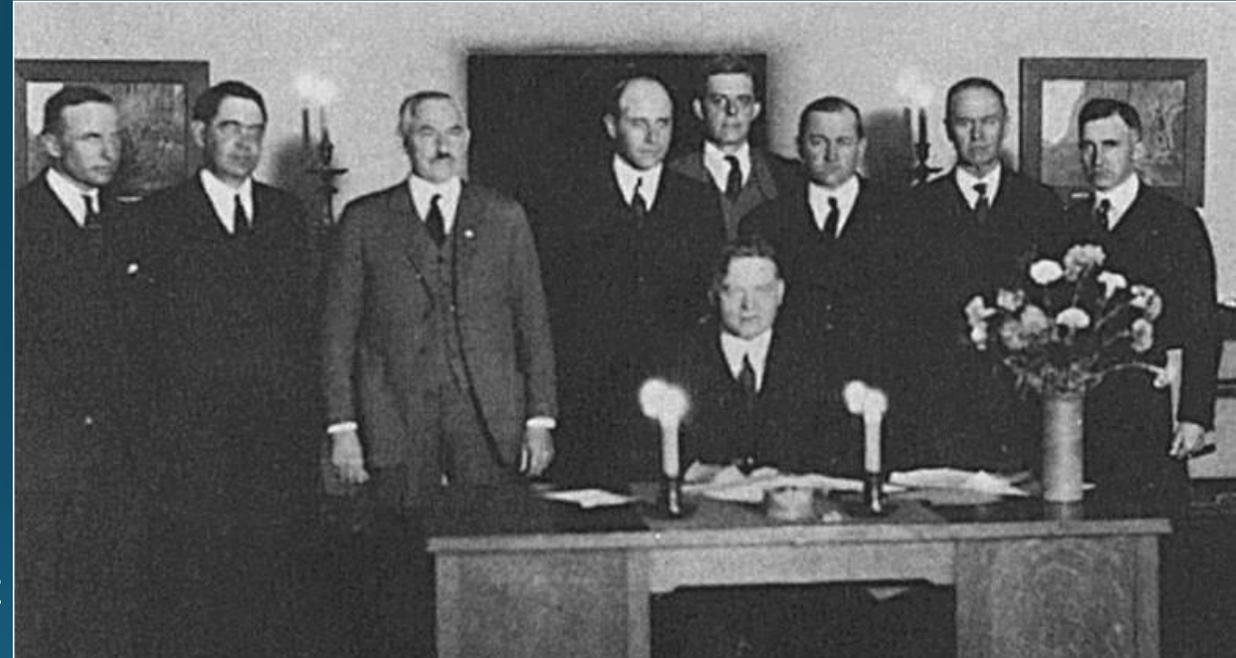
1948 Upper Colorado River Compact

- Creates ability for Upper Basin to implement 1922 Compact
- Establishes apportionments based on depletions from available supply:
 - 51.75% Colorado
 - Includes Ute Mountain Ute Tribe and Southern Ute Indian Tribe settlements
 - 23% Utah
 - Includes Ute Indian Tribe rights and Navajo Nation settlement
 - 14 % Wyoming
 - 11.25% New Mexico
 - Includes Jicarilla Apache Nation and Navajo Nation settlements
 - 50kaf to Arizona
- Establishes the Upper Colorado River Commission with representatives from Colorado, New Mexico, Utah, Wyoming and U.S.
- Collaboration among the Upper Division States to address shared risks, obligations and opportunities
- Resolved uncertainty among Upper Division States PRIOR to additional development



Perspectives on 1922 Compact

- 1948 Compact creates ability for Upper Basin to implement 1922 Compact
- What does the 1922 Compact say?
 - Pursuant to Article III(d), the Upper Division States will not cause the flow of the Colorado River at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet over any ten consecutive years.
 - This may not be a delivery requirement and it may not require a minimum annual flow at Lee Ferry. Rather, it could be a non-depletion obligation which requires inquiry into the causes of the flow dropping below 75,000,000 acre-feet over any ten consecutive years. Additionally, Article III requires consideration of whether Colorado River system water is being reasonably applied to beneficial uses by the States of the Lower Division.
 - Article III(c) provides that the obligation to Mexico is first supplied by surplus. Surplus is water over and above the beneficial consumptive use apportioned in Articles III(a) and (b).
 - At a minimum, before the Upper Division States are required to deliver any water at Lee Ferry to satisfy half the obligation to Mexico under Article III(c): 1) the surplus must be insufficient to satisfy Mexico's right; 2) the deficiency must be recognized; and 3) the delivery must be necessary.



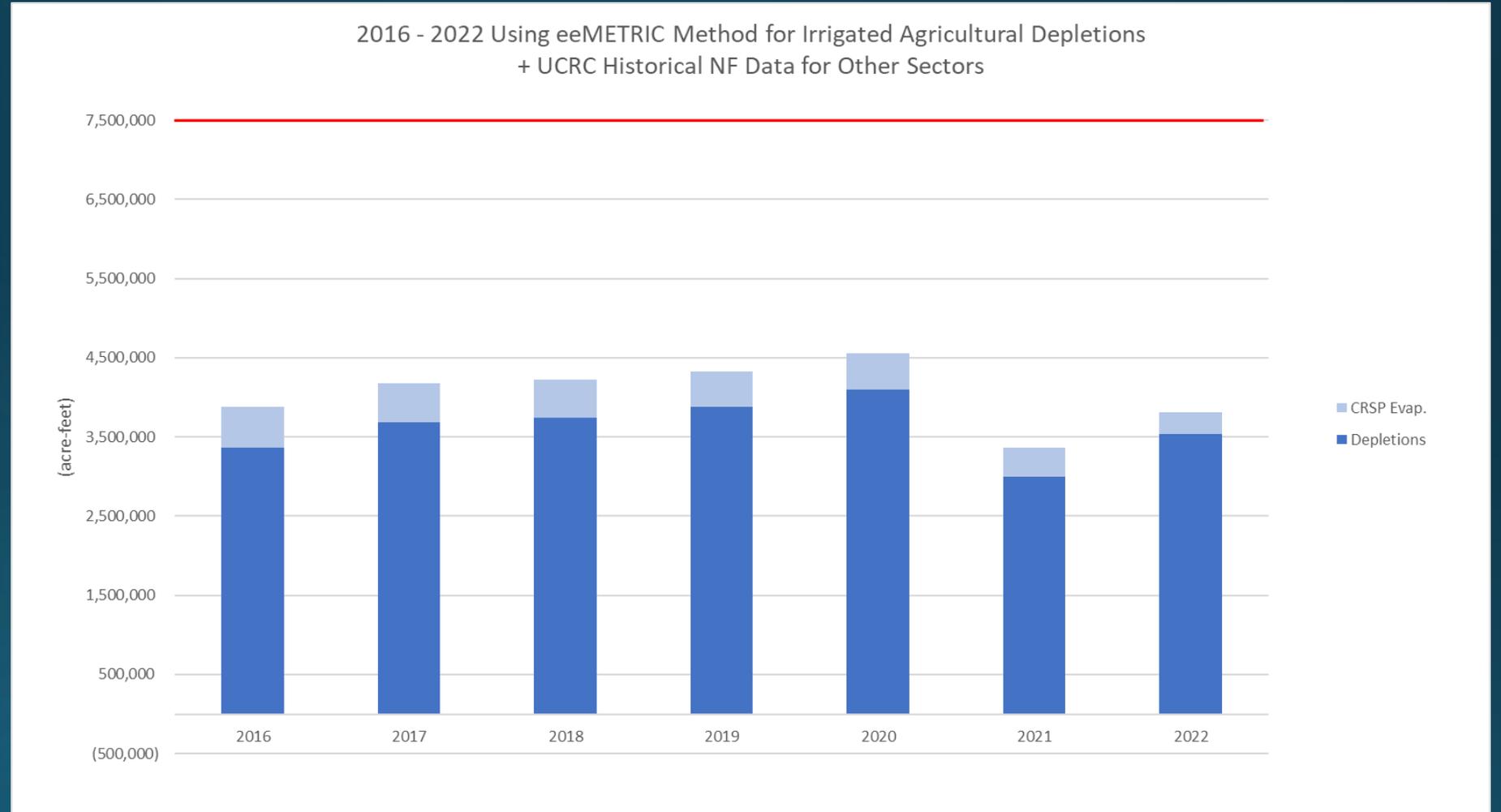
Upper Basin - Lower Basin Key Differences

- Supply Dominated vs Entitlement/Storage Dominated
 - Upper Basin relies on annual runoff
 - Lower Basin relies on storage - uses downstream of Lake Mead
- Complicated and distributed vs Simple and concentrated
 - Upper Basin = 10,000 + turnouts in 4 states
 - Lower Basin ~30 turnouts (mainstem) in 3 states + Mexico
- Depletion accounting vs CU accounting
 - Upper Basin accounts for depletions, CU and Losses
 - Evaporation + Losses + CU = Depletions
 - Lower Basin accounts ONLY for CU
 - Diversions – return flows = CU
 - Evaporation and losses occur in the Lower Basin
 - Lower Basin Mainstem + Mexico depletions (CU + Evap/Losses) routinely 2x Upper Basin
 - Lower Basin + Mexico depletions > 9.0 MAF/yr
 - Upper Basin < 4.5 MAF/yr



Upper Basin Uses 2016 - 2022

- Uses include evaporation & losses
- 2016 – 2022 Depletions < 7.5 MAF/yr
- Uses reflect hydrology



SCPP in 2023 Timeline

- 8/8/22 - Upper Division States acting through UCRC take action to begin to implement the 5-Point Plan – SCPP, DM Studies, DROA Water Management, & new measurement/monitoring infrastructure
- 11/21/2022 – UCRC approves UCRC-BOR SCPP funding agreement, BOR executes agreement on 1/6/2023
- 12/14/2022 – UCRC & BOR Pre-solicitation Notice with 2/1/2023 submittal of proposals (application deadline)
- 12/23/2022 – Congressional authorization for SCPP
- 3/1/23 – Revised application deadline (88 submitted proposals)
- 4/17/23 – 74 proposals moved forward with a Notice of Intent
- 64 projects executed (SCIAs): Conserved Consumptive use ~ 37,810 ac-ft

Lessons Learned – Process

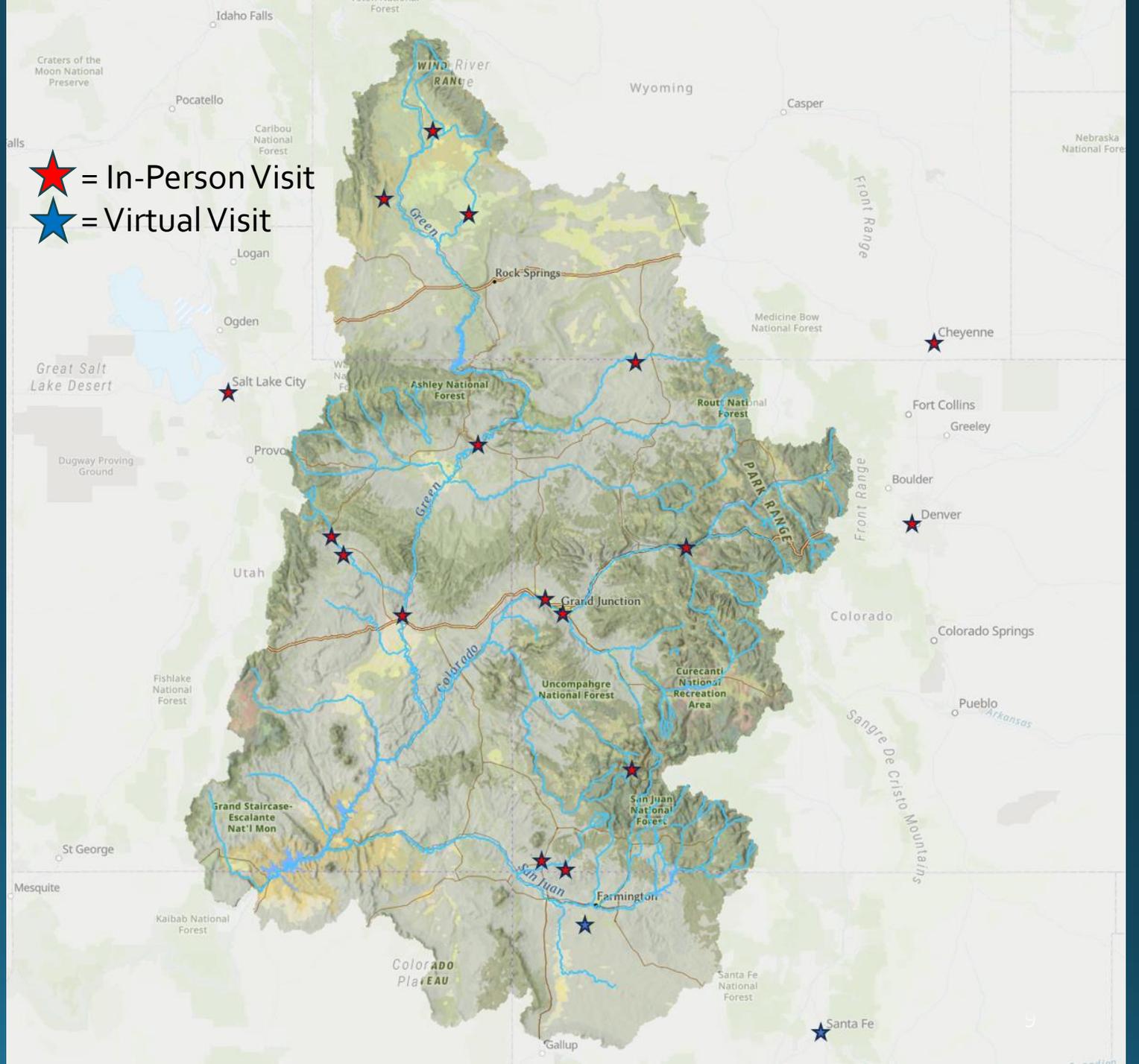
1. Review of 64 SCPP projects and SCIAAs
2. Compile notes and observations from UCRC and WWG staff
3. In-person interviews with UDS staff (virtual with NM)
4. In-person interviews with BOR staff
5. In-person meetings with SCPP participants (~30% of contractors)
6. In-person meetings with written commenters (2)
7. In-person meetings with Tribes (2) and 1 virtual
8. Virtual meeting with NGO commenters
9. Preparation of Lessons Learned draft report

2023 System Conservation Pilot Project Summary

- 88 proposals resulting in 72 qualified projects
- 64 implemented projects
- ~38,000 af of water savings in 2023
- Projects include
 - Fallowing
 - Crop switching
 - Municipal conservation
 - Industrial conservation
 - Tribal participation
- Projects in all 4 Upper Division States



Lessons Learned Partner Engagement



Lessons Learned – Five Themes

1. **Timing** – Start processes in fall (early October)
2. **Pricing** – Provide firm, fixed pricing at the outset (partnership & concurrence from BOR)
3. **Conserved Consumptive Use (CCU)** – Provide clarity and transparency on CCU calculation and the basis of payments
4. **Consistent and Clear Messages** – Persistent and consistent messaging to reduce confusion and mischaracterizations, avoid conflicting statements
5. **Greater Transparency on Approach, Purpose, and Review** – Provide FAQs and map review processes within UDS

Draft report identifies +20 specific recommendations

Messages from SCPP Participants

1. SCPP provides a way to lower risks to try new, innovative strategies and approaches to adapt their production to a drier and uncertain water supply future.
2. Participants seek longer-term programs that provide resiliency through innovation, infrastructure investments, and new water management tools.
3. Participants want to protect vibrant but fragile local economies. They prefer continued production with lower water use over large-scale fallowing.
4. Their water and production are equally valuable. They do not see any of their land or production as “marginal” or “less than” anyone else, locally or across the Basin.

Opportunities to Inform Remaining DM Feasibility Questions Thru Studies & Projects

Discussions with UDS staff and participants show significant opportunities for studies and projects to inform remaining DM feasibility questions and support innovation & local resiliency resulting in water conservation:

DM Studies & Project Opportunities:

- Conservation projects on mainstem and proximal tributaries which minimize shepherding and test accounting
- Conservation to generate storage in an upstream reservoir, and test accounting for storage

Support Innovation & Local Resiliency resulting in water conservation

- Crop-switching and testing CCU estimates & accounting
- Alternative irrigation strategies and test CCU estimates & accounting
- Limited fallowing to support on-farm efficiency improvements, transition to lower water use crops, and test accounting

Potential Range of 2024 SCPP Options

1. No 2024 SCPP Program
2. Maximize 2024 SCPP – implement recommended SCPP improvements with the goal of maximizing 2024 CCU
3. Narrow 2024 SCPP to explore DM Studies and Support Innovation & Local Resiliency – implement recommended SCPP improvements AND narrow project criteria towards remaining DM questions and supporting innovation & local resiliency resulting in water conservation

...Seeking Direction on Next Steps

Water Management & Conservation

UPPER COLORADO RIVER BASIN WATER CONSERVATION EFFORTS

The water conservation activities in the Upper Basin illustrate that water managers and agencies are making every drop count.

Municipal Conservation Best Management Practices:

- Outdoor watering restrictions
- Rebates for low-water landscaping
- Tiered rates
- Low-flow plumbing codes
- Turf removal in all 4 states
- Continuing investments (ex. \$500m in UT in 2021)
- Water recycling

Ongoing Irrigation Conservation Activities:



Per Capita Reductions vs Population Growth Examples by State

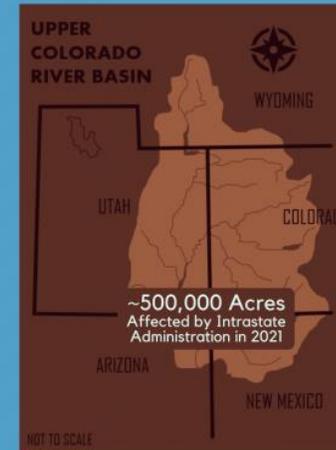


UPPER COLORADO RIVER BASIN DROUGHT IMPACTS

Because Upper Basin states do not have large upstream reservoirs to save supplies for use in water-short years, water users live within the annual available supply. They suffer drought impacts every year.

Examples of Drought Impacts Include:

- Impacts to thousands of water rights
- Shorting pre-1922 Compact rights
- Shut-off of thousands of headgates
- No compensation to farmers for losses
- Impacts to M&I uses
- Impacts to tribal uses (Ute Mountain Ute 90% reduction in water allocation)



75% Cut to Central Utah Project Collection System



25% Reduction in Water Use from 2020 to 2021



40% Cut to San Juan Chama

