

Land Letter - The Natural Resources Weekly Report

COLORADO RIVER: Greater collaboration needed as water supply challenges loom large -- report

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There may be considerable uncertainty about how to stretch the Colorado River's limited supplies to meet growing demand in the seven-state basin, but almost everyone involved in the issue -- from state and federal officials to irrigators to conservationists -- say collaboration will be crucial in solving the basin's increasingly complex water management challenges, a new survey of Colorado River stakeholders has found.

About 30 million people in the United States and Mexico rely on the Colorado for drinking water, irrigation, power plant cooling, and other needs. As the region's population and water demand grows, river flows are decreasing due to increased consumption, a decade-long drought, and climate changes that threaten to make dry conditions the new norm ([Land Letter](#), April 28).

Of the major climate models predicting future conditions in the Colorado Basin, 18 of 19 indicate the region will become drier in the coming decades, with river flows expected to drop by 10 to 30 percent by 2060.

"There was almost a universal statement that conditions are likely to get far worse, and in the near term," said Sarah Bates, a senior associate with the University of Montana's Center for Natural Resources and Environmental Policy, which conducted the survey and wrote a report summarizing the responses on behalf of Carpe Diem West, a San Francisco-based nonprofit that aims to address the impacts of climate change on Western water resources.

The [report](#), "Thinking Like a River Basin: Leaders' Perspectives on Options and Opportunities in Colorado River Management," whose title is an homage to pioneering conservationist Aldo Leopold's seminal essay "Thinking Like a Mountain," is based on interviews with 29 Colorado River stakeholders and experts.

They include Bureau of Reclamation Commissioner Michael Connor, Arizona Department of Water Resources Director Herb Guenther, water law expert David Getches of the University of Colorado Law School, the Environmental Defense Fund's Jennifer Pitt, watershed scientist Jack Schmidt of Utah State University and Western Water Assessment Director Brad Udall, among others. The interviews were conducted confidentially to encourage frankness, Bates said.

The center asked the participants just two questions:

- If the Colorado River continues to be managed under current laws, what conditions do you foresee in 15 years in terms of water shortages, water security and interstate conflicts?
- What might be necessary to achieve a more satisfactory outcome in this time period and beyond?

Many of the respondents expressed concern about increasing demand and decreasing supplies, and the potential for rising tensions in the basin, according to the report. Under the Colorado River Compact of 1922, the upper basin states -- Colorado, Utah, New Mexico and Wyoming -- must deliver a minimum amount of water to the lower basin states of California, Arizona and Nevada.

But if dry conditions continue as predicted, the upper basin states may be unable to expand their use of Colorado River water, even though they are entitled to do so. And while the Law of the River -- the entire body of laws and agreements that govern Colorado River distribution and management -- provides legal rights for the lower basin to receive a certain amount of water from the upper basin, enforcing that right as water becomes more scarce could be difficult.

"There are no guarantees, and only fools think there are," said Eric Kuhn, general manager of the Colorado River Water Conservation District, comprising 15 counties in Colorado's portion of the Colorado River Basin. "I think Colorado is going to continue to develop additional water, but how much, I don't know."

Era of litigation over?

But based on the center's report, it appears unlikely that the protracted court battles of the 20th century, such as the 11-year *Arizona v. California* Supreme Court case in the 1950s, in which Arizona argued that it should receive more Colorado River water, will take place in the 21st century. Rather, momentum is building among the states to collaborate on solutions to the basin's problems.

"They really put a high value on doing things outside of litigation," Bates said.

"Whether they believe in climate change or not, they know the pressures of water use in the basin are becoming more and more acute," added Kimery Wiltshire of Carpe Diem West. "No one's sitting back saying there's no problem in the basin."

A 2007 agreement among the basin states, which laid a framework for how they would share the pain of future water shortages in the basin, demonstrated that collaboration can work to resolve tricky Colorado River management issues, she added ([Land Letter](#), Dec. 13, 2007).

Robert Johnson, who headed the Bureau of Reclamation at that time, said the 2007 agreement is "a really good example" of collaboration among the states and between the states and the federal government. But, he added, the states have been improving their relationships for some time.

"I think everybody understands you can get better solutions through collaboration than court decisions," said Johnson, who was among those interviewed for the report. "Court decisions are like throwing the dice -- you never know what the outcome's going to be. You have more control with collaboration."

Kuhn agreed. "I think there's going to have to be more collaboration," he said. "Everyone's fearful of taking it to court, because once it gets there, nobody knows what's going to happen."

At least one particularly prickly Colorado River Basin issue -- the question of how the states should share responsibility for delivering 1.5 million acre-feet of water to Mexico, as required under a 1944 treaty -- could end up in court, Johnson added. But that is likely only if voluntary discussions fail, he said.

"Even though they have some diverging views on how the river should be operated, I think they have relationships that would allow them to come to the table," Johnson said.

Adding stakeholders

Some of those interviewed also said they felt that establishing a new entity that includes a broader range of stakeholders could allow for greater collaboration and improve decisionmaking.

"Our experience suggests that the conditions may be ripe in the Colorado River Basin to explore some options for complementary processes to involve a wider range of interests to inform future management decisions," the report says. "A broader dialogue could engage people more effectively in understanding and addressing the tough choices ahead in the basin."

But some suggested that with more people at the table, it might be harder to reach agreement. "Theoretically, yes, I'd like to see as many stakeholders as you can, but as a practical matter, I don't see how you're going to get anything done," Kuhn said.

The center's next step is to come up with options for what form such an entity might take, and what kind of process it might use to forge solutions, Bates said.

Overall, the survey revealed a greater willingness to work together on Colorado River Basin issues than many people might think, she said.

"Everyone knows about the conflicts in the Colorado River Basin, and I think it was remarkable to hear people say we're in this together," she said. "It'll be interesting to see where it goes."

[Click here](#) to read the report.

Reese writes from Santa Fe, N.M.