



# MEMORANDUM

**TO:** IEDA Board  
**FROM:** Ed Gerak  
**RE:** Water Committee Report  
**DATE:** April 8, 2024

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## Hydrology

Snow water equivalent is at 113% in early April, just a few days before the typical mean peak. Based on recent runoff history, it is estimated that a 90% inflow into Powell is projected. This translates to about 8 MAF. With the 7.48 MAF releases and evaporative losses, without additional precipitation, Powell will be at roughly the same elevation (3568') at the end of 2024 as in 2023. Mead is being projected at 1058' elevation at the end of 2024, a few feet lower than in 2023. Water Year 2025 is shaping up to be a repeat of 2024 (7.48 MAF out of Powell and Tier 1 Shortage in the Lower Basin).

## Post 2026

The Bureau of Reclamation reported that they received 25K comments during the Post 2026 scoping process. They expect a draft of the Post 2026 Operating Guidelines EIS by year-end. They also indicated that a Final EIS by end of 2025 (probably the big CRWUA announcements).

So far there are 5 distinctive alternatives: Lower Basin, Upper Basin, Tribal, Environmental NGO's & Ecosystem Alternative. The Lower Basin attempts to address the 1.5 MAF in system losses up until a point, and after which there is a shared system losses. The Upper Basin proposal has the Lower Basin taking all the hits, even beyond a certain level. Both the Upper and Lower Basin proposals take a more linear reduction approach, as opposed to the more stair step process right now.

The tribal proposal seems to be more a set of principles that allow them more access/benefits than previous processes. The 3 principles are basically; (1) protect tribal water rights, (2) expand flexible tools to utilize rights, and (3) tribal participation. Given this administration, it is likely to see favorable input in the EIS, but unsure how the final EIS may look if the administration changes. It is unclear if their second principle will allow tribes to lease or sell water who don't currently have a legal right to do this (CRITs needed legislation to be able to lease water recently).

The other two alternatives seem to diverge from annual operations and get into the weeds of inter-year releases. These are mostly for environmental purposes or concerns (temperature, invasive fish, HFEs, etc.). The big concern is that the ecosystem alternative attempts to give the Adaptive Management Work Group authority or oversight in setting the releases. **This must not occur!** This group is heavily pro-environment and blatantly against hydropower. Observing the AMWG meetings, you see the National Park Service have an undue influence on BOR.

### **WIFA**

Chelsea McGuire circulated a notification regarding an upcoming opportunity that irrigation districts qualify for. The Water Supply Development Fund provides up to \$2M in grants and \$3 M in loans for rural water users. The caveat is that it is for entities outside the AMAs.

### **PFAs**

EPA is continuing to seek to finalize the PFAs limits in drinking water. In March 2023, EPA proposed a National Primary Drinking Water Regulation for six PFAS, including PFOA and PFOS as individual contaminants, and PFHxS, PFBS, PFNA, and GenX Chemicals as a mixture of contaminants.

Testing showed that PFAs were present in 1/3 of all drinking water systems tested. Given the delay in finalizing the new standards, this could be subject to the Congressional Review Act. There has been efforts to exempt agriculture or passive receivers from being held liable, but current laws don't provide protection from liability.

## **Army Corps – Wetlands Plan**

Despite a 9-0 ruling, the Army Corps of Engineers is planning to use other existing resources to protect wetlands. The overarching takeaway is, even when you have won, the agencies or administration, can change the rules of the game.

## **State Water Legislation**

Based on discussions with Noel and the ABWC call on Friday, it appears that the Governor is continuing to try to leverage the threat of veto to accomplish her vision of what water legislation in Arizona should be. Her actions have expanded past 1221 and the Gila Bend AMA threat to veto 1081 (BWCDD's bill) if it doesn't move in conjunction with 1172 & 1181.