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DATE: June 12, 2024

MEMORANDUM

TO: Ed Gerak IEDA
FROM: Water Strategies, LLC
SUBJECT: 2024 GWC Conference on the Colorado River

On June 6-7, 2024, Water Strategies attended the 44th Annual Colorado Law Conference hosted by the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment entitled “Next Chapters on the Colorado River: Short-Term Coping, Post-2026 Operations, and Beyond.”

Throughout the Conference’s history, it’s addressed many different natural resource issues, however in more recent years, it has largely focused on water law and policy. The Conference programs is available [HERE](#).

Below is a summary of the relevant speaker and panel discussions from the Conference:

Commissioner Camille Calimlim Touton, U.S. Bureau of Reclamation

Commissioner Camille Touton highlighted the significant progress made in water conservation and management efforts on the Colorado River. She emphasized that due to recent investments and collaboration among the basin states and Mexico, three million acre-feet (MAF) of water will be saved, stabilizing the River.

Commissioner Touton also detailed that the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) has funded more than 537 projects, providing more than \$4 billion in funding. This includes \$179 million allocated for large-scale water recycling projects, \$35 million for small-scale storage and recycling, and \$60 million specifically for the Rio Grande Basin. She also announced an allocation of \$700 million under the Bucket 2 funding guidelines, which will be distributed among all three lower basin states. These projects will be announced on a rolling basis. Additionally, Commissioner Touton addressed the post-2026 guidelines for the Colorado River, indicating that they are actively evaluating various alternatives and concepts submitted by the states.

Governor Jared Polis, State of Colorado

Governor Jared Polis expressed Colorado's strong support for tribal agreements and settlements. He also emphasized the state's commitment to conservation by highlighting the \$220 million state funding in various conservation programs across Colorado. This funding includes initiatives such as turf replacement programs, among others, aimed at enhancing sustainability and environmental stewardship throughout the state.

States Panel

During the panel discussion on the future of the Colorado River's operating guidelines, insights were shared by various stakeholders. Colorado River Commissioner Becky Mitchell expressed optimism about achieving a Basin consensus on the post-2026 operating guidelines, highlighting the common desire among all states to reach an agreement. Arizona Department of Water Resources' Tom Buschatzke echoed this sentiment, noting the states' preference to avoid litigation, although he acknowledged that the final decision is not solely in the negotiators' hands.

JB Hamby of the Colorado River Board of California emphasized the deep commitment to the issue, pointing out that with 30 months remaining until the guidelines are issued, there is ample time to reach a consensus. He also highlighted the unanimous agreement among states on the need to address the structural deficit affecting the Colorado River.

Estevan Lopez, New Mexico's Upper Colorado River Compact Commissioner, described the Upper Basin Proposal, which would impose cuts exclusively on the Lower Basin and establish a release curve based on the water levels of Lake Mead and Lake Powell. In contrast, John Entsminger of the Southern Nevada Water Authority presented the Lower Basin proposal, which advocates for a release curve that considers all storage facilities within the basin and aims to distribute the water cuts more equitably among all states involved.

Tribes Panel

During the tribes panel discussion, tribal leaders shared their insights on the collaborative efforts surrounding the Colorado River's future. Lorelei Cloud, Vice-Chairwoman of the Southern Ute Indian Tribe; Stephen R. Lewis, Governor of the Gila River Indian Community; Dwight Lomayesva, Vice Chairman of the Colorado River Indian Tribes; and Dr. Buu Nygren, President of the Navajo Nation, all contributed to the conversation.

They discussed how the Upper Basin has successfully incorporated six tribes into their decision-making process, highlighting that they are "moving as a unit." This unified approach resulted in an Upper Basin proposal that all parties agreed on.

Additionally, the panelists discussed the newly formed Federal-States Working Group on the post-2026 guidelines, which includes all 38 sovereigns. The tribal leaders discussed the progress this group has made and its historic nature.

Visions of Sustainability: The Long View

During a panel titled "Visions of Sustainability: The Long View," participants shared their perspectives on the future of water management and sustainability. The panel featured Timothy Nuvangyaoma, Chairman of the Hopi Tribe; Jonathan Overpeck from the University of Michigan; and Daryl Vigil from the Water & Tribes Initiative.

Timothy Nuvangyaoma discussed the recently agreed-upon water settlement involving the Hopi Tribe, the Navajo Nation, and the federal government. He highlighted that this settlement had been in the works for 40 years and expressed his satisfaction with its resolution, marking a significant milestone for the involved tribes.

Jonathan Overpeck provided analysis of the current water situation, noting that water storage levels are declining, river flows are decreasing, precipitation is diminishing, and temperatures are rising. He emphasized that climate change is the underlying problem and warned that if current trends continue, even wet years may not provide sufficient relief.

Daryl Vigil then discussed the need for tribal sovereignty to be recognized on an equal footing with that of the states in managing the Colorado River. He stressed that tribes desire equal sovereignty and a significant role in the decision-making processes concerning the River's resources.

Moving from Vision to Action

During a panel titled "Moving from Vision to Action," panelists shared their insights on advancing sustainable water management and inclusion practices. The panel featured John Berggren from Western Resource Advocates, Jason Robinson from the University of Wyoming, and Eric Kuhn, author.

John Berggren discussed the idea of implementing a basin-wide forum to incorporate tribes, ensuring that everyone has a seat at the table. He emphasized the importance of inclusive decision-making processes that recognize and respect the voices and rights of all stakeholders.

Jason Robinson highlighted that water rights are Indian Trust Assets (ITAs) that the U.S. must protect. He underscored the federal government's responsibility to safeguard these assets and ensure that tribal water rights are upheld and respected.

Eric Kuhn provided a critical analysis of the Colorado River Compact, describing it as outdated. He pointed out that the water allocations on which the compact was founded no longer exist, underscoring the need for modernized agreements that reflect the current and future realities of water availability.

Should you have any questions or want additional information, please feel free to contact our office by phoning (202) 698-0690 or Kris Polly directly at (703) 517-3962. We can also be contacted by e-mail at kris.polly@waterstrategies.com.