

Drought Contingency Planning – Demand Management Subcommittee

Southwest Basin Roundtable

65 Cactus Drive, Cortez, Colorado

January 9, 2019 12:30-2:30pm

Roundtable Members Present:

Ken Beegles, At Large Industrial	Carrie Padgett, At Large Domestic
Jarrold Biggs, La Plata County Muni	Al Pfister, San Juan WCD
Greg Black, At-Large	Mike Preston, At Large, Roundtable Chair
Glen Fish, Dolores WCD	Jenny Russell, San Miguel County (phone)
Steve Harris, Legislative Appointee	Mely Whiting, At Large
Celene Hawkins, CWCB Board	John Currier, Colorado River WCD
Kenny Heldman, Montrose County Muni	Bruce Whitehead, Animas La Plata WCD
Phil Johnson, Montezuma County Muni	Bob Wolff, SW Water Conservation District
Ed Millard, Montezuma County	Ed Zink, La Plata County
Peter Ortego, Ute Mountain Ute Tribe	

Other Subcommittee Members Present:

Ken Curtis, Dolores Water Conservancy District
Don Schwindt, SW Water Conservation District
Leland Begay, Ute Mountain Ute Tribe

Public:

Ellen Foster, Public
Logan Gafford, Water User
Ashley Greco, U.S. Representative Scott Tipton
Vern Harrell, U.S. Bureau of Reclamation
Steve Haight, Ute Mtn Ute Natural Resources
Megan Holcomb, CWCB Staff
Ann McCoy-Harold, U.S. Senator Cory Gardner
Mary McAfee, Public
Brent Newman, CWCB Staff
Jerald Peabody, Ute Mtn Ute Tribe Natural Resources
Steve Ruddell, Animas La Plata WCD
Bruce Smart, Dolores WCD
Laura Spann, Recorder, SWCD
Dave Stiller, La Plata County resident
Beth Van Vurst, SWCD Legal Counsel (phone)

1. Introduction and Meeting Purpose

Mike Preston called the meeting to order and introductions were made. The role of the subcommittee is to be a forum to digest information for dissemination through individual agencies, stakeholders, and water users, as well as frame southwest-Colorado specific questions regarding Colorado River management. Carrie Padgett has developed educational materials, which were further discussed and refined as the focus of today's meeting.

2. Draft Educational Documents Review

a. Historical Information Summary

Carrie walked the subcommittee through this draft document, which summarizes key "Law of River" agreements, federal project information, and recent hydrologic conditions. Roundtable members suggested adding a summary of the Mexico minutes, federal legislation guiding Colorado River management, Arizona v. California decree, and transbasin diversion adjudication dates.

b. DCP and DM Synopsis

This draft document provides a quick outline synopsis of the draft drought contingency plan (DCP) and the discussion so far regarding exploration of a demand management (DM) program. Brent Newman, CWCB staff, answered numerous questions from Roundtable members. He summarized Reclamation Commissioner Burman's comments at the Colorado River Water Users Association Annual Conference in Las Vegas in early December, during which she gave the Lower Basins until January 31, 2019 to agree to a DCP, after which point Reclamation will open a comment period and then implement a federal drought contingency plan to manage Colorado River supplies. The Arizona state legislature will have two weeks after they convene on January 14, and the federal government shutdown will also play a role in timing. He addressed the status of federal legislation to implement the DCP and establish the Upper Basin storage pool at Lake Powell. The Roundtable discussed the benefits to the Upper Basin of the Lower Basin DCP, should it be implemented. Specifically, once the Lower Basin DCP is activated, Mexico will also take shortages, and the Lower Basin states will take shortages long before they would have under the 2007 Interim Guidelines. In coordinated reservoir operations, less use in the Lower Basin out of Lake Meade will translate to less pressure on Lake Powell reservoir levels.

Brent and Celene answered questions regarding the CWCB's policy statements regarding demand management, compact compliance, and the DCP. They emphasized the clear delineation between the exploration of a voluntary, temporary, and compensated demand management program and the State's authority to administer water rights for compact compliance. They also reiterated that there has been no exploration or consideration of preemptive or anticipatory curtailment by the CWCB. There was discussion of concerns brought forward by Glenn Porzak in a memo to the River District. The CWCB reiterated that the prior appropriation doctrine would guide any Colorado River compact administration. Members suggested separating compact compliance and demand management in the Roundtable documents. Roundtable members discussed the challenges and complexity of implementing a demand management program. Celene asked the Roundtable not to conflate the difficulty of the program with the need for the program, and the value of developing alternatives to a compact curtailment on the Colorado River.

One member encouraged focus and investment in other aspects of the draft DCP, specifically water supply augmentation strategies such as weather modification, phreatophyte removal, forest health management, and dust-on-snow mitigation. Celene encouraged the Roundtable to publically support increasing appropriations for CWCB's weather modification program in 2019.

John Currier responded to questions regarding the Phase III Risk Study, which provides hydrologic scenarios to guide water management decisions. Phases I & II, as well as the 24-month study by USBR, provide hydrologic forecasts to give stakeholders perspective on the risks to the Upper Basin. Phase III will use 500,000 AF as a goal for conserved consumptive use storage in Lake Powell, as well as model scenarios if the DCP is not implemented. There was discussion around pointing the public to the DCP being a Band-Aid until renegotiation of the interim guidelines by 2026 with negotiations beginning in 2020.

c. Roundtable Outstanding Questions

Questions that require an official State position will be provided to Celene and Brent. Phase III Risk Study assessments can go to John. Some questions may need to be further discussed by the SW Basin Roundtable. Carrie solicited feedback on the questions via email. Ed Millard, Montezuma County Representative to the Roundtable, requested that his questions be answered by CWCB, and Brent agreed to offer answers in writing.

3. Reporting out to Roundtable

During the full Roundtable meeting, the documents available will be summarized in a general way, with the opportunity for dialogue with the public and questions with CWCB. The DCP-DM subcommittee will meet at least quarterly as a vehicle to further digest developments in Colorado River management.