



ADVANCING THE LEGACY

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## Ag Water NetWORK | [www.agwaternet.org](http://www.agwaternet.org)

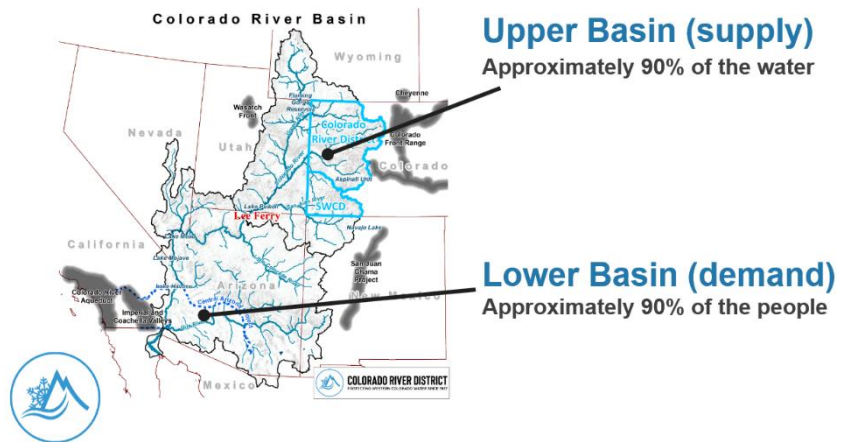
### WEBINAR Highlights – Drought Contingency Plan and the Implications for Colorado

Recorded February 22, 2022

**Presenter: Peter Fleming, General Counsel, Colorado River Water Conservancy District**

#### Colorado River Compact Compliance:

- 1906 – 1999 average annual flow measured at Lees Ferry: **15.2 Million acre-feet (MAF)**
- 2000 – 2021 average annual flow measured at Lees Ferry: **12.4 MAF**
- Art. III(d) of the Colorado River Compact states that the Upper Basin will not cause flow at Lee Ferry to be depleted below 75 million acre-feet (MAF) over a 10 year period.
- This is NOT a delivery obligation.
- Instead, a subtle but important difference: The States of the Upper Division must limit their post compact development of water so that their actions do not cause the flow at Lee Ferry to drop below 75 MAF over a 10 year period.



#### 2. Compact Curtailment:

- A deficit in the amount delivered to the Lower Basin could result in “curtailment” in the Upper Basin.
- **Pre**-compact rights are exempt from curtailment (Art. VIII: “perfected rights are unimpaired”).
- Pre-compact rights make up more than half of the Colorado River Basin (CRB) water used in Colorado.
- **Post**-compact rights are potentially subject to curtailment.
- More than half of the **post**-compact CRB water used in Colorado goes to the Front Range.

#### 3. The Upper Basin Drought Contingency Plan:

- Cloud seeding and nuisance species removal (Tamarisk, Russian Olive)
- Release of water from Blue Mesa Reservoir and other Colorado River Storage Project (CRSP) reservoirs.
- Demand management (conserving consumptive use through a voluntary, compensated effort to put water in a “storage account” in Lake Powell.



HIGHLIGHTS sponsored by CCA, CACD, NRCS



- During the late summer of 2021, the US Bureau of Reclamation (BoR) released 36,000 AF from Blue Mesa Reservoir, severely impacting recreation and fishing on the reservoir along with local business revenue.
- The US BoR does not know if any of the released water actually made it to Lake Powell.
- Water was also released from Flaming Gorge Reservoir in Wyoming (120,000 A) and Navajo Reservoir in New Mexico (20,000 AF).