TESTIMONY OF

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ON BEHALF OF

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BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

# *COLLABORATION ON THE COLORADO RIVER: LESSONS LEARNED TO MEET FUTURE CHALLENGES*

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Madam Chairman and Members of the Subcommittee, my name is Wade Noble. I am an attorney in Yuma, Arizona and I have worked on Colorado River water and power issues beginning in the early 1980s.

I am grateful for the opportunity to testify before the Subcommittee. The hearing focuses on Collaboration on the Colorado River with lessons learned being used to meet future challenges.

**History**

The Law of the River has developed over a century. Entitlements to water and power have been determined through collaboration, consensus, and litigation and decree of the United States Supreme Court.

In this era of drought coupled with growth and increasing demand, we are cognizant of conservation requirements regarding stewardship of water resources and hydropower generation. The lower Colorado River has been developed cooperatively by the lower basin states, Arizona, California, and Nevada. Agriculture and urban users have shared the resource and the attendant responsibilities. The federal government has provided the watermaster of the river and project development. In recognizing responsibilities to water quality and environment, the lower basin states and the federal government have cooperated on the major water quality issue of salinity and developed the Lower Colorado Multi-Species Conservation Program.

In perspective, the most significant challenges on the river have been supply, water quality, and environmental needs. The challenges related to supply have been addressed, in part, by development of storage reservoirs. Perhaps, now is the time to increase development of supply augmentation.

The historic water quality issue has been salinity. Mexico, in particular, raised such significant concerns regarding the salinity of water delivered to Mexico under the Mexican Water Treaty of 1944 that the federal government built the Yuma Desalt Plant (YDP) to reduce the salinity of water delivered to Mexico. The Yuma Desalt Plant was not operated after construction because the United States was able to meet the Treaty salinity requirements without operating the Desalt Plant. However, water needs have given rise to the re-operation of the

Desalt Plant. The result is a plan developed by the lower basin states to help meet supply challenges by operating the YDP.

Environmental challenges rise as the river is developed and used. Many challenges have been addressed as they have occurred. For example, we look at the Lower Colorado Multi-Species Conservation Program as a model of protection for endangered and threatened species. Additional environmental issues remain and it will be incumbent upon those who use the resource to use it wisely and safely.

It is expected that all issues, supply, water quality and environmental, can be addressed by existing local agencies and entities, and state and federal governments.

## Supply

The water supplied by the river has been the primary issue of resolved and continuing conflicts. There simply isn't enough water to meet the needs. Even without drought, state versus state, agriculture versus urban, exist and will continue within the context of state and federal law and regulation regarding water quality and environmental and species protection. The Law of the River has established entitlements and priorities. Among the results are those who have water and those who want water or additional water. Each of the three lower basin states views the river as a "most important" part of its water supply.

Additionally, the hydropower component to the river resource, beginning with Glen Canyon Dam through generation which occurs at various points all the way to Mexico, is significant. Decisions that affect supply, complicated by drought, affect hydropower generation.

### Augmentation

Augmentation has to be considered in any plan to meet demands. Increasing reservoir levels primarily through increasing snow and to some extent rain to the watershed or providing for additional supply in other ways requires working together. Agreement is lacking on augmentation methods. But, the need is great enough for the "sooner rather than later" study and development of methods for causing snow and rain.

The lower basin is supplied by the upper basin. Therefore, for the lower basin to benefit from an augmentation program which brings greater supply, or relieves drought, we must spend the money and find the methods in conjunction with the upper basin to bring about the results to the benefit of all.

### Conservation

Significant efforts are being made to conserve the use of water and power. These efforts must continue and increase. The recent *WaterSMART* initiative by the Department of the Interior was remarkable in its coverage of practices and progress towards cooperative conservation of water and power resources. This initiative needs to be supported and every effort made to maximize the benefits and effects of the various and particular programs which have resulted

from current and ongoing efforts.

## Yuma Desalt Plant

The Yuma Desalt Plant, virtually unused since completion of construction, represents an opportunity to develop supply. The lower basin states are cooperating in the operation of the plant on a test basis. The plant requires significant upgrades in order to operate. The cost of the upgrades is being shared by those who will benefit from the water. As water is processed through the plant and delivered to Mexico, it will be diverted to the benefit of the lower basin states.

The upgrade costs are significant. The price per acre foot of water produced is expensive. It is anticipated that after upgrades the cost per acre foot of water produced will be reduced.

This is an example of what is expected to be a significant augmentation project.

**Hoover Power Allocation Act of 2009 (H.R. 4349):**

The Hoover Power Allocation Act of 2009 (H.R. 4349) reallocates Hoover Power (capacity and energy generated at Hoover Dam). This bill replaces the 1984 act allocations. Working together, the allottees in California, Nevada, and Arizona have negotiated this bill representing a consensus among the 15 allottees for Hoover power.

There is some conflict between the current allottees and "new entrants" principally in Arizona. In Arizona, significant effort is being made to resolve the concerns raised by "new entrants". While we expect to fairly treat all who look to this river resource for needs, present and future, we encourage the passage of H.R. 4349. The Arizona Power Authority is charged with reponsibility for allocation of Hoover Power in Arizona.

## Water Quality

The major historical water quality issue has been salinity. There are other water quality concerns including nitrates.

Several communities along the river have inadequate sanitation systems. These communities need, and deserve, assistance to provide for sewer systems which adequately treat sewage. It is important that these communities receive grants or other financial assistance with which to develop appropriate systems for collection and treatment of sewage.

It appears that this is the appropriate response to nitrate issues on the river. Other water quality concerns have been raised but do not appear to require broad and sweeping changes to regulation of the river.

## Environmental Issues

The Lower Colorado Multi-Species Conservation Program (MSCP) is a model for states

and other entities working with the federal government to protect species. It is a massive, expensive, broad program. From the water user perspective, it provides a practical approach to continued use of the resource. Other perspectives include far-reaching protection for species for a period of 50 years.

The cost to the participants is significant. Local entity participant budgets are stretched to the extreme. Under such circumstances, the cost of continued protection under MSCP can be justified only if the protection exists.

## Addressing the Challenges

The Department of Interior, primarily through the Bureau of Reclamation, continues to take the lead in its role as watermaster of the lower basin. The U. S. Corps of Engineers and other agencies within the federal government have significant roles to play in meeting the challenges on the river.

The allocations of water and power, and the priorities established by the Law of the River should not be circumvented but used as a basis for developing responses to current and future needs. Each entity, local, state or federal, with an interest in the water or power on the river, will act in their self interest in order to meet their needs. This will result in cooperation and conflict. Progress in resolving issues is being made. The framework for continued cooperation while developing conservation of resources and protection of the environment of species and the environment is in place.

## Conclusion

Thank you for the opportunity to present testimony on the challenges and opportunities of working with this great resource - the Colorado River. If there is any additional information that can be provided through me or other service I might offer, please contact me.