

**Statement of Wade Noble
Steering Committee Member
for
Colorado River Multi-Species Conservation Program
Before the House Resources Committee
Subcommittee on Water and Power
HR 5180
October 10, 2006**

Mr. Chairman and members of the Subcommittee, I am Wade Noble, a Member of the Steering Committee for the Colorado River Multi-Species Conservation Program. I am here today to present the views of members of the Steering Committee located in Yuma County, Arizona regarding MSCP and HR 5180.

Communities and agriculture in Yuma County have historically relied on Colorado River water. Some of the most senior rights to Colorado River water are found in the Yuma County Water Users' Association and some of the lands of the North Gila Valley Irrigation and Drainage District. The population of Yuma County, particularly the City of Yuma, is exploding. The City of Yuma with foresight has prepared for the population growth by establishing and protecting its contract for Colorado River water.

The abundant sunshine we enjoy in the area during winter months makes it possible to develop a billion-dollar plus agriculture economy for winter vegetables. From November through February most of the vegetables consumed in the United States come from Yuma County.

Surface water use has been developed with conservation in mind. The federal government in providing for, and managing, use of the Colorado River has done much to mitigate the impacts of operations on the river. Multiple refuges were established with the specific purpose of mitigation. During the planning of the MSCP we sought to insure that the established refuges are part of the Multi-Species Conservation Program and that the Program elements benefit to the greatest extent possible both the refuge system and species conservation.

Additionally, all contractors for Colorado River water are required to establish and annually review the Section 417 Conservation Program Plan. These plans require

each contractor to develop and implement a water conservation plan. Agriculture and the communities in Yuma County have purposefully participated in the process of the development and implementation of MSCP. We have been part of the process since its inception. We have been at the table as it was discussed and we have been at the table as the details were worked out. Having been part of the process we urge the passage of HR 5180.

The beneficial use of Colorado River water in Yuma County is of the utmost importance. The City of Yuma uses Colorado River water as its primary source of domestic water. With regards to species conservation, the City been particularly successful in establishing wetlands areas both on the east and west side of the City along the river.

Yuma County agriculture is the largest agricultural economy of any county in Arizona. More acres are in production with a higher crop value per acre than any other county in the state. Farming technology, particularly with respect to produce, is some of the best in the world. Our growers produce table-quality vegetables subject stringent quality control compliance with food safety and environmental regulations. Conservation of water in agricultural operations is a priority.

It is our perspective that participation in the MSCP provides insurance for future uses of this critical resource. From a practical standpoint, insurance to continue use of the resource is necessary and required but certainly not desirable.

We believe that the program planning and design have been done with great care and are scientifically sound as well as demonstrably beneficial to habitats and species. The costs of MSCP are staggering and controversial. The costs have divided water users in contracting entities because the costs are in support of a program which comes from the Endangered Species Act and has been mandated from Washington. It is unlikely that any future program requiring similar cooperation among contractors or members of contracting entities will be accepted by the contracting entities in Yuma County. The agriculture sector of Yuma County is particularly divided as to the propriety of agriculture participation in funding this Program.

Notwithstanding the enmity which many of us feel towards the Endangered Species Act, which I shall discuss next, we accept that there are some benefits to

the MSCP.

Deliveries to contracts receive protection. Protection is a must. We are not so naive as to believe that our contracts are fully protected by MSCP from attack under the Endangered Species Act. We know that environmentalists may attack through the judicial system at any time. Like every insurance policy, MSCP provides some measure of protection against the environmentalists' attacks.

Another benefit is the Federal Government's acceptance of partial responsibility for the Endangered Species Act. We strongly believe that the Federal Government should be completely responsible for all costs associated with Endangered Species Act mandates. Also, MSCP provides for eco-system management that benefits species in real and realistic ways.

Finally, we view the Endangered Species Act as the problem. The cost of compliance with ESA is not borne by the Federal Government which has mandated enforcement. Species are not protected or conserved under the Act. Property rights, particularly property rights of Colorado River contract holders, are ignored or at risk.

The ESA needs to be changed. There have been significant efforts over the years by members of Congress including members of this committee and others such as Secretary Kempthorne to provide real and realistic conservation of species. We urge you to go beyond MSCP and fix the Endangered Species Act.

Thank you for the opportunity to comment on this legislation. We look forward to working with you to see that HR 5180 is passed and enacted. I would be happy to answer any questions.

DISCLOSURE STATEMENT
of
Wade Noble
Testifying as a Steering Committee Member
for
Colorado River Multi-Species Conservation Program
Before the House Resources Committee
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HR 5180
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Mr. Wade Noble
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Mr. Noble testifies as a voting member of the Steering Committee for the Colorado Multi-Species Conservation Program. Mr. Noble is the Steering Committee voting member for the City of Yuma, North Gila Valley Irrigation and Drainage District, Unit "B" Irrigation and Drainage District, Wellton-Mohawk Irrigation and Drainage District, Yuma Irrigation District and Yuma Mesa Irrigation and Drainage District. He is also an alternate voting member for Yuma County Water Users' Association.

Mr. Noble is General Counsel for Wellton-Mohawk Irrigation and Drainage District, Yuma Irrigation District, and North Gila Valley Irrigation and Drainage District.

Mr. Noble is currently serving as:

1. Gila Gravity Canal Administrative Board-alternate member, the administrative board for the Gila Gravity Main Canal of the Gila, Project Arizona.
2. Yuma Area Water Resources Management Group-member
3. Imperial Dam Advisory Board-alternate member

4. International Boundary and Water Commission Colorado River Citizen's Forum-member
5. Agri-Business Council of Arizona Executive Committee-member
6. Governor's Colorado River Advisory Council-member
7. Arizona Department of Water Resources Statewide Water Advisory Group-member
8. Arizona Colorado River Management Work Group-member (past service)
9. Governor's Clean Colorado River Alliance-member (past service)
10. Vice-Chairman of the Resolutions Committee of the Colorado River Water Users' Association
11. Family Farm Alliance Advisory Committee-member
12. National Water Resources Association
 - a. Policy Development Committee-member
 - b. Co-Chairman of the Water and Property Rights Task Force
 - c. NWRA Director

Mr. Noble is a fourth generation Arizona native. Born in Safford AZ. He graduated from Tempe High School, University of Arizona, and St. Mary's University School of Law (San Antonio TX). His family have been cattle ranchers in the White Mountains of Arizona.

Mr. Noble has received no grants or contracts from the federal government. The irrigation districts he represents have contracts for water (Colorado River) and power (Parker-Davis) from the federal government.

The Gila Gravity Canal Administrative Board has received a Department of Interior Water 2025 Grant in the amount of \$237,000 beginning in 2004. The grant was for the Gila Gravity Main Canal Water Conservation Improvement Project. As part of the same project the Board received a grant from NAD Bank in the amount of \$827,000. A supplemental water conservation grant of just over \$30,000 was received relating to the same project in 2006.

DISCLOSURE REQUIREMENT
Required by House Rule XI, clause 2(g)
and Rules of the Committee on Resources

A. This part is to be completed by all witnesses:

1. Name: Phillip S. Lehr
2. Business Address: 555 East Washington Avenue, Suite 3100, Las Vegas, Nevada, 89101-1065
3. Business Phone Number: (702) 486-2670
4. Organization you are representing: Colorado River Commission of Nevada
5. Any training or educational certificates, diplomas or degrees or other educational experiences which add to your qualifications to testify on or knowledge of the subject matter of the hearing:

B.S. Civil Engineering
Masters of Business Administration

6. Any professional licenses, certifications, or affiliations held which are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing:

Licensed Professional Engineer in Nevada, Wyoming and Vermont

7. Any employment, occupation, ownership in a firm or business, or work-related experiences which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

Environmental Programs Manager for the Colorado River Commission from 1999 to Present
Water Resource Engineer for the Colorado River Commission from 1991 thru 1999
Utility Rate Analyst, Wyoming Public Service Commission 1983 thru 1990
Water Resource Engineer, Wright Water Engineers, from 1979 thru 1983

8. Any offices, elected positions, or representational capacity held in the organization on whose behalf you are testifying:

Chairman, Lower Colorado River Multi-species Conservation Program (LCR MSCP) Technical Workgroup
1998 thru 2005

Colorado River Commission, State of Nevada Representative on various technical committees of the LCR
MSCP Development Team

B. To be completed by nongovernmental witnesses only:

1. Any federal grants or contracts (including subgrants or subcontracts) from the Department of the Interior which you have received since October 1, 2000, including the source and the amount of each grant or contract:
2. Any federal grants or contracts (including subgrants or subcontracts) the Department of the Interior which were received since October 1, 2000 by the organization(s) which you represent at this hearing, including the source and amount of each grant or contract:
3. Any other information you wish to convey which might aid the members of the Committee to better understand the context of your testimony: