



# UPPER COLORADO RIVER COMMISSION

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July 18, 2022

Ms. Camille Touton  
Bureau of Reclamation  
1849 C Street NW  
Washington DC 20240

Upper Division States 5 Point Plan for Additional Actions to Protect Colorado Storage Project Initial Units:

Dear Commissioner Touton,

The Upper Division States of Colorado, New Mexico, Utah, and Wyoming, through the Upper Colorado River Commission (UCRC), are writing in response to your request that the Colorado River Basin States take additional actions in response to the continuing drought and depleted system storage. During your testimony to the Senate Natural Resources Committee on June 14, 2022, you asked the Basin States to develop plans to provide an additional 2-4 million acre-feet (MAF) of water in 2023 to protect critical elevations at Lake Powell and Lake Mead. You also indicated that, absent such plans being developed by mid-August, the Bureau of Reclamation is prepared to take unilateral action under its existing authority to protect the system.

The Upper Division States recognize that bringing the system into balance will require collaboration and efforts from all Basin States and water use sectors. Accordingly, we stand ready to participate in and support efforts, across the Basin, to address the continuing dry hydrology and depleted storage conditions. However, the options the Upper Division States have available to protect critical reservoir elevations are limited. The Upper Basin is naturally limited to the shrinking supply of the river, and previous drought response actions are depleting upstream storage by 661,000 acre-feet. Our water users already suffer chronic shortages under current conditions resulting in uncompensated priority administration, which includes cuts to numerous present perfected rights in each of our states.

In order to proactively support critical infrastructure and resources related to the Colorado River Storage Project Act Initial Units, we have developed a 5 Point Plan. We intend to implement the 5 Point Plan to the extent it is effective, in conjunction with plans developed for the Lower Basin. The components of the 5 Point Plan are as follows:

- (1) Seek amendment and reauthorization of the System Conservation Pilot Project legislation originally enacted in 2014. The amendment will provide for extension of the authorization and reporting periods to September 30, 2026, and September 30, 2027, respectively, and seek funding to support the program in the Upper Basin. Upon obtaining reauthorization, the necessary funding, and finalizing any required agreements, we intend to reactivate the program in the Upper Basin in 2023.
- (2) Commence development of a 2023 Drought Response Operations Plan (2023 Plan) in August 2022 with finalization in April 2023 consistent with the Drought Response Operations Plan Framework (Framework). A 2023 Plan must meet all the requirements of the Drought Response Operations

Agreement and the Framework. These requirements include, but are not limited to, determining the effectiveness of any potential releases from upstream Initial Units to protect critical elevations at Glen Canyon Dam, and ensuring that the benefits provided to Glen Canyon Dam facilities and operations are preserved.

- (3) Consider an Upper Basin Demand Management program as interstate and intrastate investigations are completed.
- (4) Implement, in cooperation with Reclamation, the Bipartisan Infrastructure Law for Upper Basin Drought Contingency Plan funding to accelerate enhanced measurement, monitoring, and reporting infrastructure to improve water management tools across the Upper Division States.
- (5) Continue strict water management and administration within the available annual water supply in the Upper Division States, including implementation and expansion of intrastate water conservation programs and regulation and enforcement under the doctrine of prior appropriation.

The challenges in the Colorado River Basin affect us all and require collaboration across the entire Basin. We request your support as we advance our 5 Point Plan, including for federal legislation to reauthorize the System Conservation Pilot Program and for funding to support the Plan through September 2026.

Reclamation data shows that Lower Basin and Mexico depletions are more than double the depletions in the Upper Basin. Therefore, additional efforts to protect critical reservoir elevations must include significant actions focused downstream of Lake Powell. Otherwise, the effectiveness of our 5 Point Plan will be limited.

We look forward to working with you on this critical effort while also developing sustainable long-term solutions to address the challenges we face in the Colorado River Basin.

Sincerely,



Charles Cullom  
Executive Director  
Upper Colorado River Commission

Cc Rebecca Mitchell, Upper Colorado River Commissioner, Colorado  
Estevan Lopez, Upper Colorado River Commissioner, New Mexico  
Gene Shawcroft, Upper Colorado River Commissioner, Utah  
Brandon Gebhart, Upper Colorado River Commissioner, Wyoming  
Tom Buschatzke, Director, Arizona Department of Water Resources  
Peter Nelson, Chairman, Colorado River Board of California  
John Entsminger, General Manager, Southern Nevada Water Authority  
Tanya Trujillo, Assistant Secretary of Water and Science, Department of the Interior