



# IID

*A century of service.*

www.iid.com

*Since 1911*

November 13, 2020

Bureau of Reclamation  
Attention: Ms. KayLee Nelson, LC-6056  
PO Box 61470  
Boulder City, NV 89006-1470

Subject: IID Comments - *Draft Report, Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead*

Ms. Nelson,

IID has reviewed the *Draft Report, Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead*, and appreciates the opportunity to provide comments. As noted in the Draft Report's introduction, this "is only *one of many* sources of information that will be relied on" to guide the post-2026 operational guideline decision-making process give the multitude of interests that deserve consideration. These guidelines must maintain a delicate balance to ensure a viable, healthy River system while providing long-term operational certainty to the many beneficial users reliant on its water supply. All of this must be accomplished while honoring the many contracts, agreements, compacts, laws and water rights that collectively comprise the Law of the River.

Section 4 of the Draft Report identifies complementary activities since the adoption of the 2007 Guidelines, yet fails to acknowledge any significant precursors to these operational rules that provide ongoing concurrent support, such as the 2003 Colorado River Water Delivery Agreement or the Quantification Settlement Agreement. This series of agreements in particular played a critical role in setting the stage for the 2007 Guidelines, although not without local consequences, by reducing demands on the Colorado River system, and have allowed for the creation of over 6.2 million acre-feet of extraordinary conservation by IID alone since 2003. Operating now in parallel with the Guidelines, the CRWDA and QSA resolved many disputes, addressed certain outstanding tribal water issues, reduced Lower Basin diversions by California's junior priority water users, and provided annual water use limits that continue to provide operational benefits to the system. The significance of these Agreements and the volumes of conservation and demand management they provide to the system should be recognized in the Draft Report.

In the summary of the Drought Contingency Plans (DCPs) near the end of Section 4.2, the text notes that the Lower Basin DCP was designed to "require" Arizona, California and Nevada to contribute additional water to Lake Mead storage at specified elevations, when in fact these were voluntary commitments the participating states agreed to in exchange for other benefits and operational flexibility.

The DCP summary also fails to mention the awkward absence of IID, the largest entitlement holder on the River. This is particularly relevant to any assessment of the 2007 Guidelines since the DCP signatories are now governed by a different set of modified operational "rules", while the 2007 Guidelines alone govern

IID actions (especially as it pertains to the ICS provisions). While it may be premature to analyze the net effects, if any, of varying operational rules – it is a notable consideration that may complicate future operational decisions and modeling efforts. For example, the last paragraph of Section 7.5.1.5 notes that the ICS provision that precludes delivery when Lake Mead elevation is below 1,075 feet has been lowered to 1025 feet through the DCP, yet IID has been advised that this additional flexibility will not apply to its ICS supplies.

Section 4.4 of the Draft Report provides observations regarding supplementary activities that successfully support the 2007 Guidelines, and appropriately recognizes the role of diverse River interests such as the tribes, NGOs, Mexico, municipal water agencies and irrigation districts. This section would benefit by identifying the untapped opportunity to engage the agricultural districts in a manner that does not aim to reduce farmed acreage or dry up this nation's safe and reliable food supply. The vast majority of pilot programs seem to focus on funding fallowing, deficit irrigation, or cropping changes, rather than supporting efficiency-based conservation activities that complement, not constrain, the critical agricultural sector. Reclamation should consider how to better engage and prioritize these senior water users, and develop mutually beneficial opportunities directly with this sector (and not just the municipal/urban water agencies), rather than continuing to push these districts into defensive positions to protect their entitlements.

The 2007 Guidelines are built on four core operational elements; shortage guidelines, coordinated reservoir operations, storage and delivery of conserved water (Intentionally Created Surplus) and surplus guidelines. Obviously, the shortage and surplus guidelines bookend the operations based on the ups and downs of the River's hydrology – but it is the coordinated operations and ICS alternatives that have provided the greatest operational benefits to the system.

With regard to the shortage operating conditions documented in Section 7.4.1.3, the Draft Report suggests, “the shortage elevations and volumes specified in the Guidelines were not sufficient to keep the *risk* of Lake Mead falling to critical elevations at a *comfortable level*” (emphasis added). While the quantification of a comfort level of risk is subjective, the effectiveness of this element of the 2007 Guidelines is clear: despite a record-breaking drought, the system has not yet operated under a shortage condition or required even the first stage of shortage reductions from a three-tiered system.

Table 3 of Section 7.5 summarizes conservation benefits attributable to the ICS element, but does not clarify the distinction in extraordinary conservation requirements for storage in Lake Mead (ICS) versus IOPP repayment. Additionally, Section 7.5.1.1 describes the restrictive nature of the approval process currently necessary to expand the list of measures authorized for Lake Mead storage. Reclamation should also consider addressing the agency-specific limitations of these approvals and consider a universal list of authorized conservation measures for contractors; wet water is wet water and the potential benefits of the ICS element are hampered by a basin-wide approval process or need for congressional action. Table 3 also illustrates a gap in ICS conservation measures relevant to agricultural districts and tribes such as irrigation system and on-farm efficiency improvements.

Section 7.5.1.2, focusing on ICS creation, appropriately calls out the need for flexibility to address an increase in an agency's annual ICS Creation Plan, but the review should also note that this can result in an agency submitting a plan with larger ICS estimates than are likely to occur in order to accommodate

changed conditions the following calendar year. This complicates operational planning and can contribute to forecast inaccuracies or require more complicated “extraordinary exceptions”.

IID considers the ICS element one of the most beneficial aspects of the 2007 Guidelines, but as originally constructed, it has also been a limiting factor and served as a roadblock to increasing conservation. The opportunity to improve upon and expand the ICS program’s limited operational flexibility, in a system that is half-empty and approaching shortage triggers – is a no regrets action that should be a priority. ICS storage is the hydraulic equivalent of a bank savings account; it makes no sense whatsoever to discourage or cap the use of this tool by any Section 5 contractor through operational rules that are limiting or provide disincentives to the flexibility the ICS element could add to the system. The Draft Report should address this more specifically, as conservation that could benefit Lake Mead is instead being scaled back or put into off-River storage alternatives, and expansion or development of new off-River facilities could ultimately contribute to additional reservoir declines if the ICS opportunities are not expanded.

Finally, the Draft Report and particularly the analysis of the ICS element appears to be influenced and at times overshadowed by the inordinate consideration of operational agreements that have built upon or supplemented the 2007 Guidelines. Reclamation should consider moving Section 4 into the Report Appendix or reviewing the Draft Report to ensure the effectiveness review is focused on the 2007 Guidelines, and not influenced by other post-2007 operational agreements.

IID appreciates the effort that went into this Draft Report and looks forward to working with Reclamation on this and other Colorado River management issues.

Sincerely,

A handwritten signature in black ink that reads "Tina Shields". The signature is written in a cursive, flowing style.

Tina Anderholt Shields, PE  
Water Manager