



## YUMA COUNTY WATER USERS' ASSOCIATION

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December 11, 2023

The Honorable Camille Touton  
Commissioner  
U.S. Bureau of Reclamation  
1849 C Street, NW  
Washington, D.C. 20240

Re: *Yuma County Water Users Association's Comments on Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations*

Dear Commissioner Touton:

The Yuma County Water Users Association (the "Association") appreciates the opportunity to provide comments on the Bureau of Reclamation's ("Reclamation's") October 2023 Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations (the "Revised Draft SEIS"). The Association is a private, not-for-profit corporation validity existing under the laws of the State of Arizona and was incorporated in 1903, just one year after the passage of the Reclamation Act.

The Association is situated in Yuma, Arizona, which is known as the Nation's Winter Salad Bowl Capital because it is responsible for 90% of orth America's vegetables and leafy greens during the winter months. Yuma's farmers have invested substantially in on-farm infrastructure to obtain improvements in water use efficiency and are widely acknowledged as the most efficient agricultural users in the Colorado River Basin. Yuma has achieved these efficiencies through a combination of multi-crop production systems, improvements to on-farm infrastructure, and district-wide modifications.

The Association's shareholders are the water rights owners in Reclamation's Valley Division of the Yuma Project. They farm approximately 45,000 acres of prime farmland and produce over 80,000 crop acres annually due to year round multi-cropping. In the fall and winter, Yuma farmers grow vegetables such as lettuce, spinach, kale, and cabbage; then, in the spring and summer, they switch out the winter vegetables for other crops, such as melons, wheat, and sudan grass.

With Present Perfected Rights (PPRs) dating back to 1902, the Association's shareholders are among the most senior Colorado River water entitlement holders in the state of Arizona. The Association maintains that compliance with the Law of the River and adherence to the priority system are paramount.

The Association appreciates that Reclamation considered compliance with the Law of the River in the Revised Draft SEIS's discussion of "Alternatives Considered but Eliminated from Detailed Analysis." See, e.g., Sections 2.8.2, 2.8.2, and 2.8.3. Nonetheless, in Section 2.4, Reclamation reserves the right to "select different parts of any of the alternatives to best meet the purpose and need." The Association notes that former Action Alternative 2 envisioned reductions that did not comport with the priority system and thus ran afoul of the Law of the River, threatening the well-entrenched PPRs belonging to the Association's landowners and others. The Association urges Reclamation to refrain from borrowing from former Action Alternative 2 or any other alternative that would imperil PPRs.

By providing these comments, the Association does not waive any rights, claims, or defenses that it may have or that may accrue under any existing federal or state law or administrative rule, regulation, or guideline. Moreover, the Association's silence with respect to any particular aspect of the Revised Draft SEIs shall not be construed as an endorsement or an admission with respect to any factual or legal issue for the purposes of any future legal, administrative, or other proceeding. The Association reserves the right to provide further comments to Reclamation as appropriate.

The Association appreciates the opportunity to provide these comments and looks forward to working cooperatively with Reclamation and other stakeholders to continue to protect the Colorado River.

Sincerely,

A handwritten signature in cursive script that reads "James H. Auza".

James H. Auza  
President Board of Governors  
Yuma County Water Users' Association