

SALMON, LEWIS & WELDON, P.L.C.

Attorneys at Law

Riney B. Salmon II (Retired)
John B. Weldon, Jr.
Mark A. McGinnis
Kristin D. Magin
Blake W. Rebling
Michael K. Foy
Jonathan K. Charlton

2850 E. Camelback Road, Suite 200
Phoenix, Arizona 85016
Telephone 602-801-9060
Facsimile 602-801-9070

M. Byron Lewis
Lisa M. McKnight
James R. Huntwork
Douglas J. Kunath
Daniel B. Jones
Katrina L. Wilkinson

Of Counsel

Paul R. Orme, P.C.
G. Van Velsor Wolf Jr.
George J. Coleman, III

Writer's Direct Line
602-801-9083

Writer's Internet Address
dbj@slwplc.com

December 20, 2022

The Honorable Camille Calimlim Touton, Commissioner
Bureau of Reclamation
1849 C Street, NW
Washington, DC 20240

Reclamation 2007 Interim Guidelines Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, UT 84138

Re: Supplemental Environmental Impact Statement for 2007 Interim Guidelines

Dear Commissioner Touton:

We are writing on behalf of Central Arizona Irrigation and Drainage District ("CAIDD"), Maricopa-Stanfield Irrigation & Drainage District ("MSIDD"), New Magma Irrigation and Drainage District ("NMIDD"), Queen Creek Irrigation District ("QCID"), and San Carlos Irrigation and Drainage District ("SCIDD") (collectively "Districts") regarding the Bureau of Reclamation's ("Reclamation") Notice of Intent to Prepare a Supplemental Environmental Impact Statement for 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead, under Federal Register Notice 87 FR 69042 ("Notice").

The Notice indicates that Reclamation anticipates proposing modifications to the 2007 Interim Guidelines for 2023 and 2024, and potentially for subsequent years. In particular, Reclamation expects to propose changes to Section 2.D of the 2007 Interim Guidelines to raise Lake Mead shortage determination elevations and/or increase shortage reductions in the Lower Basin; Section 6.C of the 2007 Interim Guidelines to release less than 7.0 million acre-feet from Lake Powell; and Section 7.C of the 2007 Interim Guidelines to provide for potential mid-year delivery reductions in the Lower Basin.

The Districts recognize that the Colorado River Basin ("Basin") faces a real crisis requiring immediate water use reductions to protect the Colorado River system. The Districts question the utility of raising shortage determination elevations, however, because the water elevation at Lake Mead is virtually certain to remain below existing shortage tier

elevations during the remainder of the Interim Period. Thus, raising shortage determination elevations seemingly would serve little purpose but to set potential future expectations for determinations after the Interim Period, which the Districts believe is beyond the scope of this exercise and its stated purpose.

The Districts acknowledge that additional delivery reductions in the Lower Basin may be unavoidable for 2023, 2024, and potentially subsequent years during the Interim Period. The magnitude of the reductions required to protect critical Lake Mead elevations, particularly if coupled with reduced Lake Powell releases, far exceeds Arizona's capacity to continue bearing the bulk of shortage reductions as has been the case under the 2007 Interim Guidelines and Drought Contingency Plan ("DCP"). Merely increasing Lower Basin shortage volumes in the existing framework such that the Central Arizona Project ("CAP") supply is nearly or entirely eliminated would be untenable, would yield devastating consequences, and would fail to conserve quantities sufficient to meaningfully improve Lake Mead conditions. Therefore, in proposing modifications to Section 2.D to address the current emergency in the Basin, the Districts urge Reclamation to use all tools available to equitably and/or proportionally allocate additional shortage volumes in the Lower Basin.

The Districts also appreciate the need to protect elevations in Lake Powell for the overall health of the Colorado River system, continued deliveries of water to the Lower Basin, and generation of hydropower on which many of the Districts rely to produce and distribute irrigation water. Nevertheless, reducing Lake Powell releases significantly affects Lake Mead elevations, and could immediately cause Lake Mead elevations to plummet to levels that render Lower Basin delivery reductions and conservation efforts moot. The Districts contend that it is important that Reclamation continue operating Lake Powell and Lake Mead in a coordinated manner that balances storage in each reservoir to the extent feasible. Likewise, given the dramatic impacts of lower Lake Powell releases under the current circumstances, further reducing releases from Lake Powell should be considered a last resort action to be taken only if necessary to protect the integrity of the system and the ability to continue releasing water from Glen Canyon Dam.

Conditions in the Basin today plainly warrant prompt action by Reclamation and all water users. In crafting potential modifications to the 2007 Interim Guidelines, however, the Districts urge Reclamation to focus on actions necessary to respond to the current emergency situation during the Interim Period without attempting to develop permanent or long-term operational changes that might become the default starting point for the entire successive period under the next set of guidelines. Any long-term changes to shortage and reservoir operations guidelines should be developed and discussed more fully over the course of the ongoing reconsultation process rather than adopted under the tight timeframe and pressure required to address the immediate crisis.

The Districts appreciate the opportunity to provide input on Reclamation's potential modification of the 2007 Interim Guidelines. Please do not hesitate to contact us if you have any questions.

Very truly yours,

Salmon, Lewis & Weldon, P.L.C.

By

A handwritten signature in blue ink, appearing to be 'D. B. Jones', written over a horizontal line.

Daniel B. Jones

Paul R. Orme