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The Honorable Debra Haaland, Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Tanya Trujillo, Assistant Secretary for Water and Science
Department of the Interior
1849 C Street, NW
Washington, DC 20240

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

Re: Post-2026 Colorado River Operational Strategies, 87 FR 37884

Dear Secretary Haaland, Assistant Secretary Trujillo, and 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") request for input on the development of post-2026 Colorado River operational strategies under Federal Register Notice 87 FR 37884.

The Districts are responsible for managing and delivering irrigation water supplies for agriculture on more than 260,000 acres located in central Arizona. The Districts historically have relied on Central Arizona Project ("CAP") water to meet irrigation needs. In connection with the Arizona Water Settlements Act of 2004 and underlying settlement agreements, the Districts relinquished long-term subcontracts and allocations of CAP Non-Indian Agricultural ("NIA") Priority water to help facilitate Indian water rights settlements and resolve CAP repayment issues. In exchange, the Districts received construction debt relief and a dedicated pool of CAP water to be delivered at the cost of pumping energy only through 2030 ("Ag Pool"). The dedicated Ag Pool was key for the Districts' willingness to participate in the settlement of CAP repayment disputes and Indian water rights claims, and it has helped sustain agricultural production that remains a cornerstone of the regional economy.

The Ag Pool is a category of “Excess Water” as defined by the CAP Repayment Stipulation established exclusively for agricultural subcontractors such as the Districts. As a subcategory of Excess Water, the Ag Pool is among the first CAP supplies to suffer shortage under the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (“2007 Guidelines”) and Lower Basin Drought Contingency Plan (“DCP”). With the water delivery reductions borne by Arizona under the 2007 Guidelines and DCP, no Ag Pool water is available whatsoever starting at a Tier 1 shortage.

To partially mitigate the harm to central Arizona agriculture resulting from the abrupt elimination of the entire Ag Pool, the Districts were granted access to substitute supplies amounting to approximately one-third of the normal Ag Pool through 2022, and funding intended to expedite the Districts’ ability to construct infrastructure to produce a total of 70,000 acre-feet of groundwater starting in 2023. The 70,000 acre-feet of groundwater that the Districts hope to produce is merely a fraction of the annual Ag Pool supply that otherwise would be available through 2030, however.

At the time the Districts agreed to relinquish their NIA allocations, neither the 2007 Guidelines nor DCP shortage tiers existed. Likewise, Excess Water was expected to remain available through 2030 in quantities large enough to provide a buffer protecting the Ag Pool from potential Colorado River shortages. Thus, notwithstanding the Ag Pool’s lower priority, the Districts reasonably expected to receive their Ag Pool water each year through 2030 and could not have anticipated the level and persistence of the shortage risk that they now face under the 2007 Guidelines and DCP.

The Districts recognize that the Colorado River Basin faces a real crisis requiring immediate water use reductions to protect the Colorado River system. Nevertheless, during the term of the next set of guidelines that will govern operations after 2026, it is fair to anticipate better conditions at least some of the time. Under the framework established by the 2007 Guidelines and DCP, projecting water elevations mere inches above or below a designated elevation triggers dramatic changes in available water supplies. Simply extending that existing model beyond 2026 to provide for larger reductions to Arizona’s water supply starting at higher water elevations could all but ensure that the Districts never have access to Ag Pool water through 2030 or Excess Water in future years. CAP water is a critical resource for agriculture in the Districts, even in quantities less than the Districts have received historically. Adopting operational guidelines that effectively deem CAP agricultural uses as expendable under nearly all conditions would be untenable.

The total loss of CAP water that the Districts currently face will result in significant following and will put the viability of central Arizona’s agricultural economy under serious strain. Whether through the Ag Pool or a future program, CAP water can be made available in amounts too small to have an appreciable impact on the Colorado River system, yet sufficient to meaningfully support agricultural production in the Districts. The Districts urge Reclamation to consider expectations and needs regarding the Ag Pool, as well as sustainable amounts that could be delivered by CAP for irrigation uses at higher lake elevations if and when the system recovers from the current emergency.

The Districts appreciate the opportunity to provide input on Reclamation's post-2026 Colorado River operational strategies. Please do not hesitate to contact us if you have any questions.

Very truly yours,

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

By 
Daniel B. Jones
Paul R. Orme

cc: Senator Kyrsten Sinema
Senator Mark Kelly
Speaker Rusty Bowers
Representative Gail Griffin
Senator Sine Kerr
Director Tom Buschatzke, ADWR
General Manager Ted Cooke, CAWCD