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March 2, 2026

The Honorable Scott J. Cameron  
Acting Commissioner  
U.S. Bureau of Reclamation  
1849 C Street, NW  
Washington, D.C. 20240

RE: City Council of the City of Yuma Comments on Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead – Draft Environmental Impact Statement

Dear Commissioner and Staff:

The City Council of the City of Yuma respectfully submits the following comments on the Draft Environmental Impact Statement (EIS) for the Post-2026 Colorado River Operational Guidelines. As a Colorado River community that depends entirely on this supply, the City of Yuma is focused on maintaining long-term water delivery reliability for our community and local economy.

## **BACKGROUND**

The City of Yuma is a direct diversion community holding Priority 1 and Priority 3 Colorado River contracts and relies exclusively on the Colorado River as its sole municipal water supply. Yuma does not have another viable source and any groundwater within the City of Yuma jurisdictional boundaries is considered to have a nexus to the Colorado River and would be debited to Yuma's entitlement. The reliability of this supply is essential to the health, safety, and economic stability of our residents and businesses.

The City Council supports operational strategies that maintain reservoir elevations at levels necessary to protect River system integrity and ensure delivery reliability and hydroelectric power generation. Sustained protection of Lake Mead and Lake Powell is critical to preventing emergency conditions, avoiding abrupt operational changes, and reducing the risk of supply interruptions for sole-source municipal communities such as Yuma.

## **DISCUSSION**

### **A. Reclamation Must Recognize Long-Standing Law of the River Precedents**

The Yuma City Council urges Reclamation to implement a framework that preserves Priority-based allocations and recognizes the long-standing reliance interests of sole-source on-River users. Shortages on the Colorado River have been anticipated for decades and should not come as a surprise to any Colorado River user. The very purpose of the Law of the River is to address shortage conditions, and a simple pro rata reduction would undermine the long-established legal framework and precedent governing the system. This is not the time to dismantle a stable and carefully developed structure.

Accordingly, the City respectfully submits that pro rata reductions should be considered only under extreme system conditions necessary to protect life, safety, or critical operations, and should not supplant the established Priority framework. Furthermore, any implementation of pro rata reductions within a state must not override existing priority systems or contractual delivery protections.

**B. An Accurate Accounting of All Colorado River Water Users in the Upper Basin and Lower Basin is Necessary**

City Council strongly encourages Reclamation to implement a comprehensive and transparent accounting of all users of the Colorado River in both the Upper and Lower Basins. An accurate, consistent, and publicly accessible reporting framework, grounded in verified diversion, consumptive use, return flows, and system losses, is essential to informed decision-making and long-term River sustainability. Clear accounting will promote equity among basin states, improve confidence in shortage determinations, and ensure that conservation contributions are properly recognized. Moreover, it will build trust amongst the users and will give Reclamation a stable foundation. At a time when every acre-foot matters, reliable data and uniform methodologies across basins are critical to maintaining the integrity of River operations and supporting durable, collaborative solutions. In City Council's opinion, this foundation is a prerequisite to any sustainable operations moving forward.

**C. Recognition of the City of Yuma's Long-Term Conservation Efforts**

Yuma has made long-term investments in water-system efficiency and conservation and routinely diverts less than half of its full entitlement, leaving significant volumes in the Colorado River to support overall system health. This operational approach should be considered when evaluating shortage methodologies to ensure that users like Yuma, who have demonstrated responsible stewardship and proactive conservation, are not penalized for reducing their consumptive use. Any required shortages should be calculated based on established entitlement amounts, rather than on already reduced levels of use that reflect successful conservation efforts.

**D. Continued Recognition of the Significance of Yuma's Consumptive Use and Return Flow Credits**

City Council requests that the Final EIS explicitly recognize the importance of accurate consumptive use accounting and the continued application of return flow credits. Yuma returns treated wastewater to the Colorado River, providing a measurable and reliable benefit to the overall system. These return flows are also an integral component of the Republic of Mexico's water-sharing treaty with the United States. Preservation of return flow credit treatment is essential and should be clearly and affirmatively reflected in the final operational framework.

**E. Review and Reform of Current Intentionally Created Surplus (ICS) Regulations, or alternatively, Elimination of the ICS Program Completely**

The City Council is concerned that ICS increases delivery risk within the Colorado River system and disproportionately shifts that risk to senior priority and direct diversion users. Under current hydrologic conditions, it is widely recognized that ICS cannot continue in its existing form without heightening risks to the River system and to direct diversion communities such as Yuma. As noted above, Yuma has long engaged in demonstrable conservation efforts and routinely saves approximately half of its contracted allocation, an achievement that reflects sustained investment and responsible stewardship. Yuma is not eligible to participate in the ICS program. Thus, its actual, verifiable conservation of Colorado River water is not formally recognized, and the system benefits created by Yuma's intentional savings are effectively claimed as ICS by other entities.

ICS should be limited to River water conserved through clear, demonstrable actions within a participant's own allocation and should not rely on swept water, complex accounting mechanisms, or third-party conservation arrangements. Storage caps should be reduced, carryover flexibility appropriately constrained, and any ICS stored in the system should remain unavailable for use until operating conditions stabilize sufficiently to ensure reliable water supplies and sustainable hydropower generation.

**F. Reclamation Must Restrict Any Transfers of Colorado River Water in Arizona**

The City Council respectfully requests that the United States Bureau of Reclamation, in the Final EIS and any associated Record of Decision, clearly evaluate and appropriately restrict any transfers of Colorado River water from on-River entitlement holders in Arizona to off-River metropolitan areas. The EIS should comprehensively analyze the potential impacts of such transfers on priority administration, delivery reliability, return flows, and the economic stability of direct diversion communities. On-River users have developed infrastructure, agricultural production, and local economies in reliance on established entitlements and proximity to supply. Authorizing substantial reallocation to urban areas without robust safeguards could undermine those reliance interests and shift additional operational and shortage risk onto senior priority users.

If Reclamation determines that on-River water transfers may remain viable under certain circumstances, the City Council urges the agency to prohibit any such transfers during declared Tier shortage or drought conditions. In addition, a clearly defined period of normal or stable River system operations should be established and maintained before consideration of any transfer to ensure long-term system reliability. The Final EIS should therefore ensure that any transfer mechanisms preserve existing entitlements, protect direct diversion communities, and avoid increasing system vulnerability.

**CONCLUSION**

From the City of Yuma's perspective, the ongoing shortages on the Colorado River are a serious regional concern, but they must be addressed in a manner that respects the Yuma region's long-established priority water rights. As one of the most senior water users in the Lower Basin, Yuma's farmers, businesses, and residents rely on legally recognized entitlements that have been

fundamental to the region's agricultural productivity and economic stability for generations. While we acknowledge the pressures created by prolonged drought, climate variability, and system overuse, solutions must uphold the Law of the River and the priority framework that has long governed allocations. Yuma remains committed to conservation, efficiency, and collaborative basin-wide planning, but any response to shortages must protect senior rights and ensure that communities with priority entitlements continue to receive the water on which they depend.

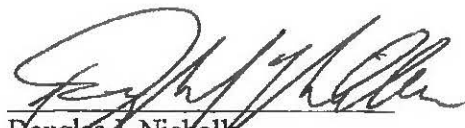
The City supports continued negotiations among the Basin States and recognizes that long-term solutions will require shared responsibility across the entire Colorado River Basin. However, if a Basin-wide consensus is not achieved, the Final EIS and subsequent Record of Decision should provide operational certainty, avoid abrupt policy changes, protect existing water rights and contractual entitlements, and prevent disproportionate impacts to senior priority users and direct diversion communities.

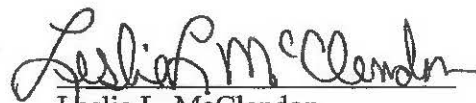
To summarize, the City of Yuma respectfully requests that the Final EIS and Record of Decision:

- Ensure shared responsibility for water shortage management across the entire Colorado River Basin.
- Protect sole-source on-River municipal communities and direct-diversion users, and ensure that any state shortage implementation preserves priority systems and contractual delivery protections.
- Limit any pro-rata reductions to extreme system emergency conditions necessary to protect life, safety, or system operations, and ensure such reductions do not override priority systems or contractual rights.
- Preserve return flow credits and consumptive use accounting.
- Ensure any water shortages are based on entitlement amounts.
  - Water users that implement conservation or reduce consumptive use shall not be subject to increased shortages or reduced future water deliveries.
- Revise ICS policies to limit its use to demonstrable conservation within a participant's own allocation and restrict availability until Lake Mead is above the 1,090 ft elevation (Normal Operations).
- Prohibit on-River water transfers during shortage conditions or any period in which Lake Mead's elevation is below 1,090 feet.


Thank you for your consideration of these comments and for your continued work to ensure the long-term sustainability and reliability of the Colorado River system.


Respectfully Submitted by the Yuma City Council,


  
Douglas J. Nicholls  
Mayor


  
Leslie L. McClendon  
Deputy Mayor

  
Mark Martinez  
City Councilmember

  
Arturo Morales  
City Councilmember

  
Christopher D. Morris  
City Councilmember

  
Carol Smith  
City Councilmember

  
Karen A. Watts  
City Councilmember

Attachment: Resolution No. R2026-020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REGARDING THE POST-2026 OPERATIONAL GUIDELINES FOR THE COLORADO RIVER SYSTEM AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ISSUED BY THE UNITED STATES BUREAU OF RECLAMATION

CC: Hon. Katie Hobbs, Governor, State of Arizona  
Hon. Mark Kelly, U.S. Senator  
Hon. Ruben Gallego, U.S. Senator  
Hon. Paul Gosar, Congressional Representative  
Hon. Brian Fernandez, State Senator, District 23  
Hon. Michele Pena, State Representative, District 23  
Hon. Mariana Sandoval, State Representative, District 23  
Hon. Sine Kerr, State Senator, District 25  
Hon. Tim Dunn, State Representative, District 25  
Hon. Michael Carbone, State Senator, District 25  
Tom Buschatzke, Director, Arizona Department of Water Resources  
File

## RESOLUTION NO. R2026-010

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REGARDING THE POST-2026 OPERATIONAL GUIDELINES FOR THE COLORADO RIVER SYSTEM AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ISSUED BY THE UNITED STATES BUREAU OF RECLAMATION

WHEREAS, The United States Department of the Interior, acting through the U.S. Bureau of Reclamation (“Reclamation”), serves as the water master for the Colorado River Basin and is responsible for the management and allocation of the Basin’s water resources; and,

WHEREAS, Reclamation’s role includes adopting operational guidelines through federal law to provide certainty and stability for Colorado River users and to ensure the efficient, equitable, and sustainable management of the river system; and,

WHEREAS, the current operational framework, known as the **2007 Interim Guidelines**, was developed in response to prolonged drought conditions and governs the coordination of releases from Lake Powell and Lake Mead, as well as the allocation of shortages among the seven Colorado River Basin States—Wyoming, Utah, Colorado, and New Mexico in the Upper Basin, and California, Nevada, and Arizona in the Lower Basin; and,

WHEREAS, the 2007 Interim Guidelines, together with the 2019 Drought Contingency Plan and related international agreements, are scheduled to expire on **December 31, 2026**; and,

WHEREAS, Reclamation is developing **Post-2026 Operational Guidelines** to govern the Colorado River system beginning in Water Year 2027, in response to persistent hydrologic changes, long-term drought, critically low reservoir levels, and increased risks to water supply reliability and hydropower generation; and,

WHEREAS, Reclamation, in coordination with the seven Basin States, Tribal Nations, the Republic of Mexico, and other stakeholders, is conducting a **National Environmental Policy Act (NEPA)** process and has released a **Draft Environmental Impact Statement (EIS)** evaluating alternative operational strategies for the post-2026 period; and,

WHEREAS, the Draft EIS evaluates five broad alternatives for post-2026 operations of the Colorado River system, including:

1. **No Action Alternative**, continuing the 2007 Interim Guidelines beyond their expiration; or,
2. **Basic Coordination Alternative**, increasing federal coordination without significant new requirements; or,
3. **Enhanced Coordination Alternative**, providing stronger linkages between reservoir elevations and operational decisions; or,
4. **Maximum Operational Flexibility Alternative**, emphasizing adaptive and responsive use of system storage; or,
5. **Supply-Driven Alternative**, tying operations directly to actual runoff and storage volumes; and,

WHEREAS, Reclamation has not identified a preferred alternative and has stated that it expects the seven Basin States to negotiate a consensus solution; and,

WHEREAS, despite ongoing discussions, meaningful progress toward a Basin-wide consensus has not been achieved, federal administrative deadlines under successive administrations have passed, and the proposals advanced by the Upper Basin and Lower Basin States remain significantly divergent; and,

WHEREAS, the Lower Basin States—California, Arizona, and Nevada—have proposed reductions to Lower Basin diversions of an additional 1.5 million acre-feet, with further reductions shared equally between the Upper and Lower Basin States, while the Upper Basin States have rejected this approach and proposed that reductions occur exclusively within the Lower Basin States and the Republic of Mexico; and,

WHEREAS, the Post-2026 Guidelines will shape Colorado River management for decades and will directly affect water availability, interstate cooperation, environmental outcomes, and the long-term resilience of the river system; and,

WHEREAS, the Yuma region holds long-standing Colorado River water rights and maintains direct contractual relationships with Reclamation, including the City of Yuma's Priority One and Priority Three Colorado River water contracts, which constitute the City's sole municipal water supply; and,

WHEREAS, the final federal deadline for Basin stakeholders to reach an agreement is **February 14, 2026**, and it is unlikely that consensus will be achieved by that date; and,

WHEREAS, absent agreement, Reclamation is expected to select a preferred alternative and consider public and stakeholder comments submitted on the Draft EIS, with the deadline for such comments being **March 2, 2026**;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

1. The City Council of the City of Yuma affirms the critical importance of protecting the City of Yuma's existing Colorado River water rights and contractual entitlements in any Post-2026 operational framework.
2. The City Council directs staff to actively engage in the federal NEPA process and submit formal comments on the Draft Environmental Impact Statement prior to the March 2, 2026 deadline, consistent with the City's water rights, contractual protections, and long-term water supply reliability.
3. The City Council urges Reclamation to adopt Post-2026 Operational Guidelines that are equitable, legally sound, and grounded in hydrologic reality, while recognizing existing priorities, contracts, and long-standing reliance interests within the Lower Basin, including those of the Yuma region.
4. The City Council encourages continued negotiations among the Basin States but recognizes that, in the absence of consensus, federal action must provide operational certainty and avoid disproportionate impacts to priority water users.

5. Because the Basin stakeholders failed to reach agreement by the February 14, 2026 deadline and the federal Bureau of Reclamation will move forward with creating Post-2026 Operational Guidelines, the City Council directs staff to prepare a comment letter for Mayor and City Council signature on the Post-2026 Operational Guidelines for inclusion in the record of the Draft Environmental Impact Statement (EIS). The letter shall request the following:
  - A. Risk of Intentionally Created Surplus (ICS): It should be recognized that ICS increases delivery risk to the Colorado River system and shifts that risk onto senior priority users and direct diversion communities, such as the City of Yuma. ICS deliveries accelerate the decline of Lake Mead and raise the probability of deeper shortages. In practice, ICS has evolved into a fragile, house-of-cards construct in which users claim ICS credits not from water conserved within their own entitlement, but from water conserved by other entitlement holders and subsequently only partially swept. ICS has outlived its usefulness and should be eliminated in the Post-2026 Guidelines.
  - B. Restrictions on Water Transfers: No Colorado River water transfers from on-River entitlement holders shall occur until Lake Mead and Lake Powell reach "Normal" operating levels sufficient to ensure safe and reliable water supplies and hydroelectric power generation. If such transfers are approved, no Colorado River water shall be transferred during any declared Tier shortage or drought condition on the Colorado River.
  - C. Recognition of Conservation Efforts: Recognition of the City of Yuma's conservation programs, and those of similarly situated communities, that divert less than their full Colorado River entitlement and leave a portion of their allocation in the River system for the benefit of River health. Any required shortages should be calculated from entitlement amounts rather than from consumptive use that has already been reduced through successful conservation measures.
  - D. Recognition of the Significance of Consumptive Use and Return Flow Credits: Recognition of the City of Yuma's longstanding practice of returning treated wastewater to the Colorado River, that the water returned to the Colorado River provides a measurable benefited to the River system, and there should be explicit notations in the Final Environmental Impact Statement that continuation of return flow credits will be applied towards the City's consumptive use.
  - E. Law of the River, Priority-Based Allocations, and Water Rights: Recognition and protection of the priority system and water rights of on-River users, including the City of Yuma, for whom the Colorado River serves as the sole municipal water supply, with the understanding that pro-rata reductions should be used only under extreme system conditions necessary to maintain system operations and not as a replacement for the established priority framework.

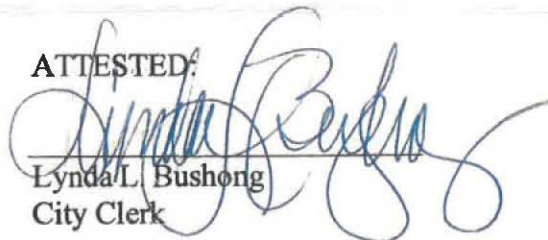
6. That a copy of this Resolution and the City Council's official comments on the Federal Register be transmitted to Reclamation, the Arizona Department of Water Resources, relevant federal and state officials, and other appropriate stakeholders.

Adopted this 18<sup>TH</sup> day of FEBRUARY, 2026.


APPROVED:

  
Douglas J. Nicholls  
Mayor

ATTESTED:

  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

  
Richard W. Files  
City Attorney