



March 2, 2026

Bureau of Reclamation
Attention: BCOO-1000
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Boulder City, Nevada 89006-1470
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**RE: Comments to Post-2026 Colorado River Reservoir Operations
Draft Environmental Impact Statement**

To whom it may concern:

This letter presents the following comments of the Emery Water Conservancy District (EWCD) to the Post-2026 Colorado River Reservoir Operations Draft Environmental Impact Statement (DEIS).

EWCD is a Utah water conservancy district organized in 1961 as the project sponsor for the Emery Project. The Emery Project was authorized and constructed under the Colorado River Storage Project Act. It serves irrigation, municipal and industrial water to a variety of users throughout Emery County, Utah. Project features include the Joe's Valley Dam and Reservoir, the Huntington North Dam and Reservoir, and an extensive series of pipelines and canals. The Project was completed in 1966, and EWCD has operated, maintained, and managed it since under the 1962 Repayment Contract (as amended) with Reclamation. EWCD satisfied its repayment obligation to the United States in 2016 and, in 2020 received full transfer of title to the Project assets, including dams and water rights, from the United States under the John Dingell Title Transfer Act.

The rights and obligations of EWCD are defined in part by its water rights and storage facilities located in basins and watersheds that are tributary to the Green and Colorado River Basins.

Having reviewed the post-2026 Colorado River operations DEIS, EWCD urges Reclamation to continue coordination among state officials and local water agencies and entities regarding the proposed federal action. As noted throughout the DEIS, and as highlighted in Section 4.6, a "consensus-based approach to operations" is critical to the stability of the system. We agree. In Utah, ongoing coordination between Reclamation, the Utah State Engineer, and local entities, like EWCD, will best advance and maintain the generations-long stewardship of Green River and Colorado River Basin water.

Such consensus is not only important practically, but also legally and administratively. The post-2026 operations must respect Upper Basin states' prerogatives to administer waters within their respective jurisdictions. EWCD, whose water supply is part of Utah's apportionment, expects that any administration of its water rights and supplies will continue to be overseen by the appropriate regulatory authority (*i.e.*, the Utah Division of Water Rights). As Reclamation is aware, Section 8 of the Reclamation Act of 1902 provides, in relevant part, that "nothing in this Act shall be construed as affecting or intending to affect or

in any way interfere with the laws of any States ... relating to the control, appropriation, use or distribution of water used in irrigation ... and the Secretary of Interior shall proceed in conformity with such laws. ...”¹ Indeed, throughout the history of federal-state coordination in reclaiming arid Western lands “runs the consistent thread of purposeful and continued deference to state water law by Congress.”²

Given these considerations, and the importance of state and local administration of Utah’s waters, EWCD expresses its preference for state-driven voluntary modifications in use across all alternatives. To the extent new agreements emerge, all alternatives must provide for equitable management of the supplies on which EWCD depends. To this end, we ask that all alternatives respect the reality and history of built and financed projects and the existing hardened demand which, in all cases, relies on them. Only at a state and local level can the unique and nuanced nature of use, supply, and demand be fully understood to best support the full-scale Colorado River and Upper Basin reservoir management and the local-scale needs of water users and the local project sponsors. One of the overarching themes must be the paramount position of storage projects in the availability and preservation of local and Basin-wide water supplies. We ask that all alternatives respect and promote the long-term viability storage projects throughout.

Coordinating with Reclamation, EWCD’s investment in developing water tributary to the Green River and Colorado River has long been a hallmark of its operations. Through efforts over the course of the last century, EWCD and other water users have built and maintained critical infrastructure to develop dependable water supplies. Foremost among this infrastructure are the numerous storage facilities upstream of Lake Powell that have allowed for a stable, predictable water supply.

For EWCD’s part, these storage facilities include Joe’s Valley Reservoir and Huntington North Reservoir. Although initially financed by Reclamation EWCD has fully repaid its obligations. Critically, the storage components of the Emery Project provide a buffer, allowing water users to withstand the differences between supply and demand occurring during the water year and between wet and dry years. So, as a result of EWCD’s generation-spanning efforts, the developed supply is now integral to a host of uses, not least of which are municipal and industrial uses and irrigation. The hard demand created by these uses cannot be satisfied without the continued stability of the system.

Utah is well suited to manage its waters, through both its Division of Water Rights, as well as its Colorado River Authority. The latter, created by the Utah Legislature in 2021,³ spearheads conservation and management of Basin waters throughout the State, with regular input from interested stakeholders. The Authority’s responsiveness to Utah water users is of paramount importance and should not be overlooked if reductions to Utah’s apportionment must be passed on to users within the state. It should be

¹ 43 U.S.C. § 383.

² *California v. United States*, 438 U.S. 645, 653 (1978).

³ See Utah Code § 63M-14-101, *et seq.*

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noted that Utah has already taken numerous policy steps towards supporting Lake Powell inflows. One need look no further than Utah's Colorado River Demand Management Program allowing for water rights, including storage rights, to be committed voluntarily downstream with appropriate market-based financial remuneration to the water users. Or, one may look to Utah's substantial investments in conservation, split-season agricultural use, secondary metering, and technologically advanced diversion and depletion monitoring. Utah's state and local entities are answering this call.

Given the long-term investments by EWCD and its water users, and their ongoing reliance on critical storage facilities, EWCD asks that Reclamation take a judicious view toward any proposed curtailment of diversions of water tributary to the Colorado River within Utah. Such reductions, if they must occur, need to be equitably distributed among Utah's water users. Utah's Division of Water Rights and its Colorado River Authority, among other state agencies, are best suited to equitably allocate any reductions within Utah's apportionment of Colorado River water.

Finally, EWCD adopts the material points made in the comment letter submitted by the Central Utah Water Conservancy District.

Thank you for your attention to this matter.

Very truly yours,

EMERY WATER CONSERVANCY DISTRICT



Monroe Magnuson
General Manager