



## ORCHARD MESA IRRIGATION DISTRICT

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U.S. Bureau of Reclamation

Attn: BCOO-1000

P.O. Box 61470

Boulder City, NV 89006

**RE: Draft EIS Comments regarding Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead**

Dear Acting Commissioner Cameron:

Please accept the comments of Orchard Mesa Irrigation District (District) in response to Reclamation's Draft Environmental Impact Statement (DEIS) for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

The District is a State of Colorado irrigation district located in Mesa County, Colorado. The District was organized in 1904 and became part of the Reclamation's Grand Valley Project (GV Project) in 1922. Approximately 9,219 acres are served by the District, and agricultural production within the District includes orchards, vineyards, row crops, and livestock.

The District holds its own pre-1922 Colorado River Compact water right that is diverted directly from the Colorado River into the GV Project at the Cameo Diversion Dam in DeBeque Canyon above the Town of Palisade. Although the District owns and uses a pre-1922 Colorado River Compact water right, it is also a Historic Users Pool Beneficiary and relies on water released from Green Mountain Reservoir, a feature of the Reclamation's Colorado-Big Thompson Project (CBT Project). Reclamation operates Green Mountain Reservoir in accordance with the Blue River Decree (which consists of multiple judgments and decrees issued by the United States District Court, District of Colorado, Consolidated Cases 5016, 5017, and 2782) and the Green Mountain Reservoir Administrative Protocol (approved in Water Division 5, Water Court, Case No. 2013CW3077).

The discussions concerning the post-2026 operational guidelines have called for Upper Basin conserved water. It is anticipated that the majority of any Upper Basin conserved water will come from the West Slope of Colorado. The District, along with all the entities of the GV Project, will be negatively impacted if proper mechanisms are not put in place to protect the Upper Basin.

Although Reclamation is not the “Water Master” in the Upper Basin like it is in the Lower Basin, Reclamation does owe fiduciary obligations to the GV Project entities and those entities benefitting from the operation of the CBT Project and Green Mountain Reservoir. The District is concerned that Reclamation’s focus for the post-2026 operational guidelines has been on the Lower Basin, to the detriment of the Upper Basin.

The District seeks operational guidelines that restore system balance and provide long-term security for water users across the basin, not just those in the Lower Basin. The 2007 Interim Operating Guidelines and subsequent emergency actions perpetuated structural imbalances and overuse which simply cannot be allowed to continue.

The District supports and agrees with the Colorado River Water Conservation District’s comments and specific recommendations. The District urges you to incorporate their suggestions for further analysis and revisions during the development of the Final EIS.

Additionally, the District would like to take this opportunity to emphasize issues of particular concern to the District.

**Lower Basin Water Use Must Account for System Losses.** The 1.5 million acre feet being touted by the Lower Basin and Reclamation as Lower Basin shortages or reductions ARE NOT shortages or reductions. This 1.5 million acre feet are evaporation and transit losses properly attributed to the Lower Basin as system losses and which should be accounted for as part of the Lower Basin’s consumptive use. The accounting for Upper Basin consumptive use has always included the evaporative and transit losses in the Upper Basin. The new operational guidelines need to establish parity between Lower and Upper Basin accounting. Reclamation’s failure to do this for decades has led in large part to the draining of Lake Powell. Modelling for the operational guidelines must include the 1.5 million acre feet in the Lower Basin consumptive use and look at shortages in the Lower Basin after this 1.5 million acre feet has been accounted for – this 1.5 million acre feet should not be a cap on the Lower Basin shortages or reductions, it is the starting point.

**Reclamation Must Look at Upper Basin Impact.** It is difficult to understand why the DEIS impact analysis is limited to the area below Lake Powell when the alternatives include Upper Basin water conservation

and “additional Upper Basin actions.” Assuming Upper Basin water conservation volumes of up to 500,000 acre feet and unidentified “additional Upper Basin actions” without analyzing the impact of the same on the Upper Basin does not comply with the requirements of NEPA. Nor does modelling “Gap” water in the Upper Basin without defining what it is and from where it will be derived. Furthermore, the Upper Basin shortages must be disclosed in the body of the DEIS just like the Lower Basin shortages. The Upper Basin is as important to the modelling of the alternatives as the Lower Basin, yet this is not reflected in the DEIS.

**The Operational Guidelines Must be Based on Actual Hydrology and Supply.** It is critical that this time the operations of Lake Powell and Lake Mead be based on the actual hydrology and water supply, not on the “equalization” of the reservoirs or Lower Basin demands that far exceed their 1922 Colorado River Compact entitlement. Arizona showed how ignoring the actual hydrology permitted it to game the “sweet spot” in the 2007 Interim Guidelines. Operating regimes based solely on comparative reservoir elevations have failed to protect storage at Lake Powell. The DEIS must model realistic operations, including critically dry hydrology, instead of allowing reservoirs to drop below critical elevations. The DEIS should not create circumstances that once again result in going from crisis to crisis. There must be opportunities for both Lake Powell and the CRSP Upper Initial Units to recover when they have been drained to meet Lower Basin overuse.

The DEIS places undue emphasis on “predictability” for water users. Flows in the Colorado River have declined approximately 20% over the past two decades and reservoir elevations remain critically low. The DEIS’ focus on predictability disproportionately favors Lower Basin users who rely on reservoir releases, while Upper Basin communities live with hydrologic variability and limited storage buffering.

**Upper Basin Conservation Water and CRSP Upper Initial Units Water Must Remain in Lake Powell:** If Upper Basin conservation is included, this conserved water must be operationally neutral with respect to Lake Powell releases and Lower Basin shortage determinations. Conserved water should only be released after sufficient system recovery occurs at the direction of the Upper Colorado River Commission for Compact compliance or meaningful reservoir recovery.

In conclusion, the 1922 Colorado River Compact created an equitable division of a precious resource designed to permit the Upper Basin communities to develop at a slower rate than the Lower Basin. The Lower Basin’s decades of overuse cannot drive this system into chaos to the detriment of the Upper Basin. Reclamation must not lose sight of this and shift all the risks of variable hydrology to the Upper Basin.

The District joins the Colorado River Water Conservation District in respectfully urging Reclamation to revise the DEIS to:

- Restore structural supply-demand balance;
- Fully analyze Upper Basin conservation impacts;
- Properly account for Lower Basin system losses;
- Ensure transparency in modeling;
- Base operational guidelines on actual hydrology and supply
- Include alternatives that perform under critically dry hydrology;
- Do not authorize interstate or interbasin water marketing between the Upper and Lower Basins; and
- Honor the compacts and federal law.

Thank you for your full and fair consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Fisher".

Jackie Fisher,  
District Manager  
Orchard Mesa Irrigation District