

COMMENT LETTER

RESPONSES

Uintah Water Conservancy District

"Steinaker Dam"

78 West 3325 North
Vernal, Utah 84078
Phone 789-1651
Fax 789-1670

"Red Fleet Dam"

September 5, 2000

Ms. Jayne Harkins
Attention BCOO-4600
Bureau of Reclamation
P.O. Box 61470
Boulder City, Nevada 89006-1470

G 20

Boulder

To Whom It May Concern:

The following comments are made on the Proposed Colorado River Interim Surplus Criteria Draft Environmental Impact Statement.

The Uintah Water Conservancy District (UWCD) was organized according to the laws of the State of Utah. UWCD has direct control and management of Red Fleet Dam and Reservoir and Steinaker Dam and Reservoir, which are part of the Jensen and Vernal Units of the Central Utah Project. UWCD and its water users also have diversion rights to Green River water for more than 54,000 acre-feet annually. UWCD has more than 20 water providers (companies) that serve nearly 80,000 acres of irrigated lands and provide more than 26,000 acre-feet of culinary water. In addition, UWCD water users have increased their water use efficiency to the point of reducing salinity contributed to the Colorado River System by 92,000 tons annually. Consequently, UWCD has a compelling interest in all Colorado River operational matters, but especially those matters that might impact availability of water under current entitlements for beneficial consumptive use or present water right assignments.

Purpose and Need

For many years, California has been diverting more than its 4,400,000 acre-feet apportionment as defined in *Arizona v. California (1964)*. Prior to 1996, California drew on **unused** apportionments of other Lower Division States made available by the Secretary of the Interior. Since 1996, California has also drawn on **surplus** water made available by Secretarial determination. California is developing measures to reduce its draw on the Colorado River System through conservation, surface and underground storage, conversion of available agriculture water to M&I deficiencies, and other measures. Unfortunately, the full effect of these measures on California's draw on the Colorado River will not be seen for many years.

Colorado River surplus flow determinations have their origins in the *Criteria for Coordinated Long-Range Operations of Colorado River Reservoirs* (LROC) adopted in 1970. Article III

COMMENT LETTER

RESPONSES

(3)(b) of the LROC set general conditions for surplus determinations. Occasionally, the Secretary has determined that surplus conditions exist, based primarily upon avoiding mandatory flood control releases. This narrow interpretation of surplus is heavily biased toward **supply**. Other discussions were heavily biased toward **need**. These discussions have led to much controversy among the Basin States and suggest that more discrete surplus criteria should attempt to balance both need and supply considerations. Meanwhile, the need for surplus determinations by California has risen sharply because of the dramatic reduction of unused apportioned water in Arizona and Nevada.

Upper Basin Depletion

While California is drawing far more water from the Colorado River than allocated (often as much as 800,000 acre-feet more than allocated) and Arizona and Nevada are using nearly their full allocation, the Upper Basin States have not developed their share of Colorado River water at the same pace. They have chosen a more conservative and judicial approach to Colorado River water development. *The Colorado River Compact of 1922* allocated 7,500,000 acre-feet annually to the Upper Basin States in **perpetuity**. This means there is no schedule or time horizon to cause this allocation to expire. The Compact **guarantees** the delivery of the Lower Basin's allocation, so if there is a shortage, the shortage burden is on Upper Basin. The latest "Hydrologic Determination" indicates that only 6,000,000 acre-feet are available for Upper Basin development. So, for all practical purposes, the Upper Basin States have already lost 1,500,000 acre-feet from their "permanent" allocation.

UWCD believes the implementation of Interim Surplus Criteria as proposed by the Seven Basin States will not jeopardize the further development of Upper Basin entitlements. Also, the proposed criteria will not limit the water available for existing uses during the 15-year interim period.

Conclusion

UWCD applauds the efforts of the Seven Basin States to reach agreement on guidelines for implementing Interim Surplus Criteria. This represents a "Herculean" effort by a highly diverse group of Colorado River stakeholders. It is unprecedented in scope and should cement the Record of Decision by the Secretary. UWCD encourages Reclamation and Interior to conclude the NEPA compliance process as scheduled and without interruption or delay. The existing problems with fish and wildlife habitat in the Colorado River Delta and the Salton Sea will not be aggravated by this action. If Colorado River water is to be used to solve these problems, it must come from existing entitlements. This agreement is a reasonable approach to make the transition suggested by California. The agreement provides protection to the States and treats Lake Powell and Lake Mead equally. It also provides some enforceability because of the provisions that 70R of the existing Annual Operating Plan are implemented if the agreement is not adhered to.

UWCD further believes that the consequence of no action on this issue would be protracted and costly legal challenges. Any legal action will likely transfer the decision process from water resource experts to the unpredictable legal arena that may further jeopardize Upper Basin entitlements. In light of the public comment meeting held in Salt Lake City, Utah on August 23,

1: Comment noted.

2: Comment noted.

3: Comment noted.

4: Comment noted.

5: Comment noted.

6: The preferred alternative in this FEIS is derived from the Seven States Proposal. Reclamation did not structure the preferred alternative precisely as described in that draft proposal, but made some changes for consistency with the purpose and need of the proposed action, Reclamation policy and operational procedures.

COMMENT LETTER

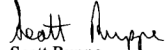
RESPONSES

cont'd | 2000 and the absence of any opposition whatsoever, UWCD strongly encourages the implementation of the Seven Basin States guidelines for Interim Surplus Criteria.

7 | UWCD acknowledges that other Colorado River issues that remain unresolved. Water in satisfaction of the Mexican Treaty remains a federal obligation and the minimum objective release requirements from Glen Canyon Dam are contrary to Upper Basin interests and to UWCD interests, as well. However, these issues do not detract UWCD from unqualified support of this action.

8 | Finally, UWCD recommends that Reclamation proceed with the development of the Annual Operating Plan (AOP) for Colorado River Reservoirs for 2001 without delay and without the Record of Decision on the Interim Surplus Criteria. The Seven Basin State agreement should be regarded as the basis for surplus determination for the year 2001. There are no other highly charged issues that are influenced by the AOP.

Sincerely,


Scott Ruppe
General Manager

CC:

Larry Anderson, Utah Division of Water Resources

Cloyd Harrison, Uintah County Commission

Randy Crozier, General Manager, Duchesne Co. Water Conservancy District

7: Comment noted. Reclamation recognizes that the Upper Basin disagrees with the minimum objective release currently in the LROC.

8: The determination of surplus conditions for 2001 is based on the factors listed in Article III(3)(b) of the LROC. This Article allows for consideration of all relevant factors, including, but not limited to, those specifically listed in the Operating Criteria, whether or not a decision is made for the proposed interim surplus criteria.