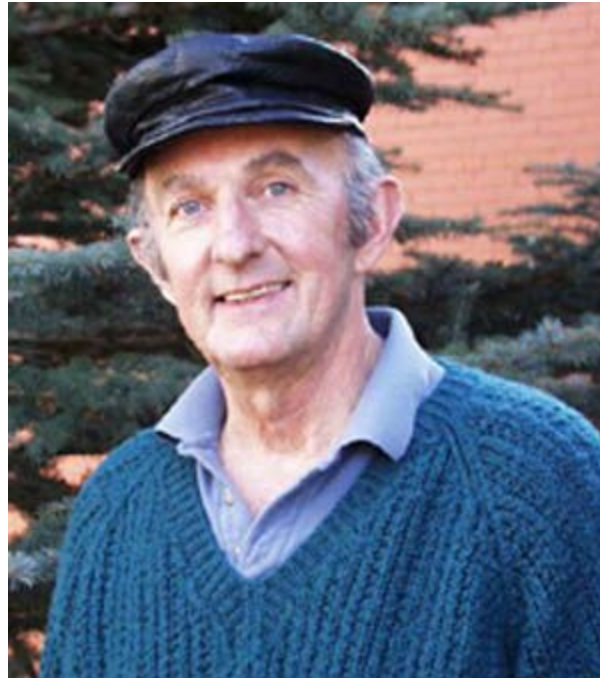


Guest Column: Don't blame the Upper Basin states

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Kyle Roerink's recent "Writers on the Range" opinion ("A dangerous game of chicken on the Colorado River") reminds one of Sen. Daniel Patrick Moynihan's 1983 caution in a Washington Post op-ed: "Everyone is entitled to his own opinion, but not his own facts."

Roerink, who heads the Great Basin Water Network, claims that the Upper Colorado River Basin states are shirking their responsibilities while the Lower Basin states valiantly work to grapple with the ongoing basin-wide drought. "With (reservoir) water savings gone," he says, "the Lower Basin has been trying to cope, though the Upper Basin carries on business as usual."

"Business as usual" in the Upper Basin has always been dealing with the realities of an erratic river, the annual flows of which can go from 5.8 million acre-feet in 1977 to 24.8 million acre-feet in 1984. The Upper Basin lives with that reality, dry years and wet.

But the Bureau of Reclamation has regularly and faithfully released to the Lower Basin, from Powell Reservoir, the Colorado River Compact and Mexican Treaty allotments — 8.23 million acre-feet only dropping a little below those allotments half a dozen times since Powell began to fill in the 1960s. Dry year or wet, the Lower Basin always gets its full allotment.

Usually, more than that designated quantity is sent to the Lower Basin (as much as 12 million acre-feet above in 1984). The Compact and Mexican Treaty require that the Upper Basin send downriver 82.5 million acre-feet over a 10-year period; as of 2020, the 10-year running total was 92.5 million acre-feet.

So the Lower Basin never bears the brunt of low flows, as Roerink claims; it has always received its Compact and Treaty allocations since Powell Reservoir filled, usually with some extra, regardless of what was happening in the “real river” the Upper Basin states live with.

It is true that the Lower Basin states are currently “trying to cope” with river shortages by making some difficult cutbacks in their uses. But what they are trying to cope with is their own excessive use of the water stored in Mead Reservoir.

For decades the three downstream states — primarily California — have been using considerably more than their Compact allotment of 7.5 million acre-feet; they have also not been subtracting from their allotment the significant losses to evaporation in desert storage and transit (automatically figured into Upper Basin use through the Powell releases).

This has resulted in what is euphemistically called a “structural deficit,” but is just the Lower Basin using more water than its entitlement. That was more or less OK before the Upper Basin use was fully developed, and before the Central Arizona Project came online; the Bureau’s extra releases, above Compact requirements, covered the overuse. No more.

So now the Lower Basin states, which have been drawing an annual average of 1.2 million acre-feet more out of Mead Reservoir than has flowed into it, are trying to bring their usage down to the actual Compact allotment. Drought might exacerbate that challenge, but it doesn’t cause it, nor does Upper Basin lollygagging.

The Upper Basin has not even used its full Compact allocation because it became obvious that the river could not supply that on a dependable basis. The Upper Colorado River Compact divides the Upper Basin states’ permissible consumptive uses by percentages rather than a set amount like the Lower Basin gets, but exactly what that allows each state is obviously ambiguous, depending on what “average flow” is used.

Are the Upper Basin states doing their part to ensure prudent uses of the river? They are developing “demand management” programs to pay farmers and ranchers to fallow some of their land to increase flows to Powell Reservoir. Last summer, Blue Mesa Reservoir’s recreation season was cut short to send most of the Reservoir’s water down to bolster Powell.

Denver Water is also working hard to re-plumb its city for reuse, as well as running an ongoing conservation program that has reduced their deliveries to a 1970 level with half a million more people.

Could the Upper Basin states be doing more? Probably, and they probably will be. But they are less to blame for the Lower Basin state’s dilemmas than are the Lower Basin states themselves.

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