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Commission (1997)

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Colorado River Basin Study Comments--Wyoming State Engineer's Office

Gordon W. Fassett

Wyoming State Engineer's Office

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April 7, 1997

Denise Fort
Chairperson
Western Water Policy Review Advisory Commission
P.O. Box 25007, D-5001
Denver, Colorado 80225-0007

Re: Review and Comments on the Draft Colorado River Basin Study report

Dear Chairperson Fort:

The Wyoming State Engineer's Office has been actively following the activities of the Western Water Policy Review Advisory Commission and the reports and studies that have been commissioned by it. This letter will serve to provide our comments on the draft Colorado River Basin Study report prepared for the Commission by Mr. Dale Pontius and SWCA, Inc. I wish to thank you, and the other members of the Commission and its staff, in advance for your consideration of these comments. Should you have any questions, please don't hesitate to contact me or John Shields of my staff.

It is our understanding that the goals of this study, and the several others that have been completed for other Western river basins are to describe the most critical water problems in the basin, analyze the effectiveness of federal and state programs to address those problems, describe promising initiatives and, finally, to make recommendations regarding the appropriate role and organization of federal water-related programs in the future. The report has attempted to meet these purposes, however, the descriptions of promising initiatives could have been more thorough and it seems to this office that the recommendations that are offered in this report go far beyond the role and organization of federal water-related programs.

The author has generally mentioned something about nearly all of the topics, activities and issues that should have been covered. It is certainly easy enough to understand the need for brevity in the report, nonetheless there are certain instances where it seems to us that the report simply has not provided sufficient information to really lay out the matter or the issue for readers who are not immersed in the matters and concerns being addressed. The ability of this report to provide sufficient analysis of the effectiveness of the federal, state and federal/state programs which address Colorado River problems is perhaps most in question.

Quantification or evaluation of such programs as the Recovery Implementation Program and the Colorado River Basin Salinity Control Program has not really been attempted in this report in our view.

There are a number of little things in the way of errors and omissions that have crept into the report that are somewhat surprising and unfortunate. For instance, the Upper Colorado River Basin Compact is dated 1948 - not 1949 and the apportionment percentages for the four Upper Division States are misidentified (Table 5 on page 18).

We find that we are not in agreement with a number of the recommendations provided in the report. Our disagreement stems from a number of reasons, including different interpretation of the facts and reliance on different data sets as well as philosophical reasons. In particular, we have great difficulty with the recommendations presented relative to restoration and enhancement activities at the mouth of the Colorado River (Cienga de Santa Clara) and the "decommissioning" of the Yuma Desalting Plant when no viable alternatives to its operation are concurrently recommended. We question whether following these recommendations would be sound public policy, the reasons and motivating forces that underlie these recommendations and whose interests would be served if they were to be carried out.

Our specific, page by page comments on the report are offered below. Should any of our comments merit clarification, we would be pleased to respond to any inquiry or questions about the review comments provided in this letter.

Pages 2-3 -- A number of the recommendations that are presented are appropriate, sound and are likely to be implemented in the future. We do not agree with all of the recommendations that are presented in this section of the report, and will attempt to comment on each as they are presented in the report.

Page 5, second paragraph -- it is surprising that the Southern California Coastal Plain or the service area of Metropolitan Water District of Southern California is not explicitly mentioned here - as it is considered to be a part of the Lower Colorado River Basin pursuant to Article II(g) of the Colorado River Compact. That service area would greatly increase the area beyond the 7,500 square miles that is mentioned in the subject sentence.

Figure 1, page 6 - this figure really does little to indicate what the "Area served by its waters" really is. For example, the Colorado-Big Thompson Project serves a considerable area of the Front Range of Colorado north of Denver (about a quarter of a million acre-feet are diverted via the CBT each year) but the map shows nothing relative to the communities or areas that it serves.

Page 8, third full paragraph, third line -- The author's statement

about the range of annual flows "recorded" is in reference to virgin (undepleted) flow computations that have been back-calculated by adding to the recorded (measured) flow values estimated and measured values of the man-made depletions to the flow. The actual range is, we understand, from 5.8 to 24.5 million acre-feet in a one year period.

Page 10, 1st paragraph -- We urge the author to consult the annual reports of the Upper Colorado River Commission to clarify the hydrological assertions found in the first two sentences. Relative to the releases from Lake Powell in 1983, a review of the record will indicate that the peak release was approximately 92,000 cfs.

Page 10, 3rd full paragraph -- What is meant by the sentence which reads: "Growing demands on the river, however, will reduce the ability of the reservoirs to provide a buffer against drought impact"? We do not believe that this statement is a correct reflection of the purpose of Section 602(a) of Public Law 90-537. The ability of the reservoir system to provide a buffer is the precise intent of Section 602(a) and its implementing provisions in the Coordinated Long Range Operating Criteria for Colorado River Reservoirs.

Page 11, Table 1 -- The active capacities that are shown for Lake Powell and Navajo Reservoir are believed to be in error based on information that we have. A resurvey of Lake Powell was conducted and the updated figure for the active capacity that is presently being used is 24.322 (round to 24.32) million acre-feet. It is our understanding that the figure for Navajo Reservoir should correctly be 1.696 million acre-feet, rounded to two significant figures that would be 1.70.

Page 14, 3rd full paragraph -- The basis for the 25 percent figure cited as the amount of overallocation should be spelled out. It appears that this figure is likely not including the water supplies available to the Lower Basin from tributaries arising in the Lower Basin.

The statement is made that the Upper Basin uses the number 6.0 million acre-feet for planning purposes. This is true, but it would be appreciated if the statement was clarified to note that the Upper Basin apportionment is 7.5 million acre-feet and that due to the combination of water supply, the provisions of Article III.D of the Colorado River Compact, questions regarding the administration of water deliveries to meet the Mexican Water Treaty and other questions and constraints, the Upper Basin has not objected to the use of 6.0 million acre-feet per year for planning purposes.

This discussion would be more complete and meaningful if it included direct reference to the additional 1 million acre-feet of beneficial consumptive use apportioned to the Lower Basin by Paragraph III(b).

Page 18, Table 5 -- The Upper Colorado River Compact was signed in 1948 (October 11, 1948) and I believe it should be cited based on that year, rather than as the "1949 Upper Colorado River Basin Compact." I'll bet this is just a typographical error. In addition, the apportionment percentages that are found in this table are in error, with the exception of Colorado. Utah's share is 23 percent, Wyoming's share is 14 percent and that for New Mexico is 11.25 percent.

Page 24, 2nd full paragraph -- The second sentence therein states: "These uses change flow patterns and therefore impact power and other uses but are generally junior in priority to most other rights to divert water from the river and tributaries in the basin." This sentence is referring to nonconsumptive, instream users for fish, wildlife, habitat and recreation. We fail to see how nonconsumptive, instream uses "change flow patterns and therefore impact power and other uses." Rights that leave water in a stream don't change flow patterns, but rather they tend to preserve the historic flow patterns. Perhaps there are some words missing from this sentence or a typographical error has occurred.

Page 25, last sentence of the first incomplete paragraph -- this sentence ends with the phrase "... which does not include hundreds of millions of dollars of revenues from water and power sales that are used to finance OM&R costs and to fund such things as salinity control programs, reflecting its substantial presence in basin water management." The sale of water in the Colorado River Basin does not fund the salinity control program. Appropriations from the Congress and local cost-sharing dollars by the participants fund the salinity control program. Revenues from the Basin funds that flow into the Basin funds from the sale of electric power are used to repay the Federal Treasury for 75 percent of the expenditures of the appropriated funds.

Page 25, last sentence of the second full paragraph -- We object to the wording of this sentence which states: "And even if the ESA is amended to address the Act's provisions most objectionable to state officials and water users, it seems clear that broad public support for preserving biodiversity and protecting ecosystems will require a continuing federal presence in the basin for the foreseeable future." This sentence seems very insensitive and overarching. It basically is implying that the local and state governments are incapable and unwilling to act for "preserving biodiversity and protecting ecosystems" and that the Federal Government can and should ensure that these things occur. The phrase "broad public support" is clearly undefined in its use in this sentence. Is the implication here that local broad public support and governance is inferior to that imposed on a region or locale by the Federal Government. Is this sentence implying that the continuing Federal presence is one that provides funding and assistance to accomplish integrated ecosystem and watershed management and generally provide some proactive assistance, or is the continuing Federal presence

one that dictates and regulates to prevent any changes whatsoever.

It seems to us that the ideas embodied in this sentence are at the heart of the debate over the appropriate role of the Federal Government in western water resource issues and are central to the tasks assigned to the Western Water Resources Advisory Commission. The author should significantly clarify the meaning of the subject sentence at the very least, and provide some justification for taking this position. Our preference would be that it be deleted in its entirety.

Page 25, third full paragraph -- Strictly speaking, the Grand Canyon Protection Act of 1992 did NOT "redefine the operating criteria for Glen Canyon Dam to reflect downstream impacts on environmental and cultural resources and recreation. We certainly do not agree that this act "clearly forms an overlay to the basic Law of the River." While we do not dispute that its provisions do dictate powerplant operations, we believe it would be a gross misstatement to attempt to describe it as an overlay - in fact, the language of the Act expressly states the contrary.

Page 29, first full paragraph -- We disagree with the statement that attempts to interpret Section 202 of the Colorado River Basin Project Act as saying that the satisfaction of the Mexican Water Treaty becomes a national obligation, "but only when and if the basin's water supply can be augmented by 2.5 maf as a result of studies authorized by the Act and augmentation programs then funded by Congress."

Page 30, first full paragraph In the third line the word "produce" should be changed to "treat" or "desalinate" or wording to that effect. At the end of the last sentence of this paragraph, please add the word "concentration" so that the sentence ends with the phrase "... because of its excessive salinity concentration."

Page 30, second paragraph, first line -- Insert "Colorado River Basin" after "the" and before "Salinity Control Act." In the same line, change the phrase "... obtained the right to approximately " to read "obtained a temporary right to approximately ..."

Page 30, last paragraph -- One of the sentences in this paragraph does not make sense. It reads "For example, would the Upper Basin be required to deliver more than half of the obligation if they were not using their full 7.5 entitlement, as is now the case?" What does this mean? The Upper Basin is not using its full 7.5 million acre-foot entitlement, nor will it as the available water supply will prevent it from doing so. This sentence needs to be rewritten and have its point made clear. Importantly, the author should note that the Compact does not require the Upper Basin to deliver one-half of the Mexican Water Treaty obligation. Perhaps it would be most useful if the author would quote this provision of the Compact. The June 1970 Coordinated Long Range Operating

Criteria for Colorado River System explicitly establish an objective for the minimum annual release from Lake Powell.

Page 34, Figure 13 -- this figure is suspect as it shows that California's water use above its basic apportionment of 4.4 million acre-feet will continue to occur until the year 2030. Given the statements made by the author on page 31 that Arizona may be using its full basic entitlement as early as this year and that Nevada is projected to be using its full basic apportionment by 2010, it seems unreasonable for this figure to show that California will be able to draw more than 4.4 million acre-feet so far out into the future. Perhaps the projection of California's water use shown on this figure was prepared prior to the initiation of the Arizona Water Banking Authority's activities.

Page 36, first paragraph -- in the second line of this paragraph, the words "users divert" should be changed to "uses."

Page 36, third paragraph -- In the first sentence of this paragraph change the wording to insert the phrase "and a fifth priority for another 550,000 acre-feet" after the words "MWD has a fourth priority right to 550,000 a.f." This is necessary because the explanatory of the seven party agreement and the priorities is missing the "5.a" priority in the write-up on this page. It is suggested that putting the information in these two paragraphs into a table would make the presentation of the information about the priorities much easier to comprehend, to wit:

Priorities Within California to Colorado River Water:

1. Water to irrigation 104,500 acres in Palo Verde Irrigation District
2. Water to irrigate 25,000 acres in Yuma Project (California Division)
- 3.a. Imperial Irrigation District and Coachella Valley Water District
- 3.b. Water to irrigate an additional 16,000 acres in Palo Verde Irrigation District

-----The above total to 3.85 million acre-feet in total-----

4. Metropolitan Water District of Southern California
550,000 acre-feet
5. Metropolitan Water District of Southern California
662,000 acre-feet
- 6.a. Imperial Irrigation District and Coachella Valley Water District AND
- 6.b. Water to irrigate an additional 16,000 acres in Palo Verde

Irrigation District
300,000 acre-feet

Total divisions within California 5.362 million acre-feet

Page 37, first line -- A greater explanation of the genesis of the figure of \$233 million cited as being the cost of the conservation measures conducted by the MWD to conserve the 106,000 acre-feet would be in order. We are advised that the \$233 million is an estimate which include annual costs and was prepared some time ago. MWD funding of the capital costs of the conservation program will total approximately \$113 million by the end of this year. MWD has also provided \$23 million to IID for the indirect costs of the program. Annual costs of the conservation program are also being funded by MWD and are estimated to total \$149 million (in actual dollars to date and in 1997 dollars through the year 2032). As MWD will be paying the actual annual costs, price escalation will likely result in the \$149 million being a different value by 2032. The 106,110 acre-feet are to be available for a 35 year period beginning in 1998.

Page 37, second and third paragraphs -- We think it would be more correct to refer to the Coachella Valley Water District by that name, rather than as the "Coachella Irrigation District." Accordingly, the abbreviation "CID" as it appears several (four) times in these two paragraphs should be changed to "CVWD."

Page 38, last paragraph -- This one-sentence paragraph states that "California could meet its urban demand problem over the next several decades by converting agricultural water through conservation and fallowing agreements if the legal issues are resolved, marketing mechanisms developed and agreements reached, but there is a limit to what extraordinary conservation can provide." We believe it would have been appropriate for the author to address transfers and other change in use practices that go beyond conservation and fallowing agreements. Such conversions of water rights and transfers from agriculture to municipal use will allow California to meet its urban demand problem over a period that is longer than "the next several decades."

Page 39, last paragraph, fourth line from the bottom -- the word "that" after "M&I water" should be "as."

Page 45, first paragraph -- The parenthetical phrase in lines 3 and 4 indicates that the equal voting power provision was problematic to California. It is our understanding and recollection that the State of Arizona objected to this portion of the proposal.

Page 46, under the heading "The Colorado River Storage Project Act" -- The text indicates that there is a "Curecanti Dam on the Gunnison" River and this is not true. There is a Curecanti Unit on the Gunnison River that has developed the water storage and hydroelectric power generating potential along a 40-mile section of

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the Gunnison River in Colorado by the construction of three dams and powerplants: Blue Mesa, Morrow Point and Crystal. The total capacity of Blue Mesa Dam is 940,800 acre-feet, while that of Morrow Point and Crystal is 117,190 and 26,000 acre-feet respectively. Morrow Point provides peaking power, and hence the primary function of Crystal reservoir is to regulate the variable Morrow Point releases.

Page 46, second line from the bottom of the page - The reference to the 1968 act should correctly be to the Colorado River Basin Project Act of 1968.

Page 47, first line -- The Dallas Creek Project in Colorado has been built.

Page 47, last full paragraph -- The phrase in the first sentence of this paragraph which states "... particularly since the Lower Basin states are now diverting more than the 7.5 maf Lower Basin entitlement" needs to be reworded. The use of more than 7.5 MAF in the Lower Basin can only occur in those years when the Secretary of the Interior declares that a surplus water supply condition exists. Such a declaration was made in 1996 and for 1997. This sentence implies that this is now occurring as a matter of course or routine. This is not the case, nor can it be under the Law of the River. The other point to be made about this phrase is that consumptive use of 7.5 maf is apportioned and consumptive use is defined, pursuant to the decree in *Arizona v. California*, as diversions minus return flow. So the use of the word "diversions" really does not convey what the author is intending to state.

Page 47 -- Why are the concerns and issues of California, Arizona and Nevada addressed in the report in separate subsections with subheadings for each, but the four Upper Basin States issues and concerns are "lumped together" in one subsection? The discussion under the heading "Upper Basin Concerns" seems to be mostly about concerns in Colorado, e.g. the discussion about instream flows and the second full paragraph on page 48 as well. Certainly there are issues and concerns specific to Utah, Wyoming and New Mexico that could and perhaps should have merited inclusion in this report.

Page 47, last paragraph -- This paragraph should have included in its discussion of Section 602(a) storage criterion that is specified in the Long Range Operating Criteria and Public Law 90-537, particularly on account of the statement made in the last paragraph to the effect that Lake Powell could be drawn down to meet Lower Basin needs to the extent that it would leave "... an inadequate supply to fulfill Upper Basin needs and its compact obligation." The Section 602(a) storage criterion has been put into place to avoid just that situation from arising.

Page 48, fourth line -- The verb "is" should be changed to "are" e.g., "... its report and recommendations are ~~is~~ expected soon."

Page 54, first full paragraph -- Please insert the word "annual" after "its" and before "expenses."

Comments concerning the Endangered Fish Recovery Programs:

Page 56, under the heading "The Upper Basin RIPRAP" - the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin is mis-identified as the "Upper Basin Recovery Implementation Program Recovery Action Plan."

In addition, we believe that the author should have listed the number of biological opinions and the quantity of water covered under Section 7 consultations that have occurred since the initiation of the Upper Colorado Basin Recovery Implementation Program as being an accomplishment. To date, none of the more than 300 biological opinions, covering in excess of 200,000 acre-feet of new and historical (pre-Program or pre-1/1988) depletions have been the subject of litigation relative to compliance with the ESA. In our view, this accomplishment merits noting, especially in light of the Program's dual objectives being to recover the endangered fish species while water development proceeds in compliance with interstate compacts, state water law and the ESA.

Page 58, first full paragraph -- The brief description of the funding options associated with providing more certain funding for the Recovery Implementation Programs of the Upper Colorado River Basin and the San Juan River Basin is overly brief. Additional cost-sharing by the state participants is undoubtedly one of the elements of providing more stable, dependable funding for the Programs. In addition, the notion that only a "redirection" of CRSP power revenues may occur leaves out other adjustments that may be pursued. The statement that this will "probably" require federal legislation should be changed by dropping the word "probably." I believe that the states would not be willing to accept an arrangement that did not Congressional approval at this juncture.

Page 63, third full paragraph -- Peaking capacity of the Glen Canyon Powerplant has been "idled," as opposed to being lost, because of constraints on the maximum amount of water that is released through the powerplant and the upramp and downramp rate constraints.

Page 64, third and last paragraphs -- these paragraphs are quite long on opinion and seemingly short on fact. The wording of the Annual Operating Plans relative to when beach/habitat building flows will occur in the future, and under what conditions, should be reviewed, and inserted, into the text of the report at this location.

Relative to the Salinity Control section (pp. 65-71) of this report:

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Page 65, first paragraph -- Salinity as referred to in this section seems to actually be "salinity concentration." It is worth pointing out that the 1996 Triennial Review by the Colorado River Basin Salinity Control Forum, entitled "1996 Review - Water Quality Standards for Salinity - Colorado River System" dated June 1996 says the following on page 2-1: "In addition to total salt load which measures the total mass of salt carried in the River (tons/yr), this report also examines salinity in terms of concentration as expressed in milligrams per liter (mg/L)."

Page 65, first paragraph -- Mr. Pontius does not cite the source of his information about the sources of salinity, however, assuming that he has referred to the 1996 Triennial Review report, it seems that he has made some rounding decisions relative to the sources of salinity.

Page 65, second paragraph -- Mr. Pontius states that Title II of the CRBSCA "authorized four salinity control programs" but reference to the statute will indicate that four "units" as "the initial stage of the Colorado River Basin salinity control program" were authorized.

Page 65, second paragraph - The report does not make note of the fact that the water quality standards are unique in that they are basin-wide. He states that "The Forum set upper limits of salinity at three places on the river at the following concentrations" but fails to note that these are state-adopted and EPA-approved numeric criteria, that along with the plan of implementation, constitute the water quality standards for salinity.

Page 66, first paragraph -- The "goal of the salinity control programs (sic) is to maintain the salinity levels at or below the 1974 levels ..." This is wrong, as the numeric criteria values are the 1972 values of salinity concentration - not the 1974 levels.

Page 67, second paragraph, third line -- "violated" should be "violating."

Page 67, third paragraph - the references to the Yuma Desalting Plant as the "Desalter" are curious and the source of it being referred to in that manner is unidentified. With regard to the description of the authorization of the lining of the Coachella Canal, "which would reduce the diversions by some 132,000 acre-feet", it seems to me that this wording misses the point as to why the lining of the Coachella Canal was authorized in that statute.

Page 70, last paragraph -- The "\$200 million" figure cited in this paragraph is actually "\$200 million per year for the years 1997 through 2002."

Page 71 the discussion about the cost-sharing is really summarized and doesn't make it clear that some of the units were

cost-shared at 75/25 under the prior authorities and that under the 1984 amendments that was changed to 70/30. It is worth noting that there is no reference to the 1984 amendments that established the USDA Program at all in this write-up.

Page 71, second paragraph -- The statement about the basin states being "... clearly worried ... unless new funding sources are found to allow on-going and identified projects to be completed" is an overstatement it seems to me. Our position and perspective, in Wyoming, I believe, is that the source of the appropriations can, should and needs to continue to be federal appropriations. Where the notion came that the States are looking for "new funding sources" came from I do not know, it seems to me that the States are still looking to, anticipating and expecting the Congress to meet this international and national obligation.

Page 72, Table 8 The figures in the column for "Potential Removal" are really indicating the additional amount of tonnage that the Forum is contemplating will take place on these units and projects. The amount of salt that could be removed at each of these units or projects is actually much larger than the amounts that the Forum and U.S. Government have established as the "project objectives" or the amount that will have occurred when the projects are fully implemented. The figure for the remaining or potential tonnage due to "Well Plugging" by the BLM should be 5,620, NOT 5,260 (a numerical transposition has occurred).

Page 83 -- This is one of the several places in the report where brevity does not well serve in accomplishing the report's purposes. As but one example, the report fails to note that many students of the Colorado River take the position that the Colorado River Compact removed the waters of the basin from being an article of interstate commerce. As such, statements such as the one made here about the applicability of the Sporhase leaves out entire aspects of the issue and are one-sided.

Page 94, last full sentence -- The notion that the present means and manner of communication between the Secretary and the Basin States is ad-hoc begs the question of how it would be different with greater formalization or some bureaucratic type structure. The persons with whom the Secretary's designees communicate are in nearly all instances Governor's representatives - persons who have been directed and authorized to speak for their state by their Governor. The point that "as top DOI personnel change and with the Department's shifting priorities in the West" is completely lost on us, e.g., how would a formalized cooperative management structure change these factors?

Page 95, first paragraph -- The frequency of the seven basin states meetings has varied over time and will continue to do so in the future. In addition, meetings among several of the states take place. Further, the idea expressed in the second paragraph that the Upper Colorado River Commission is a "single issue forum," is

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unfortunate and simply not the case. Also, in the second paragraph, the author again inaccurately refers to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (and fails to mention or acknowledge its Implementation, Management and Biology Committees).

Page 96, Figure 17 -- the correct name for the organization created by the Upper Colorado River Basin Compact is the "Upper Colorado River Commission." In addition, the Recovery Implementation Program is mis-cited as the RIPRAP, as commented on above

Page 98, third paragraph The author should include in his sentence "The Colorado River basin has made progress in recent years in including more diverse interests in decision processes ..." the phrase "and preparation of the annual operating plan for the Colorado River reservoirs" on account of the wide-ranging and broad representation and participation of many entities and interests on the Colorado River Management Work Group.

Page 98, fourth paragraph, last sentence -- The author states: "In a sense, this Council is a way to transition to a new system of governance in the basin with more state and local control over their destiny in the future." The report does not describe in any manner or with either real or speculative examples how this "new system of governance" would actually, concretely provide more state and local control. Figure 18, to us, appears to set up a structure that potentially could have tremendous amounts of overlapping, and in some instances, conflicting, objectives, agendas and activities. In some ways, it appears that the recommendation with regard to the appropriate governmental role and organization for federal water-related programs is that they all need to be "squashed" into one mega-council entity.

Page 100, third full paragraph We agree with the author's assessment that reorganizing the federal agencies' internal hierarchies and boundaries on watershed bases makes sense and can offer many personal observations and anecdotes about trying to deal with three different regions with the EPA and NRCS in particular. We are not sure how the example offered of the Virgin River watershed helps to make the author's case. What would the author recommend doing in the case of the Virgin River watershed? How would the author's recommendation for reorganization specifically apply to the Virgin River sub-basin?

Page 103, 2nd full paragraph -- The statements made herein about the need for a more open process relative to the development of specific surplus and shortage criteria and the review of the Coordinated Long Range Operating Criteria leave us wondering how the author believes the process could be made more open. We feel that the Bureau of Reclamation is making a considerable effort to have a most inclusive process proceed in both of those activities.

Page 103, last paragraph The author states his view that

that decommissioning of the YDP without a practical alternative in hand is appropriate. We wholeheartedly believe otherwise.

The arguments that are sketched out on this page are only on the side of why it should be "decommissioned" but we find no attempt has been made to describe the other side of the issue - that a decision was made, a facility has been built and that most of the alternatives listed on this page were rejected in a long and thoughtful process that occurred prior to the passage of Title I of Public Law 93-320. We question whether the reliance that is placed on the 1997 report cited in the fourth line of the first paragraph is well-placed, based on our review of that document.

Reclamation has made numerous studies since the initiation of construction of the YDP, and subsequent to its completion, to identify practical and affordable alternatives. None have emerged to our knowledge. Clearly additional and more intensive efforts are needed to find a better solution, but until such time as one is found we believe that the present one should not be abandoned.

Page 112 The author's statement that the current economic impacts of salinity are estimated at close to \$1 billion a year is inconsistent with the 1996 Triennial Review by the Colorado River Basin Salinity Control Forum, entitled "1996 Review - Water Quality Standards for Salinity - Colorado River System" dated June 1996. The Forum's report states: "At current salinity levels, these damages are estimated to be in excess of \$750 million per year. If the proposed plan of implementation for salinity control as set forth in this Review is not implemented, these damages could exceed \$1 billion per year by the year 2015" (page 2-6).

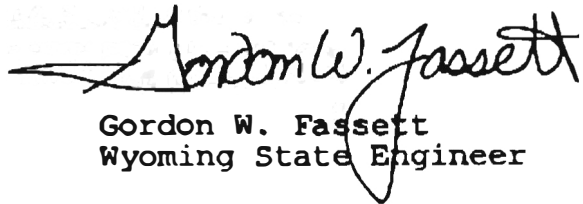
The salinity control standards were not adopted by the Colorado River Basin Salinity Control Forum - rather they were developed by the Forum and have been adopted by each of the Colorado River Basin States. It is the individual states, not the Forum, that have legal authorities and responsibilities under the Clean Water Act.

Page 113 -- The author seems to have reached the conclusion that a politically tenable and practical alternative to the salinity control program measures being pursued is retirement of irrigated lands through the purchase of water rights. The author implies that so doing would have positive consequences relative to complying with the treaty obligation to Mexico. We believe that he meant to refer to the numeric criteria for salinity rather than the treaty obligation to Mexico, as the latter is a salinity concentration differential that would not be positively influenced by retirement or drying up irrigated lands. To this point in time, some of the basin states have not found irrigated land retirement as a strategy to reduce salinity to be acceptable. It should be noted that one of the reasons for the basin-wide salinity control program is to control the salinity concentrations of the Colorado River while the Upper Division States continue to develop additional Compact-apportioned water supplies.

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Thank you for the opportunity to offer these comments on the subject draft report. We recognize and appreciate the enormity and complexity of the subject matter, the shortness of time to complete the research and preparation of the report and the limitations on time and financial resources. This report does provide a unique compilation of the many difficult issues and activities ongoing in a basin that drains approximately one-twelfth of the contiguous United States. We trust that these comments will be accepted in the constructive and well-intentioned manner in which they have been offered. Please don't hesitate to contact this office if we may answer any questions or elaborate on our comments in any way.

With best regards,

A handwritten signature in black ink, reading "Gordon W. Fasset". The signature is stylized with a large, sweeping initial "G" and a long, horizontal stroke extending to the left.

Gordon W. Fasset
Wyoming State Engineer

GWF/JWS/js

cc: Pat O'Toole