

**The States of Colorado, New Mexico, Utah and Wyoming
Governor's Representatives on Colorado River Operations**

April 18, 2005

The Honorable Gale Norton
Secretary of the Interior
Office of the Secretary
U.S. Department of the Interior
Main Interior Building
1849 C Street, NW
Washington, D.C. 20240

Re: Lake Powell Water Releases

Dear Secretary Norton:

The 2005 Annual Operating Plan (AOP) provides you will undertake a review of the plan in April 2005, in consultation with the Basin states, to determine if the runoff forecast warrants an adjustment in reservoir releases from Lake Powell for the remainder of water year 2005. You have encouraged the seven basin states to work together to develop a unified states' position for the April review. Although the states have continued to explore options to resolve the differences between the Upper and Lower Divisions, we have not been able to agree on a unified position for the April review.

The main difference seems to be whether there is an obligation to continue releases from Lake Powell at the 8.23 million acre-feet level. It is clear no such obligation exists or has ever existed. In this regard, please note the following which is taken from "*Departmental Actions on Comments from Upper and Lower Division States on Proposed Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs Pursuant to the Colorado River Basin Project Act of September 30, 1968*" (P.L. 90-537), page 8:

In this connection, the Operating Criteria imposes no firm or fixed obligation that 8.23 million acre-feet be released each year from Lake Powell. That quantity is stated as an 'objective'....

The unique hydrologic conditions throughout the entire basin, especially given the existing and projected Lake Powell reservoir levels, warrant retaining as much water as possible in Lake Powell for the year 2005. In support thereof, the Upper Division States note:

High precipitation and runoff in the Lower Basin have resulted in Lake Mead rising to elevation 1146.8 feet or 16.1 million acre-feet (MAF) which is 62 percent of live storage capacity, while storage in Lake Powell has dropped to elevation 3556.1 feet or 8.03 MAF which is 33 percent of live storage capacity. These figures are as of April 14, 2005. The Lower Basin runoff this year has resulted in the filling and spilling of most Lower Basin tributary storage reservoirs. Substantial amounts of water continue to flow out of these Lower Basin tributaries in excess of tributary uses into the mainstream where water is currently being used to meet mainstream demands and deliveries to Mexico, resulting in reduced releases from Lake Mead. Lake Mead is currently well above the elevation that allows interim surplus uses in the Lower Basin and is expected to remain so well beyond January 2006.

2. The northern Upper Basin tributaries are below average in precipitation (80% to 86% of normal snow pack) and forecasted runoff. Overall, precipitation in Upper Basin tributaries continues to decline and runoff is predicted near average. Storage in Lake Powell is extremely low and will remain well below the 602(a) level in 2005. If the drought persists, the release of the annual minimum objective of 8.23 MAF in 2005 will continue to threaten the Upper Basin's ability to meet future compact deliveries by drawing Lake Powell down at a rate faster than is warranted. It will increase the risk of Lake Powell falling below the minimum elevation for generation of electrical power, thus jeopardizing a critical source of revenues for several environmental and Endangered Species Act compliance programs important to the Department of Interior, the Bureau of Reclamation and the Colorado River Basin States.
3. Prudent management of the system dictates holding as much water as possible in upstream storage. The thrust of the Colorado River Basin Project Act of 1968, Section 602(a)(3)(ii), is "to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell" which suggests reducing releases from Lake Powell to achieve the intent of the Act.
4. Language in the 2005 AOP and in the Long Range Operating Criteria clearly gives you the authority and discretion to modify releases from Lake Powell to whatever level is appropriate.

Given the abundance of water in the Lower Basin as compared to the drought conditions that continue to persist in parts of the Upper Basin, as well as the relative difference in storage in Lakes Powell and Mead, it would be prudent water management to hold as much water in Upper Basin reservoirs as possible.

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We are available to discuss the particulars of this letter should you have questions. We are committed to continue to work with the Lower Divisions States to explore the options available in 2005 and beyond.

Sincerely,



Scott Balcomb
Upper Colorado River Commissioner
State of Colorado



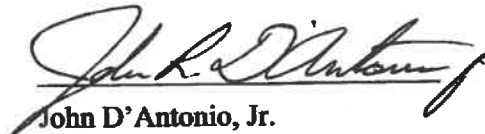
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cc: Herb Guenther, Director, Arizona Department of Water Resources
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