

**Water Education Foundation
Water in the West
Interviewer: Rita Schmidt Sudman
Interview of: Jerry Zimmerman**

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1 [TAPE ONE -- BEGINS AS FOLLOWS:

2 R. Sudman: Jerry would you tell us where you grew up?

3 J. Zimmerman: I grew up on a ranch in Wyoming about 20 miles north of
4 Cheyenne.

5 R. Sudman: So as a kid did you -- did you think about water very much?

6 J. Zimmerman: --Uh-- My dad instilled that water is a very precious resource.
7 The only water that we really had was from wells. And until
8 the wind didn't blow --Uh-- we made sure that the cattle had
9 water and the other livestock. Until we rationed water in the
10 household and on the lawns -- we wanted to make sure that
11 all the livestock had sufficient drinking water.

12 R. Sudman: So it's sort of an arid environment even though Wyoming
13 gets a ton of snow?

14 J. Zimmerman: Well, the mountains in Wyoming get a ton snow out in the
15 plains north of Cheyenne you have snow during the -- the
16 winter months but everybody in Wyoming -- especially that
17 part of Wyoming suggests that the snow falls -- hits the
18 ground and blows to Nebraska and so you -- the snow was
19 either in drifts or --Uh-- well -- snow was in the drifts.

20 R. Sudman: So water was water a part of your life from the early time?
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1 J. Zimmerman: Water was a part of life from the early time although we
2 didn't do any irrigation on the ranch --Uh-- water was very
3 important.

4 R. Sudman: Did your family remain in ranching?

5 J. Zimmerman: My dad did. This last -- was two years ago my brother and I
6 sold the last two sections.

7 R. Sudman: Humph. [Sigh]

8 J. Zimmerman: Which was very difficult to do -- but --Uh-- we couldn't
9 maintain it and the people we had renting it were not keeping
10 up the fences and -- and (Unintelligible) and wild winds -- so
11 we had to do something.

12 R. Sudman: And what got you to go into engineering?

13 J. Zimmerman: I think --Uh-- from the very beginning when you had in
14 junior high -- you had to identify and write a paper on what
15 you would like to be. That point and time I felt I wanted to
16 be an Agricultural Engineer and design irrigation systems and
17 work with agriculture and irrigation systems.

18 R. Sudman: So you had already had the group -- realized that that's -- that
19 you wanted have a future dealing with this resource?
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1 J. Zimmerman: Dealing with the resource although when I went to college --
2 although my first degree is in Agricultural Engineering
3 focusing on the -- focusing on water I decided to expand it
4 and received a Masters in Water Resource Engineering in a
5 Civil Engineering College.

6 R. Sudman: So was that in Wyoming?

7 J. Zimmerman: Both degrees are from the University of Wyoming.

8 R. Sudman: And then --Uh-- what is your first job?

9 J. Zimmerman: --Uh-- my first job was with the Wyoming Water Planning
10 Program. --Uh-- In developing Wyoming's Water Plan for
11 each of the sub-basins within Wyoming.

12 R. Sudman: So you did get involved in water right away?

13 J. Zimmerman: Right.

14 R. Sudman: What were the concerns in Wyoming at that time where they
15 wanted to develop these plans?

16 J. Zimmerman: The primary emphasis on Wyoming's Water Plan as directed
17 by the Wyoming Legislature was to develop a plan for each
18 sub-basin to show that Wyoming would be able it's full
19 Compact Allocations from each of the major river systems
20 within Wyoming.

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1 R. Sudman: Okay. And you -- you said Compact Allocations can you
2 explain that and also tell us about what year this was?

3 J. Zimmerman: This was in 1970 that I worked in the Wyoming State
4 Engineers Office, Wyoming Water Planning Program from
5 1970 until 1973. --Uh-- and by mentioning Compacts --
6 you know-- there's a Compact on the Colorado River that
7 deals with the Green River System. There's a Yellowstone
8 Compact that deals with --Uh--the tributaries that flow into
9 the Yellowstone and eventually into the Missouri River and
10 so that's the --Uh-- the Big Horn River or the Tongue Fork
11 Power River Basins.

12 R. Sudman: We didn't know about the Yellowstone or the Power River
13 Basins.

14 J. Zimmerman: There's a decree between Nebraska and Wyoming on the
15 Platt River System and so that covers essentially all of
16 Wyoming's water is -- I missed the Snake River and there's a
17 Compact between Idaho and Wyoming on the Snake River
18 and the Bear River Compact --Uh-- in the very Southwestern
19 corner of Wyoming between Wyoming and Utah.

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1 R. Sudman: So Wyoming has a lot of interstate water compacts that
2 govern use in the State?

3 J. Zimmerman: Right. Either Compacts over court decrees covering
4 essentially all the water within the State of Wyoming,
5 I believe, you're aware that Wyoming has a very small
6 population and so it was a challenge to show how Wyoming
7 could its entire Compact Allocation or Decreed Entitlements
8 within the Wyoming Water Plan.

9 R. Sudman: So Wyoming doesn't use all of its allocation though does it in
10 practicality?

11 J. Zimmerman: Practicality --Uh-- the only Basin that really I believe can
12 continues to date to use its entire allocation is North Plat.

13 R. Sudman: North Plat which is an agricultural area?

14 J. Zimmerman: Right.

15 R. Sudman: So, you developed these basin plans and that's -- that helps
16 people plan for water use in Wyoming?

17 J. Zimmerman: Correct. We were -- Assuming that at that time that the
18 energy development was in and we would have a major use
19 of the water -- so we even had within Wyoming's Water Plan
20 Trans-Basin diversions. --Uh-- we also thought the South
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1 Plat and North Plat area would grow towards where
2 Cheyenne is and then currently have one Trans-Basin
3 Diversion. We assumed the water could come from the
4 Green River -- The Colorado River System and go into
5 supply further needs within the North Plateau Flat River
6 Basins.

7 R. Sudman: Now that energy use hasn't happened as planned? But I
8 suppose it still could?

9 J. Zimmerman: It still could there's a lot of -- of development of the
10 controlling resources and that was in Wyoming that could be
11 expanded --Uh-- and we had further needs of their
12 entitlements.

13 R. Sudman: So, after you completed this plan --Uh-- with Wyoming did
14 you continue on in Water Resources?

15 J. Zimmerman: When I was working in the Wyoming Water Planning
16 Program in the State Engineers Office the Missouri River
17 Basin Commission was just being formed --Uh--

18 R. Sudman: (Unintelligible)

19 J. Zimmerman: (Background Noises) -- I was just trying to remember the
20 name.

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- 1 R. Sudman: Oh, yeah. (Unintelligible)
- 2 J. Zimmerman: Floyd Bishop (Phonetic) who is the State Engineer at that
3 time was the appointed Representative to the Missouri River
4 Basin Commission. Floyd had suggested that I apply to the --
5 to be on the staff of Missouri River Basin Commission so
6 there would be a Wyoming interest on that newly formed
7 Commission. --Uh-- so I applied and was on the staff of the
8 Missouri River Basin Commission.
- 9 R. Sudman: And what did that work contain?
- 10 J. Zimmerman: That was a Federal/State Planning Organization. That dealt
11 with ten states -- ten Federal Agencies -- and two Compact
12 Commissions. It was under the Water Resources Council and
13 at that time there were several commissions that were formed
14 so we did a lot of planning for Missouri River Basin which
15 included -- as I said ten states.
- 16 Unidentified Male: What would involve ten Federal Agencies?
- 17 J. Zimmerman: Well --
- 18 R. Sudman: What were the main problems in irrigation at that time?
- 19 J. Zimmerman: --Uh-- On the Missouri River mainstream itself the problem
20 or the issue was the upper basin being the primarily
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1 agricultural North -- North Dakota, South Dakota, Montana
2 and the deliveries of water then for navigation as you go
3 down the Missouri River for Nebraska, Kansas, Iowa, and
4 Missouri. Until there was a difference of opinion
5 [Clearing throat] (excuse me) on how the Missouri
6 Mainstream Dam should be operated. Whether to conserve
7 water or release that water for the navigation and at that point
8 and time there were a lot of what they called Level B
9 Planning Studies that were being developed. --Uh-- those
10 were planning studies on how water needs of the various
11 states within each of those basins could continue to meet their
12 needs. So you had the Platt River Level B --
13 A Missouri River Level B -- also energy development was a
14 major issue and we did receive grants to the contract for
15 doing energy studies. That looked at developing resource
16 documents that could be used by various agencies in the
17 pelvic and identify the impacts of water use and how those
18 maybe addressed.

19 R. Sudman: What kind of energy were they going to develop there?

20 J. Zimmerman: Primarily a cull ship. (Phonetic)

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- 1 R. Sudman: And this is about in the mid-seventies?
- 2 J. Zimmerman: --Uh-- this was in the mid to late seventies.
- 3 R. Sudman: So how long were you there?
- 4 J. Zimmerman: --Uh-- Until 1980.
- 5 R. Sudman: Oh --Okay.
- 6 J. Zimmerman: At that point and time Congress decided that the
- 7 Water Resource Council and its development of the
- 8 Eldridge Projections and other things was no longer a viable
- 9 Federal Agency and cut off all Federal funding for the
- 10 Water Resource Council of which we received about
- 11 50 percent of from the Federal the remaining 50 percent came
- 12 from the ten states.
- 13 R. Sudman: Let's talk a little bit about that Water Resources Council it
- 14 was something that was created in the sixties or around that
- 15 time?
- 16 J. Zimmerman: It was created in --Uh-- probably the seventies.
- 17 R. Sudman: Okay.
- 18 J. Zimmerman: Late sixties early seventies.
- 19 R. Sudman: And what was the politics behind creating it and what was the
- 20 politics for disbanding it?
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1 J. Zimmerman: I think the politics on creating it was to have a Federal
2 influence in development, planning, and rational planning in
3 various basins and they had not only in the west but they also
4 had --Uh-- a couple of commissions on the northeast.

5 R. Sudman: Now that sounds fairly logical. Why? Why did it --Uh--
6 have a demise in less than ten years?

7 J. Zimmerman: They said "politics" primarily.

8 R. Sudman: A Change from a Democratic to Republican Administration?
9 Ronald Reagan or what?

10 J. Zimmerman: Well, there were politics on the Commission was -- was
11 doing with --Uh-- and I agreed.

12 R. Sudman: You signed it. You didn't want to go there. Okay. So --Uh--

13 J. Zimmerman: (Unintelligible)

14 R. Sudman: So when that was disbanded is that -- Does that put you out
15 of a job?

16 J. Zimmerman: Well, I thought -- I had some foresight and thought --
17 you know-- there's probably not going to be a job here and
18 you're going to have to reduce the staff

19 R. Sudman: Uh hmm (affirmative)

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1 J. Zimmerman: And so I began to apply for employment and the
2 Commission-- Although Water Resources Council in the
3 Federal Government did not provide funding the
4 Missouri River Commission totally funded by the States
5 remained in existence probably another three to four years.

6 R. Sudman: So -- so far -- you have had experience in the Upper Basin
7 and -- and in one state Wyoming and the Missouri River and
8 where do you go next?

9 J. Zimmerman: Then I went to the Upper Colorado River Commission.

10 R. Sudman: And that's where you really learned about what the concerns
11 are in the Basin?

12 J. Zimmerman: --Uh-- Correct-- from an Upper Basin perspective.

13 R. Sudman: And your position there?

14 J. Zimmerman: --Uh-- the Executive Director of the Upper Colorado River
15 Commission that represents the four Upper Basin States
16 Wyoming, Colorado, Utah and New Mexico.

17 R. Sudman: Good. Now what were the concerns -- when you got there
18 saw that these states within the this Commission what were
19 their main concerns at the time? Now it's about 1980 we're
20 talking.

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1 J. Zimmerman: --Uh-- their main concerns --Uh-- in the 1980's are not too
2 much dissimilar to what they were or what they are today in
3 that --Uh-- at that point and time the Upper Colorado River
4 Commission and the Upper Basin States were saying --No--
5 to California. --Uh-- Those states hadn't developed their full
6 entitlement -- New Mexico was approaching it but the other
7 states hadn't anytime that California would like to move to
8 get more creative in management or operation of the
9 river system. Wyoming and the Upper Basin Commission
10 would say -- We don't support that and --

11 R. Sudman: What kind of creative proposals did California have in the
12 '80s because I don't remember that there was that much
13 activities on the River in that time but maybe there was to the
14 Upper Basin Commission.

15 J. Zimmerman: It was primarily in releases out of the Reservoir System and
16 at that point and time California was taking surplus water and
17 the primary focus of -- of the Upper Basin at that time was
18 1) To fill Glen Canyon Dam (Phonetic) and to keep it as full
19 as possible. We did -- just began to get into some of the
20 endangered species issues. --Uh-- While I was there --

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1 We began to look at development of the Upper Colorado
2 River Recovery Implementation Plan that was discussed
3 among the commissioners whether we should do that -- and
4 take a proactive role or we should just leave it to and not
5 address it all.

6 R. Sudman: What was thinking then at the time?

7 J. Zimmerman: The thinking was --Uh-- that it would -- it would be
8 dangerous if we got into it -- took a proactive role by some of
9 the commissioners. Others felt that we should take a
10 proactive role so you would be able to --Uh-- guide how that
11 program developed. Because at that time the Fish and
12 Wildlife Service in its biological opinions was beginning to
13 put a Depletion Tax on each --Uh-- project that was being
14 developed. So you would go out and develop a project --
15 you had to dedicate so many acre-feet of water for
16 endangered species recovery and that ultimately won out the
17 Commission decided that it would best to get actively
18 involved and to develop a program that would allow the
19 Upper Basin to continue to develop its Compact Allocations
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1 while addressing the endangered species issues and the
2 recovery of (Unintelligible) the four big rivers fish.

3 R. Sudman: So what did it mean? That you got involved?

4 J. Zimmerman: --Uh-- the Upper Colorado River Commission and the States
5 sat on the various committees that direct directed
6 1) The Planning of the Recovery Implementation Program as
7 well as now is involved in implementation of the various
8 projects and programs within the plan.

9 R. Sudman: So at that time were there many projects being built in the
10 Upper Basin in the '80's?

11 J. Zimmerman: --Uh-- Yes. There were small projects that were developed
12 and there were a number of projects that were on the
13 drawing board. That the Upper Basin hoped to develop and
14 through the Upper Colorado -- Through the Upper Colorado
15 Basin Recovery Implementation Plan --Uh-- that would in the
16 implementation of that they would be able to then have the
17 environmental compliance associate -- The Species Act
18 compliance associated with development of those projects.

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1 R. Sudman: What was --Uh-- was the Animal Plaudit (Phonetic) project a
2 big thing going on at that time? That involved you in
3 anyway?

4 J. Zimmerman: --Uh-- Not directly on the Commission except the
5 Commission --Uh-- did support New Mexico to building the
6 Animal Supply Project.

7 R. Sudman: And they finally did? But a lot smaller than planned?

8 J. Zimmerman: It's smaller than planned.

9 R. Sudman: So --Uh-- what -- At that time the concern was that California
10 was using more than its 4.4 and consistently doing so and that
11 must have concerned the Upper Basin?

12 J. Zimmerman: That was a concern but we didn't -- at that point and time
13 really address the 4.4 and California needed to live within
14 that --Uh-- 4.4 apportionment because as I indicated the
15 Upper Basin hadn't fully developed neither had Arizona or
16 Nevada moved into more approaching its full apportionment.
17 It was just more management in the system.

18 R. Sudman: And did you -- did you think at the time that those Lower
19 Basin States were growing pretty fast and that could be a
20 reality in your lifetime or did it just seem far away?

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1 J. Zimmerman: Well it -- It -- in the back of your mind -- seemed to be a
2 reality -- I mean -- it was in the back of everybody's mind a
3 lot of time and effort in the Upper Colorado Commissions
4 focused on historically -- Why did we take the position that
5 we took as the long range operating criteria were developed.
6 Why did we have certain provisions included in the
7 Colorado River Basin Project Act? Why in the
8 Colorado River Storage Project Act? What? Why do we
9 have certain provisions contained in that document and there
10 are a number of files in the Upper Colorado River
11 Commission that dealt back to those people that were actually
12 involved in the negotiations and the reason that they took the
13 positions that they took.

14 R. Sudman: But was the Upper Basin did it look like they would ever
15 develop all this water that they had coming to them?

16 J. Zimmerman: Well there's always plans on the books that show that the
17 Upper Basin is going to develop and each state is going to its
18 Compact Apportionment of politically within a state or
19 within a basin you can't say that you're not going to develop
20 your entitlement.

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- 1 R. Sudman: Why because (Overlapping conversation) (Unintelligible)
- 2 J. Zimmerman: That's your birthright.
- 3 R. Sudman: That you would be giving it up you would letting the outside
4 people know that we're not going to ever need it so you just
5 make up plans that maybe aren't really real?
- 6 J. Zimmerman: But you make up plans and they may not come into
7 (Unintelligible) however as dynamic as things change
8 something else may take its place. You have oil shell
9 development had moved where it was planned in the late '70s
10 early '80s the Upper Basin would be using a tremendous
11 amount of -- of water compared to what its currently using
12 today. And if any type of oil shell development moves in the
13 future there will be large demands associated with that
14 development.
- 15 R. Sudman: And that's interesting. That's something we've just kind of
16 forgotten about. But I suppose it may be possible with the
17 situation with the imported oil, etcetera -- of course there's a
18 global warming issue too.
- 19 J. Zimmerman: Particularly look at what some of the oil companies are
20 looking at today. They're looking at -- at ways they may be
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1 able to economically get more oil. More gas out of the
2 resources in those reserves that located within the
3 Upper Basin. A number of the techniques that they're
4 looking at are very water intensive.

5 R. Sudman: So what were the -- Did you have other responsibilities
6 besides keeping California and the Lower Basin at bay?

7 J. Zimmerman: There was -- The primary responsibility was to obtain a
8 unified Upper Basin position among all four Upper Basin
9 States. It's.

10 R. Sudman: You might want to step back a second and talk a little bit
11 about the Upper Basin Compact because it didn't come along
12 until --like-- 1948 or so and in the mean the seven states had
13 a Compact in 1922. So you might be corroding a little bit
14 about time.

15 J. Zimmerman: Well the 1922 --Uh-- Colorado River Compact Apportioned
16 Water between the Upper Basin and the Lower Basin. As the
17 Upper Basin began to develop there became concern on who
18 was going to develop the fastest. It's kind of like the
19 rationale used in the Colorado River Compact and based
20 upon that it was decided among the Upper Basin States that
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1 they needed to get apportionment --Uh-- under the -- the
2 apportionment that the Upper Basin received through the
3 1922 Colorado River Compact. Now as the states got
4 together and negotiated the Upper Colorado River Basin
5 Compact which apportioned water to each of the Upper Basin
6 States. --Uh-- Utah, Wyoming, Colorado, New Mexico, and
7 Arizona has a small piece in the Upper Basin and so that
8 Compact also gave Arizona 50,000 acre-feet of water.

9 R. Sudman: And Arizona's primarily involved in that -- it's the Lower
10 Basin States that had the tributary situation and isn't that the
11 (Unintelligible) Upper Basin Water.

12 J. Zimmerman: There is -- The tributary that drains in above Leaf Fairing
13 (Phonetic) the Compact point between the Upper Basin and
14 the Lower Basin.

15 R. Sudman: So the

16 J. Zimmerman: And within the Upper Colorado Basin Compact the Upper
17 Colorado River Commission is explicitly named as the entity
18 that administers that Compact.

19 R. Sudman: So it's a legal entity?
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1 J. Zimmerman: It's a legal entity and it does have the authority to make sure
2 that the Upper Basin meets its Compact -- Colorado River
3 Compact --Uh-- deliveries under the 1922 Compact. So if
4 there is happens to be a Compact call where the Upper Basin
5 cannot meet the it's deliveries in accordance with the
6 1922 Compact the Upper Colorado River Commission is the
7 Entity that says how the water would be reduced within the
8 Upper Basin to meet that delivery obligation.

9 R. Sudman: Now in the Lower Basin the three states have exactly
10 proportion numbers in which each state has that "X" amount
11 of water. But in the Upper Basin its sort of lumped together
12 isn't it?

13 J. Zimmerman: Within the Upper Basin under the terms of the 1944
14 Upper Colorado River Basin Compact they realized that in
15 1922 when they gave a specific apportionments to each Basin
16 if the hydrology doesn't hold --Uh-- the numbers are -- are
17 irrelevant. So, within the Upper Colorado River Compact
18 when it was negotiated the Compact Commissioners decided
19 to give each state a percentage of the available supply.
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1 R. Sudman: Oh -- So -- It was -- It was a more sophisticated way of
2 looking at dividing the water then the system at the
3 Lower Basin had gone through and just picking amounts?
4 J. Zimmerman: --Uh-- Correct.
5 R. Sudman: What are those percentages -- I know Colorado is the biggest.
6 J. Zimmerman: --Uh-- I don't have those on the top of my head.
7 R. Sudman: (Unintelligible) (Overlapping conversation) Well, they're
8 easy to look up. But --Uh-- so -- Did --Uh-- were there --
9 was there disputes about those percentages? Or some issues
10 between the states in the Upper Basin? Or the Upper Basin
11 states pretty align their water issues.
12 J. Zimmerman: --Uh-- as far as the percentages they are contained within the
13 Compact of all the states --Uh-- fully endorsed those
14 percentages. They live by those percentages. And all of the
15 projections that each state makes fall within those
16 percentages.
17 R. Sudman: So there -- So there wasn't too much disunity with the
18 Upper Basin States about Colorado River water.
19 J. Zimmerman: Not on the percentages that is apportionment to each of the
20 states. (Overlapping conversation) (Unintelligible)
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1 R. Sudman: Were there issues that -- that? Cause dissention in the
2 Upper Basin at that time?

3 J. Zimmerman: There was a lot of discussion about New Mexico developing
4 further into Navajo Contracts there had to be a specific
5 hydroelectric determination made that would show that
6 New Mexico could enter into these contracts and still be
7 within its apportionment. Because one of the major points in
8 the Upper Colorado River Compact is if its State used -- uses
9 more than the water that was -- should have been apportioned
10 to it and there is a curtailment of use within the upper basin to
11 meet the Colorado River Compact delivery requirements.
12 The state that used more during that ten year period than its
13 entitlement had to curtail that before any other curtailment
14 was made in the Basin. So you can see if New Mexico were
15 to let contracts and had large water uses above what the
16 Upper Colorado River Commission determined was its legal
17 entitlement based on the percentages that if was a call on the
18 River New Mexico would have to come up with a lot of
19 water in that year to make its Upper Basin Delivery
20 Requirement. If that were to occur then that would mean that

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1 New Mexico would have to completely --Uh-- terminate all
2 of its uses within the Upper Basin.

3 R. Sudman: So what were you -- what did you think at the time when you
4 have this position which I think you held for about ten years?
5 What was the most important project that you worked on and
6 you're most proud of -- of your time there at the Upper Basin
7 leading that Commission?

8 J. Zimmerman: Well -- --Uh-- I think the one thing that I can say that while I
9 was there continued to protect the Upper Basin's interest in
10 the Colorado River and represented the Upper Basin in its
11 position to related operation and management of the
12 River System. I think that's one of the things that I -- One of
13 the reasons that I felt like I believe is that there wasn't a lot of
14 challenge because there wasn't a lot of things going on where
15 you could think creatively and try to implement something
16 new.

17 R. Sudman: Now what opportunity did you have then to -- to face this
18 challenge? Where did it come from?

19 J. Zimmerman: It came when I moved to California because that's -- that's
20 where things were happening and there was an opportunity
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1 then to look at how can California continue to meet its critical
2 water supply needs and not adversely impact any of the other
3 Basins States. But to utilize the River System in a manner
4 that would make more efficient effective use of the available
5 supply.

6 R. Sudman: So you were moving from your commission job into the
7 enemy camp so to speak?

8 J. Zimmerman: I have been characterized as a traitor and still in characterized
9 as a traitor by a number of my Upper Basin friends.

10 R. Sudman: Is that somewhat serious in a way?

11 J. Zimmerman: --Uh-- At times I believe that --Uh-- some of the Upper Basin
12 bullies that maybe I have --Uh-- not kept some of the
13 confidences that we had. I can assure you that I have not
14 released any confidential documents and --Uh-- I fully
15 understand where the Upper Basin is but I think that anybody
16 that has been involved in water and the Colorado River Basin
17 knows where each state is and knows the positions that each
18 state has taken.

19 R. Sudman: They're certainly not a secret.

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1 J. Zimmerman: They are not a secret and I have continually maintained any
2 confidential documents that -- that -- that were produced and
3 there were a number of them.

4 R. Sudman: And this is about 1990?

5 J. Zimmerman: I moved to California in 1990.

6 R. Sudman: Was it to accept a position as Executive Director of the
7 Colorado River Commission?

8 J. Zimmerman: The Colorado River Board of California. Correct.

9 R. Sudman: So immediately you -- you started looking at things from the
10 other side? You knew some of California's concerns because
11 you heard them articulated in -- in meetings?

12 J. Zimmerman: --Uh-- that is true. And --Uh-- the first meeting in California
13 that I had with the Agency Managers within California and
14 members of the Board we talked about the annual operating
15 plan and then whether California is going to be able to take
16 surplus water that year --Uh-- at that time I suggested that in
17 my reading as a Californian I could read the annual operating
18 plan indicate that --yes-- surplus can be taken by California in
19 that year. And --Uh-- in first years with the Board that's
20 where a lot of the debate discussions --Uh-- were around as

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1 surplus water -- how are we going to operate the reservoirs
2 system and at that point and time California was using about
3 5.2 to 5.3 million acre-feet and it - Arizona had begun to
4 further develop and was out in surplus conditions California
5 uses could have -- could be limited. So they wouldn't be able
6 to continue to divert what they have in the past.

7 R. Sudman:

8 So at that time still there were people in California in the
9 early '90s that thought that we could increase the water
10 supply other places within the State --Uh--to make up for that
11 water and they didn't really see themselves being forced to
12 forego it, because they were getting it. They didn't may be
13 see the handwriting on the wall --who knew that Arizona
14 would develop a water bank and go store the water, right?
15 They thought they had more time?

16 J. Zimmerman:

17 Correct. I think everybody thought they had more time but I
18 would say from the beginning that California was thinking
19 ahead on what might we be able to do to better meet our
20 future water supply needs. So even in the early 1990s they
21 were beginning to think about what type of programs may we
22 look into and expand our current water portfolio in order to

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1 continue to meet the needs. Some of that is -- you indicated
2 was looking to Northern California at that time the allocation
3 that Metropolitan Water District had with the State Water
4 Project was not being fully used. They were relying on a
5 cheaper source the Colorado River to meet its basic needs.

6 R. Sudman: But another reason was that California couldn't get that water
7 through the Delta because of political problems in Northern
8 California so they had Southern California -- Southern
9 California had to rely more on the Colorado River?

10 J. Zimmerman: Right.

11 R. Sudman: What made the early 1990s sort of unique -- The late '80s
12 early 90s?

13 J. Zimmerman: What I said --Uh-- continuing to get a full Colorado River
14 Act for Metropolitan Water District. That was a challenge
15 every year when you developed a new operating plan.

16 R. Sudman: But what about the drought in those years? That was what I
17 was getting at -- that there was a drought?

18 J. Zimmerman: There was a drought -- The drought --Uh-- on the
19 Colorado River System didn't impact any of the California
20 water users. The drought was the State Water Project water
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1 was curtailed and so it was essential at that point and time
2 that the Metropolitan Water District continued to receive
3 what we call full aqueduct or the 1.2 -- 1.3 million acre-foot
4 diversion delivery from the Colorado River. It was that
5 allowed Southern California not to go into rationing or deep
6 rationing. Although there was a lot of conservation was
7 implemented in those years.

8 R. Sudman: So what was it that pushed California into actually having to
9 live within its only allotment of 4.4 was that the other States?
10 Or the Federal Government? Or the Drought? What were
11 the things that made California actually go on their quote
12 unquote water diet?

13 J. Zimmerman: It was the other states as well as the Department of
14 Secretaries of the Department of Interior that asked
15 California to develop its 4.4 Plan. Originally the Colorado
16 River Board and Developing that plan did call it a 4.4 Plan
17 we saw the light half way through that that's probably not a
18 good title for that plan it should be California - Colorado
19 River Water Use Plan. And so we've the Board did change
20 the title.

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1 R. Sudman: But you were stuck?

2 J. Zimmerman: But we were stuck. But the 4.4 Plan connotes that
3 California is limited to 4.4 million acre-feet. We were
4 accused at that time we submitted that plan there really was
5 not California's 4.4 Plan but 4.8 plan because contained
6 within that plan was the ability to --for California to take
7 about 4.4 million acre-feet of water per year.

8 R. Sudman: Which was 400,000 acre-feet more than you were supposed
9 to?

10 J. Zimmerman: It was -- and you can look at it that way as some of the states
11 did -- we looked at it as it was 400,000 acre-feet less that we
12 had historically taken and had been taken. And the plan
13 clearly demonstrated that when California was to be limited
14 to 4.4 in certain years and hydrology and the reservoir
15 conditions would dictate those years that needed to occur.
16 That we would still be able to live within or 4.4 million
17 allocation and meet our critical water supply needs. And in
18 fact as the plan has proven or has history has proven the plan
19 did show that you could do that and the soft landing that we

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1 were to receive by developing that plan didn't occur.

2 California had not taken any surplus water under the plan.

3 R. Sudman: So it has not taken more water than 4.4 or 4.8?

4 J. Zimmerman: It had not taken more water than 4.4.

5 R. Sudman: So now --Uh-- who had actually worked out those numbers?

6 Was that --Uh-- the Colorado River Board or was that the

7 Stakeholders?

8 J. Zimmerman: It was the Colorado River Board in consultation with the

9 Stakeholders. The Stakeholders are the various entities that

10 had water and power rights from the Colorado River --Uh--

11 six of those agencies sit on the Colorado River Board as a

12 representative of those agencies and so meeting with the

13 Board you also met with the agencies that take Colorado

14 River water.

15 R. Sudman: And now when? How long did it take to get this 4.4 plan out

16 there and agreed to considering the Interior Department and

17 the Bureau of Reclamation was involved -- the Stakeholders

18 and the other states?

19 J. Zimmerman: --Uh-- I don't know -- it went through -- too many years --

20 we had about three different facilitators that tried to facilitate

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1 negotiations among the agencies within California to get each
2 of the agencies to agree on specific amounts of water that
3 they would be able to use as a cap we had Abe Sofare
4 (Phonetic) who was known to have --Uh-- negotiated a
5 settlement between the Palestine's and Israel.

6 R. Sudman: And see how that's helped?

7 J. Zimmerman: And he was able to although it was a small settlement he was
8 able to negotiate that however in dealing with the agencies
9 and Southern California he was unable to get in a negotiated
10 settlement.

11 R. Sudman: Would you say it was really pressure from the Interior
12 Secretary at the time Bruce Babbitt that helped make that
13 happen?

14 J. Zimmerman: Right. Without Bruce Babbitt and --Uh-- David Hayes it
15 would never have occurred and also --Uh-- Hertzberg
16 (Phonetic) and --Uh-- others within Dave Kennedy and others
17 within California helped to move that forward Tom Hannigan
18 (Phonetic).

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1 R. Sudman: What power did the Secretary of Interior have that -- that
2 gave him so much power to make California agree to go to
3 4.4 and forego all that water?

4 J. Zimmerman: --Uh-- it's contained in the 1964 Decree in Arizona between
5 California the Secretary of Interior is a Water Master and as a
6 Water Master the Secretary dictates the -- what type of year
7 it's going to be -- If it's going to be a normal surplus or a
8 shortage condition and the contracts then govern how that
9 water is going to be divided and --Uh-- the Secretary of
10 Interior could say that next year is going to be a normal year
11 California you are apportioned 4.4 million acre-feet and
12 that's all the water that we will allow delivered to Southern
13 California. If that were to occur within the priorities within
14 California that would mean Metropolitan Water District
15 would have at most a half full aqueduct.

16 R. Sudman: So did the Secretary really use this threat? That --Uh-- you'd
17 have even less than 4.4?

18 J. Zimmerman: Well not necessarily less than 4.4 but you would an
19 apportionment of 4.4 million acre-feet and the Secretary
20 would then administer the rights in accordance with the
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1 decree and his --Uh-- authority as Water Master within the
2 Lower Basin.
3 R. Sudman: So he established (Unintelligible)
4 J. Zimmerman: Yeah. And within California if you had the Governor of
5 California say that the major Metropolitan Water Areas
6 Los Angeles, San Diego didn't have any water supply can
7 you imagine the pressure that would put on the agricultural
8 agencies. It would have a bulk of California's 4.4 million
9 acre-foot apportionment and so there was interest in trying to
10 get agreement. It was if who was going to give how much in
11 order to attempt to keep Metropolitan Water District's
12 aqueduct full.
13 R. Sudman: Who did give? And then how were those amounts?
14 J. Zimmerman: I think everybody did give some.
15 R. Sudman: If they did? What did they give?
16 J. Zimmerman: They -- They agreed to -- The Coachella Water District and
17 Imperial Irrigation District.
18 R. Sudman: Two California districts?
19 J. Zimmerman: Two California districts agreed to cap their use. And other
20 Basin States the Secretary of Interior agreed to more liberal
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1 surplus criteria for an interim period. That would allow
2 California to take surplus water over above its 4.4 million
3 acre-foot apportionment. The agencies within California
4 agreed to certain transfers that would allow the movement of
5 water from the agricultural agencies to your urban agencies
6 through water conservation measures primarily but also there
7 would be some fallowing in that --Uh--the various agencies
8 agreed it would be best in the interest of all of the agencies to
9 do some water banking -- groundwater banking and would
10 look at banking water underground. Metropolitan Water
11 District currently stores water in the Coachella Valley and the
12 Platt (Phonetic) Water Basin.

13 R. Sudman: Was this --Uh-- first look banking like this --Uh-- did that
14 lead to the major transfer that came through to San Diego and
15 Imperial.

16 J. Zimmerman: That was all part of the negotiation. As it -- San Diego
17 because of its interest in diversifying its water portfolio and
18 having some water you could call its own rather than all the
19 water going to through the Metropolitan Water District--Uh--
20 agreed to transfers -- agreed to the transfer.

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1 R. Sudman: Now -- Right now we're in mid-to late '90s when all this is
2 happening --Right?
3 J. Zimmerman: Correct.
4 R. Sudman: So the 4.4 gets to be a done deal and it sounds like it's going
5 to be peace on the River but the transfer isn't yet complete
6 and there's some other things hanging out -- out there. What
7 were they?
8 J. Zimmerman: Well the All American Canal wasn't lined -- isn't lined to for
9 moving forward with that --Uh-- current moving forward
10 with the transfers.
11 R. Sudman: The purpose for lining the All American Canal?
12 J. Zimmerman: Is to move some water through the Metropolitan Water
13 District aqueduct to keep it full. --Uh-- in the Quantification
14 Settlement Agreement Metropolitan to allow San Diego to
15 receive that water rather than Metropolitan.
16 R. Sudman: Now why do we need such a thing called a Quantification
17 Settlement Agreement which another thing that came after
18 the 4.4 Agreement?
19 J. Zimmerman: --Uh-- the Quantification Settlement Agreement is what
20 actually quantifies the use within the Agricultural Agencies.
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1 So that they are capped otherwise the agencies were not
2 capped and could use the entire three --Uh-- 3.85 million
3 acre-feet of water under their first three priorities and so with
4 that cap then you had something of a yardstick to measure
5 from as conservation occurred. So if San Diego --Uh--has
6 conservation -- pays for conservation in the Imperial
7 Irrigation District --Uh-- I had the 3.1 million acre-foot cap is
8 reduced to 200,000 acre-feet the amount of conservation --
9 conserved water now that would flow through the Aqueduct
10 to San Diego.

11 R. Sudman: But previously there had not been numbers set on these water
12 districts sitting down there in the Desert Imperial --
13 Palos Verdes --Uh-- it -- it-- Coachella, etcetera.

14 J. Zimmerman: Right.

15 R. Sudman: They -- They were lumped into 3.85 number of million
16 acre-feet that they had but they're more individual numbers
17 settlements. So how does anyone know how much they
18 really were using?

19 J. Zimmerman: --Uh-- Totally you knew what they were -- what they were
20 using. --Uh-- the problem comes when Palos Verdes

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1 Irrigation District who has the number one priority. It's not--
2 it's not capped -- it's not capped in Quantification Settlement
3 Agreement but that says if Palos Verdes Irrigation District
4 can divert any quantity of water that it needs to irrigate a
5 104,000 acres on the Valley Floor. And so whatever uses
6 occurs there -- that's number one priority Wyoming Irrigation
7 District which is also left quantified as a second priority and
8 the third priority is shared between imperial irrigation
9 District, Coachella Valley Water District and the Mesa Lands
10 in the Palos Verdes Irrigation District.

11 R. Sudman: So that third -- that third --Uh--priority was really the
12 important one?

13 J. Zimmerman: That's the one that was the most important. In that -- then the
14 Imperial Irrigation District if Palos Verdes and Bard were to
15 use additional water Imperial Irrigation District theoretically
16 since it had a priority or it assumed that it had a priority over
17 the Coachella Valley Water District. It could use the
18 remainder of the 3.85 million acre-feet available within the
19 first three priorities. That's the reason Coachella Valley
20 Water District was really interested in capping the Imperial
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1 Irrigation District and getting a specified quantity of water
2 that it would be able to use.

3 R. Sudman: Now it seems that the QSA was like the 4.4 it took some --
4 some pressure to get the Agreement to happen? What lines
5 were slightly missed etcetera? What finally? What pressure
6 came to bear to make the QSA Agreement happen?

7 J. Zimmerman: It was pressure from again Secretary Babbitt to get the QSA
8 the Quantification Settlement Agreement and the 4.4 Plan
9 implemented so that California could have soft landing and
10 you then implement the Interim Surplus Guidelines which
11 would be the mechanism that would California that
12 soft landing.

13 R. Sudman: And the Surplus Guidelines were important because they --
14 they had never been prorogated how to share the surplus?
15 So the Interior Secretary was involved in getting that deal
16 done too.

17 J. Zimmerman: Correct. And then there was surplus but the surplus at that
18 point and time were prior to the 4.4 Plan and the
19 Quantification Settlement Agreement -- the surplus generally
20 was determined to be when Lake Mead is full and about to
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1 spill there would be a surplus condition. And the Interim
2 Surplus Guidelines we looked at along different parameters
3 and identifying what surplus would be agreeable and at that
4 time you would pick specific elevations in Lake Mead that
5 would allow a full domestic surplus or a quantified surplus or
6 a partial domestic surplus and so all those surplus -- interim
7 surplus Guidelines would allow Lake Mead to be drawn
8 down further than the States the six Colorado Basin States
9 would have suggested it should be under the normal surplus
10 criteria.

11 R. Sudman: So a more sophisticated way of looking at the River and in a
12 way that actually.

13 J. Zimmerman: Right.

14 R. Sudman: Benefitted California.

15 J. Zimmerman: Correct it's -- It was more sophisticated and more liberal than
16 may have reasonable without the emphasis on developing
17 interim surplus criteria and getting California to move from
18 the 5.2 million acre-feet back to its 4.4 million acre-feet at the
19 end of the Interim Period.

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1 R. Sudman: So a way to get California to off that acreage of water but
2 allow for emergencies? To allow --

3 J. Zimmerman: Right.

4 R. Sudman: Well the surplus. Allow for use of water if there was a
5 surplus.

6 J. Zimmerman: Right.

7 R. Sudman: Which at that time on the River there was.

8 J. Zimmerman: Correct. What agreed is all some water to be used from the
9 system in the interim as California moved forward in
10 implementing program that would allow the transfers and to
11 get those programs -- the one built and in place by the end the
12 interim period so California would be able to continue to
13 meet its critical water supply needs within its basic
14 4.4 million acre-foot apportionment.

15 R. Sudman: Well, then it seems like when you have all those things done
16 maybe you could rest on your laurels but not so, right?

17 J. Zimmerman: Well, instead of surplus conditions all a sudden you went into
18 a seven year drought that we're probably facing today which
19 lowered the entire reservoir system to about half the available
20 storage.

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- 1 R. Sudman: That drought starting in about what year?
- 2 J. Zimmerman: As I recall it started about nineteen -- 2000. 1990 --
- 3 R. Sudman: Year 2000. And as we sit here in 2007 we're still in it.
- 4 J. Zimmerman: The Reservoir System is still about half full.
- 5 R. Sudman: Although there have been some better years along the way?
- 6 J. Zimmerman: Right. Last year was above normal year. --Uh-- But if you
- 7 take what is projected to be the runoff this year and the
- 8 previous six years that is the driest seven years on record.
- 9 R. Sudman: In history -- in our records?
- 10 J. Zimmerman: Its -- Since 1906.
- 11 R. Sudman: So then suddenly we're off of the (Unintelligible) on the ----
- 12 by the surplus and we're now on a worse thing how to
- 13 survive the shortage?
- 14 J. Zimmerman: Correct.
- 15 R. Sudman: And that's where we still are?
- 16 J. Zimmerman: We're still discussing how to divide the shortage and who
- 17 should be taking shortage away when it occurs.
- 18 R. Sudman: And can you tell us anything about those negotiations they
- 19 have been going on several years?
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1 J. Zimmerman: It's only the second year probably and looking at --Uh--
2 shortage guidelines. Those negotiations --Uh-- resulted in
3 February of 2006 and the Basin States Preliminary
4 Agreement on Shortage Guidelines and coordinated
5 operations of the Reservoir System. Which looks at the
6 coordinated operations of the Reservoir System looks at
7 operating Lake Powell and Lake Mead as a system rather
8 than individual reservoirs for Lake Powell essentially is
9 operated for the Upper Basin to meet it Compact 1922
10 Compact delivery requirements to the Lower Basin and
11 Lake Mead being operated to meet the demands within the
12 lower and deliver 1.5 million acre-feet to Mexico.

13 R. Sudman: Well, what? What are some of the sticking points on
14 agreeing on how to share this shortage among the seven
15 states and Mexico?

16 J. Zimmerman: I guess in my opinion one of the sticking points is Arizona
17 and Nevada kind of --Uh-- or where California was --Uh--
18 when we were looking at developing the Interim Surplus
19 Guidelines. Arizona recognizes that it needs to take
20 shortages. It hadn't planned on taking shortages this early --
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1 Uh-- it's water users have not been educated on what the
2 shortages maybe in the future and so Arizona is very
3 interested in minimizing the shortage that it may take in the
4 near future to water that is currently not using to meet any of
5 its critical water supply needs and for the most part be water
6 that would -- That Arizona would forego from banking in its
7 groundwater basin --Uh-- and still continue to meet all of
8 agricultural needs.

9 R. Sudman:

Well, that was a little bit difficult to follow but does Arizona
10 -- we didn't talk too much about but the way that they start --
11 got to use their Colorado apportionment was they started
12 banking it at some point in the mid-90s.

13 J. Zimmerman:

But in --currently Arizona is probably using four to five
14 hundred up to 600,000 acre-feet of water that if Arizona took
15 a shortage this year of about 600,000 acre-feet then if
16 Arizona's water users would be cut. You wouldn't be able to
17 bank water in the Arizona Water Bank for either Arizona or
18 Nevada. --Uh-- The groundwater pumpers that are currently
19 using CAP water could turn on their pumps and pump
20 groundwater instead of CAP water. So all the Agricultural
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1 Municipal uses in the Central Arizona Project would continue
2 to meet -- be delivered at full supply.

3 R. Sudman: Okay. So -- we're -- we're that Arizona and Nevada and
4 we've got sticking points on the shortage agreements and we
5 know discussions are going to continue and somehow we're
6 going have to get these states to agree on this shortage or
7 we'll again affect the Secretary of the Interior intervene to
8 make this happen?

9 J. Zimmerman: Correct the Secretary of the Interior currently has a process
10 underway and has developed a draft in Environmental Impact
11 Statement on various four actions -- five action items -- five
12 actual alternative and no actual alternative in looking at
13 operations of the reservoir system. One of those action--Uh--
14 alternatives is the Basin States Alternative that was submitted
15 by the seven Colorado Basin States in February of 2006.

16 R. Sudman: So are you hopeful that -- that eventually we'll reach a
17 Shortage Guidelines that are agreed upon the way we did
18 with surplus?

19 J. Zimmerman: Correct. I believe that we cannot fail in reaching agreement.
20 The seven states did reach agreement in the preliminary
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1 proposal on the Shortage Guidelines. The problem today is
2 people have cutback and re-thought what they agreed to in
3 February of 2006 and would like to move that a little bit
4 different to more support for -- they would like be today after
5 giving it second thought and at this point the Colorado River
6 Board and the Californians are interested in keeping the
7 Agreement that was reached rather than moving away from
8 it.

9 R. Sudman:

Now when your time on the River to kind of wind this up.
10 Have you seen more coordination of the River as a system --
11 Uh-- certainly things were quiet for awhile on the River but
12 in recent years there's been lots of meetings and negotiations
13 and there have been changes. Do you see a need to
14 coordinate a lot on a regional basis -- we've been talking
15 about growth in the West? And pressures? What do you see
16 for the future if you look at the next ten or twenty years on
17 the Colorado River? Could you look in your crystal ball and
18 tell us some of the good things that might happen in the and
19 make some of the best things.
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J. Zimmerman:

Well, I believe that was has been started more in the beginning with the development of Interim Surplus Guidelines continuing today in development of Shortage Guidelines and coordinated operations of Lake Powell and Lake Mead. That there is an interest in moving in looking at how we can better manage the available resource for the benefit of all seven states without any of the states really giving up any of what some people would call their birthright and I see that continuing into the future. I think that the Indian Tribes will become more involved in the discussions and we will have a major part to play maybe in the next ten years or in the future the Indian Tribes will become one of the major components of continuing to meet the needs within the Basin. I see that process has been started by the Seven Basin States it's excellent. I see it in the next ten years expanding having more people involved. I think there is a need to do that early on and developing the Interim Surplus Guidelines in California's development of the 4.4 Plan, the Indian Tribes and the Ten Tribes Partnership was involved in the discussions of -- when we got into the Quantification

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1 Settlement Agreement because that was primarily a
2 California driven process and California Agencies getting
3 their act together -- the tribes then were not involved and
4 after the Quantification Settlement Agreement then in the
5 ongoing discussions today the tribes haven't actively
6 involved. --Uh-- I believe that it would be good to again
7 bring the tribes back into the process there were those that
8 would disagree. I also believe personally that the
9 environmental community should be brought into the process
10 there's a lot of common interest from the environmental
11 community and the water managers if you just set down and
12 talk about it. You know -- What's your interest -- What you
13 knew -- understand our interest -- there are ways that you
14 may be able to reach agreement on certain aspects and if you
15 look at what are the actual alternatives in the Bureau of
16 Reclamations current drafted IDE process. It was developed
17 by a consorting of environmental group called the
18 Conservation for Shortage and there's a lot of good elements
19 within that proposal -- and --you know-- I don't think that
20 any of these states would support that proposal in total but
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1 I believe --Uh-- all of the states could support certain
2 elements of it.

3 R. Sudman: Do you see more regional management of the Colorado River
4 as we face this tremendous growth in the cities and along this
5 corridor from Las Vegas to California.

6 J. Zimmerman: I think it was discussed today -- all of the discussions --
7 center around the Basin States and so to develop a **Regional**
8 **Organization** -- Desert Planning Management --Uh-- I don't
9 see that in the future -- in the near future. Maybe ultimately I
10 think that at this point and time what's most important is
11 continue the dialogue among the Basin States have that group
12 expanded to bring others in and have that dialogue occur
13 there because it's a water apportionment the administration of
14 the rights of the State of the water belong to the states.
15 I don't see any of the state getting willing to give that right to
16 somebody else.

17 R. Sudman: That's very clear anything else that you would like to say?

18 J. Zimmerman: No -- Unless you have further questions?

19 R. Sudman: Well it sounds like you've enjoyed your years in water and --
20 and are pretty much immersed in the subject.

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1 J. Zimmerman: I've really enjoyed my years in water and I can say that I
2 have really enjoyed my time in California.

3 R. Sudman: Great --Thank you.

4 J. Zimmerman: Thank you. (Unintelligible)

5 R. Sudman: Well I'm sure that you are very professional in your work.

6 J. Zimmerman: Oh. Yeah. As I said there was (Unintelligible) in those days.
7 Everybody (Unintelligible)

8 R. Sudman: They talk (Unintelligible)

9 J. Zimmerman: They're great memos.

10 R. Sudman: Yeah.

11 J. Zimmerman: That have exactly what they said and their positions at that
12 time so --

13 R. Sudman: Uh hmm (affirmative)

14 J. Zimmerman: Those aren't sacred.

15 R. Sudman: Yeah Steve Reynolds he must have been quite a character?

16 J. Zimmerman: You would have enjoyed going to the Commission meetings
17 when Steve Reynolds and Felix Sparks had a different view
18 of certain subjects. And Steve was a person that would come
19 to the meeting having fully researched it and knew exactly
20
21
22

**Water Education Foundation
Water in the West
Interviewer: Rita Schmidt Sudman
Interview of: Jerry Zimmerman**

1 where he wanted to go and Felix knew where he wanted to go

2 -----

3 **[END TAPE 1 – SIDE A]**

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