

# **2015 Resolutions**

**Adopted by  
The Membership of the**

**Colorado River Water Users Association**

**at their Annual Business Meeting  
On December 11, 2014  
In Las Vegas, Nevada**

**The Colorado River Water Users Association is a non-profit, non-partisan organization providing a forum for exchanging ideas and perspectives on Colorado River use and management with the intent of developing and advocating common objectives, initiatives and solutions.**

## Table of Contents

Resolution No. 2015-1	--- ENDANGERED SPECIES ACT .....	1
Resolution No. 2015-2	--- INVASIVE SPECIES MANAGEMENT .....	2
Resolution No. 2015-3	--- RECLAMATION’S WATER AND POWER FACILITIES ....	2
Resolution No. 2015-4	--- COLORADO RIVER SALINITY CONTROL.....	3
Resolution No. 2015-5	--- SETTLEMENT OF INDIAN RESERVED RIGHTS.....	4
Resolution No. 2015-6	---MITIGATING WATER QUALITY IMPACTS DUE TO THE URANIUM MILL TAILINGS PILE NEAR MOAB, UTAH....	5
Resolution No. 2015-7	--- COLORADO RIVER DELTA.....	5
Resolution No. 2015-8	---THE DEPT. OF THE INTERIOR’S <i>WATERSMART</i> <i>INITIATIVE</i> .....	6
Resolution No. 2015-9	--- MAINTAINING FINANCIAL STABILITY OF THE UPPER COLORADO RIVER BASIN DEVELOPMENT FUND .....	6
Resolution No. 2015-10	--- MANAGEMENT OF LOWER COLORADO RIVER WATER SUPPLIES .....	6
Resolution No. 2015-11	--- AUGMENTATION OF COLORADO RIVER WATER SUPPLIES .....	7
Resolution No. 2015-12	--- POTENTIAL CLIMATE CHANGE .....	7
Resolution No. 2015-13	--- HOOVER POWER ALLOCATION ACT.....	7
Resolution No. 2015-14	--- WESTERN AREA POWER ADMINISTRATION.....	8
Resolution No. 2015-15	--- MINUTE NO. 319 OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.....	8
Resolution No. 2015-16	--- RECOGNITION AND INVITATION TO OFFICIALS OF THE GOVERNMENT OF MEXICO.....	9

## **Introduction to CRWUA's 2015 Resolutions**

The membership of the Colorado River Water Users Association (CRWUA) annually update and adopt a comprehensive set of resolutions addressing the major issues and externalities affecting the sharing, use and further development of the Basin's water supply. As the Colorado River is one of the most regulated rivers in the country, a complex set of state and federal statutes, regulations and judicial decrees, interstate compacts and an international treaty (collectively referred to as "the Law of the River") govern the allocation and water management decisions affecting conservation storage, releases and uses made by the 33 million people who depend on the River for their water supply.

The CRWUA's resolutions are addressed to, among others, national, local and state governments and nongovernmental organizations. These resolutions advocate sound public policy positions to maximize beneficial consumptive use of the available water supply while appropriately conserving important environmental resources, promote storage to ameliorate drought conditions and support generation of electrical power at the many hydroelectric plants and federally constructed reservoirs in the River Basin and preserve the rights and prerogatives of the jurisdictions through which the 1200-mile long river flows. Collaboration and cooperation to accomplish mutually beneficial environmental restoration and necessary water development actions are encouraged in these resolutions; they emphasize the maintenance of long-established legal frameworks and water management tenets (including satisfaction of contractual water supply rights) affecting water supply certainty and dependability in the arid, desert country through which the River flows. The positions espoused by CRWUA's resolutions support the continuation of basin-wide water quality improvement programs and environment restoration programs to stretch the finite water supply available in the fastest growing region of the United States. In short, CRWUA's resolutions address local, state, regional, tribal, national and international relationships among the many interdependent parties who rely on this internationally-critical, region-wide water supply.

Position statements framing the relevant issues and justifying the Association's resolutions are found on the CRWUA website: (<http://www.crwua.org/Resolutions.aspx>). The adopted resolutions reflect consensus of the hundreds of diverse water users who gather from across the seven state area (comprising one-twelfth of the United States land surface) each December at the annual CRWUA conference and have been doing so for more than sixty years. Each of these resolutions is in effect until the 2015 annual conference of the CRWUA.

Colorado River Water Users Association  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153  
Phone: (702) 822-8317  
[www.crwua.org](http://www.crwua.org)

# **COLORADO RIVER WATER USERS ASSOCIATION 2015 RESOLUTIONS**

## **Resolution No. 2015-1 --- ENDANGERED SPECIES ACT**

Recognizing that the purpose of the federal Endangered Species Act (ESA) is to conserve and recover listed species in a cost effective and timely manner and to maintain and manage the ecosystems upon which threatened and endangered species depend, the CRWUA urges administration of, and legislative amendments to, the federal ESA to:

1. Implement the Congressional policy that federal agencies shall cooperate with State and local agencies, including tribal agencies, in resolving water resource issues in concert with conservation of endangered species by assuring applicant status to water contractors and water rights holders, and increasing their role in Section 7 consultations and other ESA decision processes, such as listing decisions, critical habitat designations, recovery planning, Habitat Conservation Plans and Safe Harbor agreements.
2. Recognize and protect property rights and water rights.
3. Fairly treat property owners and water right holders.
4. Minimize social and economic impacts.
5. Use sound science in concert with clear and objective scientific standards for listing of species and designation of critical habitat.
6. Provide positive incentives to conserve listed and declining species, including statutory provisions for:
  - Assurances – “no surprises” for non-federal stakeholders affected by federal agency Section 7 consultations.
  - Ecosystem-based conservation plans.
7. Require the Federal Government to comply with all applicable state laws and regulations regarding water resources and water management in administering the ESA.
8. Continue appropriation of cost-sharing funds by the Congress and the Legislatures of the States of Colorado, New Mexico, Utah and Wyoming for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program.
9. Adequately fund implementation of the Lower Colorado River Multi-Species Conservation Program by Congress, the Legislatures of the Lower Colorado Basin States and other program participants.
10. Proactively mitigate conflicts involving threatened and endangered species arising from additional stressors on the limited Colorado River water supply, including those caused by natural or regulatory drought, increasing demands or other factors that would reduce the reliability of water supplies.

## **Resolution No. 2015-2 --- INVASIVE SPECIES MANAGEMENT**

Invasive species are a significant national problem affecting, among others, water users across all seven of the Colorado River states. The CRWUA urges:

1. Continued funding and implementation of measures to increase private, local, state, tribal and federal land managers' capabilities for on-the-ground control of invasive species. In the Colorado River Basin, efforts to control and eradicate saltcedar (*Tamarix spp.*) should continue and be supported with appropriate funding. Areas of saltcedar that have been defoliated by the tamarisk beetle should be revegetated appropriately.
2. Enforcement of existing laws to further discourage the import, transport, and introduction and cultivation of potential invasive species and to penalize those violating these laws with fines and imprisonment more appropriately recognizing the harm and clean-up costs associated with their unlawful actions.
3. Congress should add protections for the operation of public water systems in existing laws related to nuisance or invasive species, including the Lacey Act, so that the infestation of interstate water bodies by invasive species does not adversely affect the availability of public water supplies.
4. Additional and more effective working partnerships among and between federal, state and tribal agencies, regional and local governments, and individual citizens that result in timely, efficient and cost-effective programs for education, detection, monitoring, control and eradication of invasive species.
5. Accelerated research and development of early detection and rapid response mechanisms to achieve cost-effective control and eradication methodologies.
6. Development, adoption, and implementation of an invasive species control plan for the Western United States to monitor, rapidly detect and stop the spread of invasive species. In recognition of its importance as a high national priority, adopt and implement the Quagga-Zebra Mussel Action Plan for Western U.S. Waters prepared by the Western Regional Panel on Aquatic Nuisance Species for the Aquatic Nuisance Species Task Force.

## **Resolution No. 2015-3 --- RECLAMATION'S WATER AND POWER FACILITIES**

The CRWUA urges the U.S. Bureau of Reclamation (Reclamation) to honor commitments to contract holders regarding maintenance of project infrastructure and governing storage and release of water, in accordance with the following:

1. Reclamation must not remove, bypass, or breach federal dams in the Colorado River Basin, nor restrict or abrogate state and/or tribal rights to manage or control their water resources while respecting the federal role in managing interstate waters.
2. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the growing economies,

the quality of life, and the survival of the increasing population that depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water and power infrastructure in the Colorado River Basin and across the West. Reclamation should focus efforts on, and dedicate increased funding to, maintain existing water project infrastructure, establish a more proactive infrastructure rehabilitation program, and develop additional storage capacity. Water infrastructure is every bit as important as transportation and energy infrastructure.

3. Water service contracts should be renewed for the same quantity of supply as has been historically beneficially used and should provide the same availability to water users as has been historically enjoyed. Water service contracts should be renewed for the maximum allowable term.
4. Reclamation should manage reservoir conservation storage in each of the Colorado River system reservoirs in accordance with the laws, operating criteria, and guidelines governing each respective reservoir's operation. Reservoir storage should be managed to avoid or minimize shortages of water supply for water contractors. Furthermore, Reclamation should exercise its maximum authority under existing law to enter into contracts for the storage of non-project water in excess project space and project water in non-project space, including water for irrigation, municipal and industrial purposes, and for the use of excess capacity in project conveyance and distribution facilities for conveyance of non-project water.
5. Project benefits should not be reallocated without the consent of project beneficiaries. Beneficiaries should not pay for project benefits reallocated to another use. Changes in project operations should not impair existing contracts or water rights under federal or state law.
6. All reservoirs and dams on the Colorado River should be operated in compliance with applicable law and authorized project purposes. Operational changes to benefit recreation, fishery, or environmental mandates should minimally impact hydropower production. The federal government, not existing water or power contractors, should pay for environmental enhancement and mitigation required by federal law. The federal government should also pay the cost of power to replace reduced hydropower generation due to operational changes for recreation, fisheries, or the environment.
7. Reclamation should continue to implement the measures identified in its *Managing for Excellence* action plan and concluding report. The action plan was issued in response to the National Research Council's *Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation* report.

#### **Resolution No. 2015-4 --- COLORADO RIVER SALINITY CONTROL**

The CRWUA urges continued funding and implementation of measures to control the salinity of

the Colorado River. For nearly four decades, federal and state agencies have worked cooperatively to control salinity levels through the Colorado River Basin Salinity Control Program. Through these efforts, the salt load of the Colorado River has been reduced about 1.2 million tons per year. Additionally, the Paradox Valley Unit (PVU) provides about 10 percent of the total salinity control implemented in the Upper Colorado River Basin. With the service life of the deep well estimated to be three to five years, an alternative to the existing PVU's injection well is needed to ensure that its failure does not cause salinity levels to increase in the Colorado River. The Administration should accelerate the current Environmental Impact Statement (EIS) schedule for replacement facilities and maintain a viable Emergency Action plan. Upon completion of the EIS, an alternative should be selected and implemented as soon as possible. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

### **Resolution No. 2015-5 --- SETTLEMENT OF INDIAN RESERVED RIGHTS**

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.
2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.
3. Appropriate participation of the Federal, State, local governmental and Tribal entities, and non-Indian water users in the settlement process is required for the success of any negotiated settlement.
4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes. The Federal Government must take advantage of existing funding authorizations, such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds, while continuing to explore and develop new creative solutions to fund Indian water rights settlements. The CRWUA commends Congress's creative mandatory funding mechanisms for the four Indian Water Rights Settlements and the Navajo Gallup Water Supply Project included in P. L. 111-291, the Claims Resolution Act of 2010. Congress should develop a permanent funding mechanism for future water rights settlements.
5. Negotiation and implementation teams possessing the requisite technical, legal and political expertise should be appointed by the federal government and must actively participate in tribal water settlement negotiations to facilitate informed water rights decisions being made by all parties. Sufficient financial resources must be made available

by the federal government to allow settlement and implementation negotiations to move forward.

**Resolution No. 2015-6 --- MITIGATING WATER QUALITY IMPACTS DUE TO THE URANIUM MILL TAILINGS PILE NEAR MOAB, UTAH**

The CRWUA urges the Congress to appropriate sufficient funding to allow the Department of Energy (DOE) to continue to relocate the Atlas Corporation's uranium mill tailings pile near Moab, Utah, away from the Colorado River. DOE is responsible for cleaning up the mill site and for bringing groundwater contamination at the former processing site into compliance with EPA standards. Since 2009, DOE has relocated 7 million tons of uranium mill tailings from the Moab site under the Uranium Mill Tailings Remedial Action Project to the disposal cell near Crescent Junction, Utah. The DOE must expedite the relocation of the tailing pile to meet the deadline established in the authorizing legislation, PL 110-242.

**Resolution No. 2015-7 --- COLORADO RIVER DELTA**

In recognition of the authority and interests of the seven Colorado River Basin States in the water, power, recreational and environmental resources provided by the Colorado River, the CRWUA urges:

1. The federal government to communicate closely with and encourage the participation of each of those states in addressing issues of mutual interest between the United States and Mexico concerning the Colorado River Delta; and
2. The federal government to use the following criteria to guide discussions concerning the Colorado River Delta:
  - Each of the water apportionments among the Basin states must remain certain and unimpaired.
  - Any proposal to manage or deliver water for any purpose in the Colorado River Delta must be undertaken pursuant to the Law of the River, and must not enhance, diminish, or abrogate any provision thereof, particularly the 1944 Treaty between the United States and Mexico.
  - Any proposal to manage water and other natural resources for environmental purposes in the Delta involving the United States should be consistent with and support the habitat restoration and maintenance goals of the Lower Colorado River Multi-Species Conservation Program. Protected species that utilize aquatic and riparian habitat in both countries may benefit from cooperative efforts to protect the Delta environment.



- Any action to assist in improving the environment in the Delta will require study and innovative solutions involving conservation, improved water management and non-water related actions.

**Resolution No. 2015-8 --- THE DEPARTMENT OF THE INTERIOR'S *WATERSMART INITIATIVE***

The CRWUA supports the purposes, strategies and programs of the Department of the Interior's new *WaterSMART Initiative*. Aspects of the previous *Water 2025* and *Water for America* programs have been incorporated into the *WaterSMART (Sustain and Manage America's Resources for Tomorrow) Initiative*. This initiative reflects the Department's efforts to foster sustainable water strategies to assist local communities in stretching water supplies and improving water management. Congress should appropriately fund this initiative in future fiscal years.

**Resolution No. 2015-9 --- MAINTAINING FINANCIAL STABILITY OF THE UPPER COLORADO RIVER BASIN DEVELOPMENT FUND**

The CRWUA urges:

1. Reclamation and the Western Area Power Administration (Western) to implement additional cost-cutting measures to improve the status of the Upper Colorado River Basin Fund and stabilize the Colorado River Storage Project (CRSP) power rate. Reclamation and Western should work in partnership with CRSP customers to develop an operational financial and rate-setting strategy to address hydropower impacts associated with the effects of recurring drought in the Basin, create a sustainable cash flow for the Basin Fund and maintain a viable CRSP power rate.
2. The passage of federal legislation to create a mechanism to allow the appropriation of funds to Reclamation and Western to ensure sufficient funding for CRSP operations and other required annual funding obligations.

**Resolution No. 2015-10 --- MANAGEMENT OF LOWER COLORADO RIVER WATER SUPPLIES**

The CRWUA urges:

1. The Bureau of Reclamation to expeditiously improve its capability to regulate Colorado River flows at Imperial Dam, and bring the Yuma Desalting Plant (YDP) to operational status. The CRWUA supports the operation of the YDP and urges the United States to make necessary modifications to the YDP and to make sufficient resources available to bring the YDP into full operation in the shortest possible time.
2. Effective operation of the Warren H. Brock re-regulatory water management reservoir at the Drop 2 site along the All-American Canal to replace lost regulation capacity previously available at Senator Wash Reservoir.
3. Excavation of sediments accumulated behind Laguna Dam to supplement the existing in-stream storage capacity at Imperial Dam, restore in-channel storage capacity for regulation of flows released from Parker Dam and provide incidental improvements to fish and wildlife habitat between Laguna Dam and Imperial Dam.

### **Resolution No. 2015-11 --- AUGMENTATION OF COLORADO RIVER WATER SUPPLIES**

The CRWUA supports implementation of options and strategies identified in the Colorado River Basin Water Supply and Demand Study. The CRWUA commends the parties for the establishment and the funding of the Pilot System Water Conservation Program and urges the Basin States, in cooperation with the Colorado River Basin Tribes Partnership and the Department of the Interior to jointly develop and implement other projects to augment the water supply of the Colorado River. These projects should have as their short-term goal to develop and implement augmentation measures as soon as possible to provide significant augmentation by 2020 and to initiate efforts to increase the long-term dependable water supplies of the Colorado River system by at least one-million acre-feet per year by 2050.

### **Resolution No. 2015-12 --- POTENTIAL CLIMATE CHANGE**

The CRWUA urges the Bureau of Reclamation, each of the Basin States' and tribes' water management and water development agencies, and each water purveyor within the Basin to consider the impacts of potential climate change in all aspects of its water resources management and planning to assure the continued reliability of the Colorado River water supply and to meet water supply demands in accordance with applicable law.

### **Resolution No. 2015-13 --- HOOVER POWER ALLOCATION ACT**

The Boulder Canyon Project Act of 1928 authorized the Secretary of the Interior to include construction of hydroelectric generation as part of construction of Hoover Dam, and to enter 50-year contracts for the delivery of such power as a source of revenue to cover the cost of constructing and operating the project. In reliance on these contracts, agencies in the three Lower Division States of Arizona, California, and Nevada developed extensive transmission systems to deliver the power to their service areas. Power generated at Hoover Dam now serves over 29 million people with clean, renewable energy.

When the initial power contracts were up for renewal, disputes arose among the contracting parties and litigation was filed. The disputes were finally resolved through an agreement that was adopted by Congress through enactment of the Hoover Power Plant Act of 1984. The contracts executed pursuant to the 1984 Act will expire in 2017. To avoid renewal of the disputes among contracting parties, the power agencies within the Lower Division States negotiated terms for a new federal statute to resolve the allocation of Hoover hydroelectric resources for the existing contractors and to establish a pool of Hoover power to be allocated to new entities without the administrative process. Congress adopted the proposed legislation with enactment of the Hoover Power Allocation Act of 2011 (Public Law 112-72).

CRWUA urges the Western Area Power Administration to work with the existing contracting parties to prepare new contracts consistent with federal law.

#### **Resolution No. 2015-14 --- WESTERN AREA POWER ADMINISTRATION**

The hydropower generated at Colorado River federal dams provides a significant public benefit of low-cost, clean, renewable energy. This valuable public resource has been paid for by the public agency customers that utilize this energy throughout the southwestern United States. The CRWUA urges the Secretary of Energy to work with those customers before imposing changes in the way the Western Area Power Administration manages and operates its system and rate structure. In particular, hydropower customers should not bear increased costs incurred for the benefit of other power generators or power users.

#### **Resolution No. 2015-15 --- MINUTE NO. 319 OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION**

The CRWUA supports the intent and purposes of Minute No. 319 of the International Boundary and Water Commission to help implement the Treaty Concerning the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (Feb. 3, 1944, U.S.-Mex., 59 Stat. 1219, T.S. 994). The CRWUA urges the parties thereto to appropriately cooperate and coordinate with one another to insure all of the contemplated benefits to water users in both the United States and Mexico are fully realized. The Bureau of Reclamation's Budget Justifications, Fiscal Year 2015 allocates the expenditure of \$2.976 million in support of implementation of Minute No. 319 from

the Lower Colorado River Operations Program. Accordingly, the CRWUA urges the Congress of the United States to appropriate those funds to the Department of the Interior needed to honor the terms and commitments made within Minute No. 319. Should pilot projects be agreed upon that would require funding ahead of the schedule set within the Contributed Funds Agreement associated with Minute No. 319, the CRWUA urges the Congress of the United States to appropriate those funds in line with the pilot project construction schedules.

**Resolution No. 2015-16 --- RECOGNITION AND INVITATION TO OFFICIALS OF THE GOVERNMENT OF MEXICO**

**WHEREAS**, the Colorado River is a shared resource between the United States and the Government of Mexico, Colorado River Basin States, and Colorado River water users; and,

**WHEREAS**, recent collaborative efforts between the Government of Mexico, the United States, Colorado River Basin States, Colorado River water users, and environmental advocacy groups have resulted in successful agreements and actions as embodied in Minutes 306, 316, 317, 318, 319, and most recently, the binational Colorado River Pulse Flow in March – May 2014; and,

**WHEREAS**, all Colorado River water uses and resources, regardless of location or priority, are at risk from on-going drought, climate change, imbalances between supplies and demands, and inefficient water uses; and,

**WHEREAS**, solutions to the reliability and sustainability of the Colorado River will continue to require collaboration and cooperative actions among the United States, the Government of Mexico, Colorado River Basin States, and Colorado River water users; and,

**WHEREAS**, participation by representatives of the Government of Mexico is entirely consistent with the mission of CRWUA, and will add significant value to the annual CRWUA meeting,

**NOW, THEREFORE, BE IT RESOLVED**, that CRWUA annually recognizes and extends an invitation to representatives of the Government of Mexico to attend and participate in the annual CRWUA meeting. This invitation shall be conveyed through the United States Commissioner of the International Boundary and Water Commission for coordination with the Mexican Commissioner of the International Boundary and Water Commission in order to invite such officials as the Mexican Commissioner, the Director General of the Comisión Nacional del Agua (CONAGUA), the Secretaría de Medio Ambiente Y Recursos Naturales (SEMARNAT), and other appropriate Mexican government officials.