



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Colorado River Authority of Utah

Gene Shawcroft, P.E.
Chair

Amy I. Haas
Executive Director

November 10, 2021

Via Electronic Mail

Honorable Jared Huffman, Chair
Honorable Bruce Westerman, Ranking Member
U.S. House of Representatives Subcommittee on Water, Oceans and Wildlife
Washington, DC 20515

Attention: Ms. Heather Pacheco, Subcommittee Policy Aide

Re: Response to Question for the Record from Representative Costa

Dear Chairman Huffman and Ranking Member Westerman:

On behalf of the state of Utah, I appreciate the opportunity to respond to Representative Jim Costa's question following the October 15, 2021, Subcommittee Oversight Hearing on "Colorado River Drought Conditions and Response Measures-Day One." Representative Costa has requested a response to the following question, in relevant part: "How do we take into account how we got to the original allocation, with the Upper and Lower Basin States and the Native American tribes, and then reallocate that on a lot less water?"

The 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact, the two seminal components of the Law of the River, are designed to function under varying hydrologic conditions—in times of high and low flows. Under the 1922 Compact, the Upper Division States' non-depletion obligation is based upon a rolling average of 75 million acre-feet of water over a consecutive ten-year period, an acknowledgment that in any given decade some years may yield more flows and other years less. Similarly, the 1948 Compact makes allocations to the Upper Division based on percentage shares of available supply, rather than on an absolute quantity of water.

The Colorado River Basin States, together with our federal partners, are committed to finding collaborative solutions in consultation with key stakeholders on the river, including Tribes, to address the rapidly declining hydrology both in the near term and as we approach 2026, when the current operational criteria governing the river expire. Like the Law of the River itself, our goal is to develop new criteria that will allow the States and water users to adapt to wider fluctuations in hydrology going forward.

Once again, thank you for the opportunity to testify at the hearing and to provide the foregoing response.

Very truly yours,

Gene Shawcroft, PE
Utah Basin States Representative
Utah Upper Colorado River Commissioner