

**HEARING BEFORE THE SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE OF
THE HOUSE COMMITTEE ON NATURAL RESOURCES
UNITED STATES' HOUSE OF REPRESENTATIVES
STATEMENT OF JOHN R. D'ANTONIO JR. , NEW MEXICO STATE ENGINEER
OCTOBER 15, 2021**

Chairman Huffman, Ranking Member Bentz, Distinguished Members of the Subcommittee:

My name is John D'Antonio. I am the State Engineer for New Mexico and Governor Lujan Grisham's representative on the Colorado River Compacts. I very much appreciate the opportunity to appear before you today and provide comments and updates on behalf of the State of New Mexico regarding the current issues and priorities related to the Colorado River Basin.

Upper Basin Shortages: In the 1922 Colorado River Compact, the seven Colorado River Basin States agreed to "share" the Colorado River, with each Basin apportioned the exclusive beneficial consumptive use of 7.5 million acre-feet of water per year. New Mexico's apportionment is 11.25 percent of that amount, based on the 1948 Upper Colorado River Compact.

Since 2000, the Colorado River Basin has entered a period of continued drought. The Upper Division States have been taking shortages based on limited supply for the past two decades. In New Mexico, water shortages occur annually in the San Juan River Basin, including the Animas and La Plata tributaries. The San Juan-Chama Project, a major trans-basin diversion project authorized by Congress in 1962 to deliver San Juan water to New Mexico's municipalities and Pueblos along the Rio Grande, has experienced significant variability in water supply availability, particularly during the past decade. As an example, the 2021 shortage amount for this project was approximately 40 percent.

Lake Powell Levels: In response to the drought conditions, the federal government and the Basin States have worked together to establish measures to address the coordinated operations and levels of the two largest reservoirs in the nation, i.e. Lake Powell behind the Glen Canyon Dam, and Lake Mead behind the Hoover Dam. The elevation of Lake Powell is important to New Mexico and other Basin States, their citizens and water users, to continue to satisfy obligations under the two compacts, and to benefit from the power generated at Lake Powell and from its direct revenues. Those measures include the 2007 Colorado River Interim Guidelines and the 2019 Drought Contingency Plans (DCPs).

One key component of the Upper Basin DCP is the Drought Response Operations Agreement (DROA). In June 2021, Reclamation projected that Lake Powell may fall below the critical elevation of 3,525' in less than six months. Reclamation then informed the Upper Division States that it intended to act under the emergency provision of the DROA, which gives the Secretary discretion to act in case of an "imminent need." Reclamation, in coordination with the Upper Division States and after consultation with the Lower Division States pursuant to DROA, started releasing 181,000 acre feet in calendar year 2021 from three main reservoirs in the Upper Basin, to help boost the elevation at Lake Powell to the extent practicable. Reclamation and the Upper Division States are currently working on a plan framework that will fully address the States' key issues and concerns prior to any future DROA operations.

Authorized Projects in The Basin States: One of the original intents of the 1956 Colorado River Storage Project Act was to allow the Upper Division States to fully develop their apportionment. To date, however, the Upper Division States have not fully developed their apportionment due, in part, to the fact that water users in the Upper Basin seldom have sufficient water to fully use their water rights in any given year.

New Mexico's Upper Basin water use is currently about half of its apportionment. Most of New Mexico's future development plans in the Upper Basin are for tribal water development pursuant to Indian water rights settlements that have already been authorized by Congress, such as the 2009 Navajo-Gallup Water Supply Project, which is vital in providing sustainable residential water to the rural communities within and around the Navajo Nation, the Jicarilla Apache Nation, and the City of Gallup. Those communities have been hit particularly hard by the drought and COVID-19 pandemic.

When using or analyzing the existing climate trends, both prolonged dry periods and punctuated wet periods should be taken into consideration. The system will need to be assessed not only for a worse drought than we have experienced today, but also for short wet periods from an infrastructure and public health and safety standpoint. It will be important to address the existing short- and long-term challenges with a long-term, equitable approach, while retaining the flexibility for the States to develop their authorized amounts, particularly during the good years. Striking such a desired balance, however, will be no easy task.

Funding For Reclamation to Assist the Basin States: The 2007 Interim Guidelines will expire in 2026. The Interim Guidelines, and any new operational rules that come after them, affect over 40 million people, in seven States. The Upper and Lower Colorado Regional Offices of the U.S. Bureau of Reclamation have staff with relevant modeling expertise who can assist the Basin States with responding to our short-term priorities, i.e. modeling refinements and needs related to the DCPs implementation, as well as addressing the States' long-term priority, which is the post-2026 operations of Lakes Powell and Mead. These tasks will be extremely time consuming.

In the spirit of harmonizing our working relationship with the Department of Interior and Reclamation, we would request additional financial resources for Reclamation to support the Basin States in the next one to five years.

Conclusion: In 1922, the seven Basin States agreed to the terms of the compact on the basis that it represented a fair apportionment of the resource, and that it protected rights for each of the signatories. For almost a century, the States have worked cooperatively with each other and with the federal government, the Republic of Mexico, and other partners and stakeholders to manage the system and implement necessary adaptive management actions within the confines of the Law of the River. Any future decision-making process should consider science, legal and policy aspects concurrently. I am confident that all seven Basin States will strive to employ a fact-based approach that considers that holistic vision.

Thank you again for the opportunity to present our views on this matter.