

United States Senate
WASHINGTON, DC 20510-0309

August 16, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Haaland:

I am writing concerning the unprecedented drought affecting Arizona and the larger Colorado River Basin.

Recent hydrological data released by the U.S. Bureau of Reclamation projects a 20 percent loss of water in the Colorado River system that is allocated among seven states, tribal governments, thousands of farms that grow food year-round, and major cities including Phoenix, Tucson, Denver, Los Angeles, and San Diego that combined account for more than 40 million people. According to the Bureau of Reclamation, Basin states will need to figure out how to leave 2-to-4-million-acre feet of water in the system next year and in subsequent years. To put that amount of water into perspective, Arizona's entire allocation is 2.8-million-acre feet.

In June, the Department of the Interior and the Bureau of Reclamation asked the Basin states to develop an agreement by August 15th to reduce water consumption to account for this shortfall or face restrictions imposed on them by the Secretary of the Interior pursuant to Reclamation law. Unfortunately, such an agreement has not been reached despite efforts by parties in Arizona to negotiate in good faith.

Arizona has already reduced its consumption of Colorado River water at a pace and scale not seen in other states. In 2022 alone, Arizona farmers, cities, and tribes have pledged resources to conserve over 800,000-acre feet of water—an amount equal to nearly one-third of our state's full allocation. Arizona is already required to take a reduction of 512,000-acre feet under the Drought Contingency Plan. In addition, under the 500+ Plan, contributions made by the Central Arizona Water Conservation District, the Gila River Indian Community, and the Colorado River Indian Tribes will provide additional conservation to boost water levels in Lake Mead. Farmers in Yuma, Arizona, where 80 percent of the nation's winter lettuce crop is produced, have proposed to voluntarily reduce diversions despite having some of the most senior water rights in Arizona.

Much of the resources for these voluntary reductions were made possible by the Bipartisan Infrastructure Law I worked to negotiate in the Senate. At an October Senate hearing on drought that I chaired, Assistant Secretary Trujillo and Director of the Arizona Department of Water Resources Tom Buschatzke also outlined how the infrastructure law is enabling improvements that will improve water storage and conservation. We also were able to include an additional \$4 billion for drought mitigation in the recently passed Inflation Reduction Act, but we all understand that there is a need for more long-term solutions.

In the Basin states negotiations, Arizona has offered to put more wet water on the table than any other state, while other parties have offered a fraction of the same amount. Other states with significant water allocations have so far offered insufficient or uncertain amounts of water. Therefore, as a matter of accountability for the missed August 15th deadline, I request that you outline the Department's options and legal authorities for implementing mitigation measures that would prevent drastic consequences for Arizona and other Colorado Basin States, including the loss of hydropower generation at Hoover Dam and reduced Colorado River water availability for any user in the Lower Basin. Such options should recognize and account for the early and consistent contributions that Arizona has made and will continue to make to preserve water levels in Lake Mead and Lake Powell. I also request that you coordinate efforts with the State Department to ensure that Mexico is engaged in these drought discussions.

Mitigating drought on the Colorado River must be an urgent priority for the Department. The United States has the engineering and scientific expertise to solve this problem, but it will require decisive action and all parties to work together to develop long-lasting solutions. I look forward to your reply.

Sincerely,

A handwritten signature in blue ink that reads "Mark Kelly". The signature is fluid and cursive, with the first name "Mark" and last name "Kelly" clearly legible.

Mark Kelly
United States Senator