

RESOLUTION
of the
UPPER COLORADO RIVER COMMISSION
June 20, 2018

Regarding the Emergency Upper Basin Drought Contingency Plan
Demand Management

WHEREAS, on December 10, 2014 the Upper Colorado River Commission (Commission) adopted a Resolution Regarding Development of an Emergency Upper Basin Drought Contingency Plan (UB DCP) in response to the drought in the Colorado River Basin beginning in 2000 and currently in its nineteenth year;

WHEREAS, the UB DCP consists of three primary elements, generally described as follows: 1) continue and expand weather modification programs in the Upper Colorado River Basin; 2) develop and finalize a plan for drought operations of the Colorado River Storage Project Act initial units; and 3) explore the feasibility of developing and employing temporary, voluntary, and compensated demand management program(s) within the Upper Basin;

WHEREAS, the purposes of a demand management program are to reduce consumptive uses, if and when needed, to protect against impacts from Lake Powell reaching critical elevations to help assure full compliance with the Colorado River Compact without impairing the right to exercise any existing Upper Basin water rights in the future;

WHEREAS, to inform its investigation of demand management programs, the Commission committed to support pilot programs such as those contemplated under the July 30, 2014 System Conservation Agreement. The Commission has served as the contracting entity for the Colorado River System Conservation Pilot Program in the Upper Basin (Pilot) since 2015;

WHEREAS, the primary objective of the Pilot was to assess the feasibility of system conservation as a future means of increasing storage at Lake Powell. The Pilot served as a mechanism to reduce uses and conserve water for the benefit of the Colorado River System while investigating some of the administrative and operational considerations associated with performing demand management activities in each of the Upper Division States;

WHEREAS, after four years of facilitating the Pilot, the Commission recognized, in a February 2018 report, that many Upper Basin water users have shown significant interest and willingness to participate in demand management activities;

WHEREAS, although the Pilot has helped explore the feasibility of some aspects of demand management programs, it does not provide a means for the Upper Division States to account, store and release conserved water in a way which will help assure full compliance with the Colorado River Compact in times of drought;

WHEREAS, the Commission recognizes that no demand management program is likely to conserve enough water in any single year to sufficiently address the risk of Lake Powell dropping below critical elevations, or help assure full compliance with the Colorado River Compact;

WHEREAS, the Commission believes that any viable demand management program requires the ability to accumulate and store conserved water over multiple years. However, no means for accounting, measuring, conveying or storing water have currently been established. As such, any water that is currently conserved is subject to use by downstream water users or release from existing system storage prior to being needed in response to emergency drought conditions, thereby defeating the intended purposes of any demand management;

WHEREAS, the Commission recognizes that additional administrative, technical, operational, economic and legal considerations must also be investigated to fully inform the feasibility and usefulness of developing a demand management program in the Upper Basin;

WHEREAS, the Commission finds that the Pilot does not allow the Upper Division States to sufficiently investigate storage or the additional administrative, technical, operational, economic and legal considerations necessary to explore the feasibility of demand management as part of its ongoing emergency drought contingency planning efforts; and

WHEREAS, the Commission believes that the Upper Division States, acting through the Commission, must be active participants in the development and implementation of any demand management program in the Upper Basin, and desires to evaluate the lessons learned and build upon the interest gained during the Pilot to inform its continuing investigation of ways to achieve the purposes of demand management.

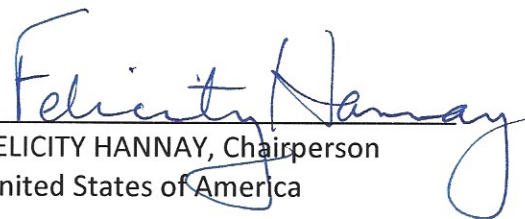
NOW, THEREFORE, BE IT RESOLVED that the Commission commits to continue to explore the feasibility of developing demand management program(s) within the Upper Basin to protect Lake Powell from reaching critical elevations to help assure full compliance with the Colorado River Compact;


BE IT FURTHER RESOLVED that the Commission will temporarily cease to act as the contracting entity for the Pilot in the Upper Basin after fulfilling its commitments for 2018 in favor of focusing its efforts on investigating outstanding considerations related to demand management;

BE IT FURTHER RESOLVED that the Commission commits to:

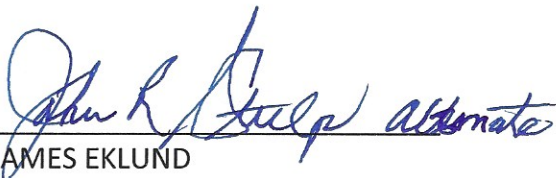
- i. Work with interested parties to adapt the existing Pilot, or develop new pilots, to investigate outstanding considerations related to demand management;
- ii. Work with interested entities to explore other possible mechanisms or opportunities to investigate outstanding considerations related to demand management; and
- iii. Support intrastate efforts to explore demand management mechanisms and considerations within each of the Upper Division States.

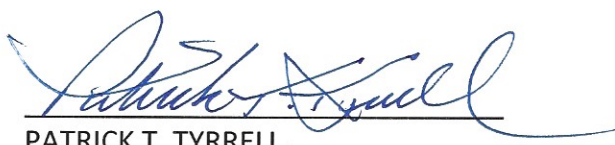
BE IT FINALLY RESOLVED that the Commission hereby directs its staff to continue to work in an expeditious manner with the Upper Division States' respective engineering and legal advisers to explore the feasibility of developing and using demand management.


FELICITY HANNAY, Chairperson
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