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Colorado River: Status, Utah's Efforts, and the Path Forward

Chairman Lee, Ranking Member Heinrich, and Members of the Committee: thank you for the opportunity to testify this morning.

My name is Amy Haas. I am the Executive Director of the Colorado River Authority of Utah, and I have spent almost two decades working on Colorado River issues. I have negotiated across the table from every basin state. I've negotiated directly with Mexico. I know this river. And I'm here this morning to tell you that the window to solve this without lawyers, court orders, and generational damage to basin relationships is shrinking faster than Lake Powell.

Sixty percent of Utah's population depends on water from the Colorado River system. The communities along the Wasatch Front, the farms and ranches of eastern and southeastern Utah, the tribal nations who have called this river home for centuries: all of them are watching. Watching and hoping that it's not too late. Utah has more than 3.4 million people and a growing economy. We cannot afford to get this wrong. And frankly, neither can anyone else in this basin. I say this during one of the worst years on record, with the lowest spring inflow into Lake Powell since the reservoir began filling in the early 1960s, and with some of the oldest water rights in Utah being naturally curtailed this year.

Today I want to share with you what Utah is doing, what the federal government should stop doing, and what needs to change.

First: Fund solutions, not lawsuits - call for legal disarmament before it's too late.

Some states in this basin are preparing to sue their sister states. Some have made a public display over hiring high-dollar firms. Litigation funds are being set aside. Positions are being taken that, if brought to court, could tie up the Colorado River in legal battles for a decade or more.

What does this have to do with Congress? You have a choice about what you fund.

Utah's position is straightforward: Any federal dollars expended for the Colorado River should go toward water development, storage, and conservation.

They should go to real on-the-ground solutions.

Not to lawyers. Not to depositions.

The federal government should not provide water-related funding to any state that is actively suing a sister state over the Colorado River.

Every dollar spent in a courtroom is a dollar that does not go toward adding water to the system. Every hour a water manager spends in discovery is an hour they are not at the table solving the actual problem.

Litigation will not make it rain. It will not fill Powell. And history tells us that once the legal process starts on a river this complex, it does not end cleanly or quickly.

We have watched interstate water litigation drag on for decades. This is not theoretical for me. I was one of the original attorneys of record in the Rio Grande lawsuit between Texas and New Mexico that began in 2013. The case was fully and finally settled just two weeks ago after 13 ½ years of litigation, three Special Masters were cycled through and tens of millions were spent in legal costs. The Republican River fight between Kansas and Nebraska started in 1998, reached a settlement in 2002, and then Kansas sued again anyway. These cases consumed decades of institutional energy, cost states real money, and left state relationships fractured long after the rulings came down.

Litigation on the Colorado River will be unprecedented and likely orders of magnitude larger than these two cases. A lawsuit will involve all seven basin states and will potentially take decades to resolve.

We are calling for legal détente. Now. Before the first briefs are filed. Before positions harden into court records that make compromise impossible.

Utah urges Congress to send a clear signal: states that choose courtrooms over cooperation should not expect Washington to bankroll it.

Direct those valuable federal resources instead toward infrastructure, storage, and the conservation programs that actually move the needle on supply.

Second: Give Upper Division States credit for the water we sacrifice.

Utah is doing the hard work. We launched the Demand Management Pilot Program in 2025, the first of its kind among Upper Basin states. We are spending state dollars to pay farmers to voluntarily forgo irrigation, tracking every acre-foot as it moves downstream to Lake Powell, and building the framework and the infrastructure to account for that conservation precisely.

When that water reaches Lake Powell, the Bureau of Reclamation needs to count it as what it is: water that Utah chose to send downstream. Not system water. Not background hydrology. Utah's water. Water that the state of Utah voluntarily sacrificed to protect Glen Canyon Dam.

A 2024 agreement between the Bureau of Reclamation and the Upper Division States begins to address this. But "begins to address" is not enough when nature itself is already forcing reductions of more than 40% of the Upper Basin's proven water rights this year. That is not a policy proposal. That is what the river is doing to us in Utah right now. If we are going to ask farmers, ranchers, and communities to accept that kind of pain for the benefit of the entire system, the federal government has a corresponding obligation to make sure that sacrifice is recorded, credited, and protected at Lake Powell. Credit for conserving water is not charity. It is the basic accounting that makes conservation programs worth building in the first place.

To those that contend that the Upper Division States are unwilling to put anything on the table: This is simply not true. I am here today to say that Utah is willing to secure commitments to conserve up to 23,000 acre-feet in 2027 and 2028 through our Demand Management Pilot Program. Will we get 23,000 acre-feet? That depends on Mother Nature. Last year, we had agreements to conserve approximately 10,000 acre-feet. However, because of poor hydrology, we received just half that amount. Our largest project, estimated to conserve around 4,500 acre-feet, yielded approximately 1,000 acre-feet, less than a quarter of the anticipated total due to severe shortage.

In order to address the vicissitudes of hydrology, we will be emulating a process that my colleagues at The Metropolitan Water District of Southern California pioneered over 25 years ago that allows them to enter into forbearance and

following agreements with the Palo Verde Irrigation District and call on the water if conditions, and hydrology, warrants. We think this is a good model and one that is responsive to the variable hydrology we experience in the Upper Basin.

Our sister states in the Upper Basin have stepped up, as well. Several years ago, New Mexico entered into a lease agreement with the Jicarilla Apache Nation to provide an additional 20,000 acre-feet of Colorado River to Lake Powell each year. Wyoming legislated a pilot demand management program during this year's legislative session. And in 2026, Colorado implemented a unique transbasin conservation and exchange project.

Third: Set the floors higher and hold them.

The Bureau of Reclamation's current target is to bring Lake Powell to an elevation of 3,500 feet by April 2027. That should not be a target - it should be the floor. Utah urges Reclamation to establish 3,500 feet as the firm minimum operating elevation at Powell. Not a goal to achieve in a crisis year. A level the system does not go below, period.

And Flaming Gorge will not save the system. It is good for one, maybe two, major releases. Reclamation is currently drawing that reservoir down by more than 1/3 of its capacity over the next year to rescue Powell. That is a significant ask from a reservoir that Utah depends on for water, power and environmental compliance for our water users. We are proposing that releases from Flaming Gorge must not exceed one and a half times this year's 1 MAF release unless that water is recovered, or replaced, in the reservoir. This prevents the reservoir from being treated as an unlimited emergency backstop every time Powell dips.

These are not arbitrary numbers. The minimum power pool at Powell is 3,490 feet. We nearly crossed that line this year. If the system is managed with a target that close to catastrophe, we are one bad winter away from losing hydropower generation for millions of people across seven states. Setting the floor at 3,500 and conditioning further Flaming Gorge releases on the reservoir's recovery means managing the Colorado River with an actual margin of safety, not a white-knuckle approach that leaves no room for error and no cushion for the unexpected.

Finally: Utah is still at the table. We call on others to join us.

I want to be clear about where Utah stands. We are part of the coalition of the willing. We prefer solutions over subpoenas. Collaborative management over courtroom management.

Utah cautiously supported the release of water from Flaming Gorge, a reservoir that we share with Wyoming, to protect Powell. We funded conservation programs out of our own state budget. We showed up to every negotiation with proposals. We are still here, and we are still willing to strike a deal. What we are asking, today, in front of this Committee, is for willing partners and the federal government to join us.

Congress can reinforce that message with its funding decisions. Invest in the infrastructure that adds water to the system. Invest in the conservation programs that stretch existing supply further. And make clear that the states prepared to cooperate will be supported, while the states prepared to litigate will fund that choice themselves.

The river does not care about our legal positions. It does not care about our negotiating strategies or our litigation funds. It cares about snowpack, temperature, and time. We are running short on all three. Utah has made its choice. We are building programs, releasing water, and showing up ready to deal.

The people who built Glen Canyon Dam, who negotiated the 1922 Compact, who constructed the infrastructure that made the modern West possible, did not agree on everything. But they agreed that the work mattered more than the argument.

Utah is asking this Committee, and every basin state, to remember that. Build something. Conserve something. Solve something. The river will still be here long after every one of us is gone. The only question is whether we leave it in better shape than we found it. We can hand our children a legacy of lawsuits, or a steady and reliable water supply.

It is a choice.

But I also want to say something that doesn't get said enough in these hearings:

The Basin States have actually found ways to work together when the stakes are high and the framework is right. In 1973, all seven basin states came together to address a salinity crisis threatening the river and our commitments to Mexico. They built the Colorado River Basin Salinity Control Forum, worked with Congress to pass the Salinity Control Act, and have now collectively reduced the river's salt load by more than 1.3 million tons annually. That program has run cooperatively for more than 50 years. And the Western Energy Imbalance Market brought together utilities from California to Wyoming to share power in real time, generating more than \$8 billion in savings since 2014. States that can't agree on a drop of water have figured out how to reduce salt, share diplomas, and trade electrons across state lines. That should tell us something.

The Colorado River problem may not be solvable if we keep it confined strictly to the water box. There are opportunities for a deal in energy development, transmission corridors, drought-resilient agriculture, desalination, and economic development across the basin that could create the kind of shared value that makes a grand-compromise possible. When both sides of a negotiation see something to gain beyond what they give up, deals get done.

Utah is open to that conversation. We welcome it. We think the other basin states should too. And we think Congress is uniquely positioned to help expand that playing field to reach a deal where everyone wins.

What we need from Congress now is the backbone to reward cooperation, bold and creative thinking, and to stop subsidizing the alternative.

Fund solutions. Defund fights.

Thank you. I welcome your questions.