

**Written Testimony of
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the Metropolitan Water District of Southern California
Before the
Senate Energy and Natural Resources Subcommittee on Water and Power
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Chair Lee, Ranking Member Heinrich, Senator Padilla, and other members of the Committee, I appreciate the opportunity to testify today. Metropolitan has a long history of developing partnerships on the Colorado River to creatively and collaboratively secure our shared water supply. We believe the best path forward for managing the Colorado River is one built on broad consensus, with agricultural, urban, and tribal partners across the Basin all working together to develop a more sustainable future. As the river's flow continues to decline, we must adjust to using less water while preserving flexibility to make reductions when they can be achieved most effectively and with the least disruption. Although a series of compacts, decrees, and agreements—collectively known as the Law of the River—provides the framework for managing the Colorado River, our past successes have depended on our collective willingness to set aside our legal interpretations and make shared sacrifices. This collaborative approach is superior to having courts decide how to interpret and implement provisions within the Law of the River. Preserving the Colorado River for future generations requires shared commitments and practical solutions, not rolling the dice with litigation uncertainty.

The strategies that led to successful collaborative agreements in the past can provide a roadmap to craft a longer-term more durable agreement. Although the stakes are higher now and the water conditions more severe, the building blocks remain the same:

1. Strong federal leadership to help states find common ground for long-term water savings plans, with meaningful, consequential deadlines.
2. Federal funding, paired with local matching dollars, for programs to incentivize long-term water savings and help water users from across the Basin invest in infrastructure projects to reduce demands.
3. Inclusion of appropriate agencies in the process that have experience developing practical solutions. Success of basin-wide agreements requires implementation by

agriculture and urban water districts and tribes in each state. The development of prior agreements was reliant on state negotiators but included participation by key water users, conservation organizations, and tribes that could help provide a pathway forward.

4. Understanding that one-size does not fit all. Actions that work in one state or sector do not necessarily translate to another region. Time must be spent understanding differing points of view and what specific agency needs are.
5. Keeping the door open for future participation but moving forward if not all sectors are ready to join when the agreements are developed.

The Colorado River is the backbone of Metropolitan's imported water supply, and we have a vested interest in successful management of the river. We are the largest wholesale drinking water provider in the United States and the first agency to execute a contract with the Secretary of the Interior for Colorado River water deliveries pursuant to Section 5 of the 1928 Boulder Canyon Project Act. Metropolitan is comprised of 26-member public agencies, including 14 cities, 11 municipal water districts, and one county water authority, that collectively serve drinking water to approximately 19 million people throughout coastal Southern California. We import about half of our region's water supply from Northern California and the Colorado River. The remainder comes from the Los Angeles Aqueduct and local sources, including groundwater, recycled water, and desalination.

Metropolitan has consistently undertaken investments to ensure a safe, dependable water supply for Southern California. Our investments helped the region grow into one of the largest economic engines in the world. We rely on the Colorado River to help sustain Southern California's \$1.6 trillion economy. We have already made significant investments in alternative water supplies and water efficiency to reduce our reliance on the Colorado River and we know we are going to have to do more; determining how much more we need to invest requires a long-term plan for Colorado River management. In order to make the most strategic investments, we need some understanding of the amount of required reductions under future hydrological conditions. Water agencies across the West are similarly in need of some level of

planning certainty to make long-term investments. Without that knowledge, we face the risk of being unprepared.

Since the start of the formal process to develop the post-2026 Colorado River guidelines, the key participants in the negotiations expressed a desire for a seven-state consensus agreement. The Basin State principals and key stakeholders throughout the Basin convened a workshop in late 2023 to begin development of a seven-state plan – a plan that was to have “the Basin States’ fingerprints all over it,” so its ownership and responsibility for its success would belong to all the states. Both the Biden and Trump administrations also advocated for a basin-wide plan. And Senators, you also made it clear in a letter sent to the principals in January 2025 that you desire a seven-state agreement.

Despite this shared goal, the Basin States have yet to find a way to reach consensus. In March 2024, the Upper Division States and Lower Division States each submitted separate proposals for future river operations for inclusion in the NEPA process. The Biden Administration didn’t include either proposal and moved forward with an alternative that included elements of both, aptly nicknamed “the Frankenstein plan” by the states. After assuming office, Trump Administration officials made it clear that they too seek a seven-state agreement and convened the Basin State Principals to try to reach a consensus. Over the last two years, several proposals have been developed by each basin. Despite these attempts, little progress was made towards a basin-wide solution. Just within the last month, both basins again submitted separate visions for how reservoirs should be operated in the next few years, and administration officials are again trying to develop a hybrid solution that won’t fully please anyone but may provide some short-term operational guidance to address critically low reservoirs.

For more than two years, we have been stuck in the same cycle, producing the unsuccessful results discussed above. The vast majority of discussions surrounding post-2026 river operations have occurred between the seven-state principals, with only the occasional inclusion of select water users from each state. This structure has not provided the variety of perspectives and on-the-ground expertise of water users that could help produce a consensus based on mutual understanding of the opportunities, limitations, and flexibility in each state. In

addition, the federal deadlines made in the negotiations process lacked consequences, allowing negotiators to view them as almost voluntary. And finally, from Metropolitan's perspective, it appears that some believe litigation may be the best path forward at this point and may be focused on preserving their right to a legal challenge rather than making compromises and shared sacrifices necessary to bring consensus. If we don't reach a consensus agreement soon, we may turn over the future river management to the courts. History shows we can do better.

Prior to the year 2000, California used more than its basic apportionment of 4.4 million acre-feet, relying on water that was not being utilized by Arizona and Nevada. In the 1990s, as those states' demands reached their full apportionment, California was compelled to develop a plan to permanently reduce its use by 800,000 acre-feet, about 20% of its total usage at the time, and live within its basic apportionment (the 4.4 plan).

To encourage California to develop and implement the 4.4 plan, the Department of the Interior (Interior) wielded both a carrot and a stick: California was allowed to gradually reduce its use over many years but had to execute the Quantification Settlement Agreement (QSA), which would provide for agricultural to urban transfers, by December 31, 2002. Colorado River contractors worked diligently to reach an agreement, but developing a consensus with urban, agricultural, and environmental interests by the deadline proved difficult and the deadline was missed. The federal response was swift: Metropolitan lost access to over 700,000 acre-feet of water the next day, and the Interior began the process of limiting Imperial Irrigation District's (IID) water supply, claiming that it was diverting more than it needed to irrigate crops.

While dealing with these consequences, the California agencies continued negotiations. Ultimately, with the help of mediation, the QSA was approved in October 2003, and Interior's actions against IID ended. But by then, prolonged drought conditions meant the reductions to Metropolitan were made permanent. There would be no gradual reduction.

To address this loss of supply, California embarked on a three-part strategy:

- First, Metropolitan partnered with our member agencies to invest in conservation and local supply development to reduce demand for imported water. We have

invested more than \$1.7 billion to reduce demand for imported water in Southern California and cut per person water use by 45%.

- Second, our region forged hard-earned agreements with higher-priority agricultural agencies that reduced agricultural water use while ensuring the continued success of the agricultural economy. Each agreement was tailored to meet local needs. In Bard Water District, Metropolitan pays farmers not to plant lower-value, more water-intensive crops during the spring and summer growing seasons, while they continue growing higher-value vegetables in the fall and winter. In the Palo Verde Irrigation District, farmers are compensated for rotationally fallowing between 10% and 35% of their lands, with additional money set aside for community benefits. In IID, Metropolitan and the San Diego County Water Authority fund conservation measures so farmers can grow crops using less water. Finally, with the Fort Yuma Quechan Tribe, the tribe is incentivized to not fully develop the agricultural land that it is entitled to irrigate.
- Third, the State of California provided \$235 million to fund infrastructure improvements for long-term savings through lining the All-American and Coachella canals to reduce seepage and make the water available to urban areas.

The process of developing the QSA was difficult and messy, though ultimately successful thanks to strong federal leadership that wielded both flexibility and consequences, state funding for infrastructure, and parties committed to building the necessary mutual understanding to find solutions. This history of developing consensus agreements on the Colorado River is filled with stories like this; shared solutions forged through a difficult negotiation that almost failed before eventual compromise was found. In fact, there are parallels in the development of the 2007 Interim Guidelines.

In 2005, facing disputes among the Basin States over how to manage a record-breaking drought and operation of Lake Powell, Interior officials instructed the states to develop an agreement on reservoir operations and how to share shortages by December 2007. If they failed to do so, Interior said they would decide the operational plan and the states probably wouldn't like it. States and water agencies took the deadline seriously and worked with the Bureau of

Reclamation (Reclamation) to develop operating agreements. Despite a late dispute between Arizona and Colorado over the operation of Lake Powell that almost derailed the process, the states remained at the table. The federal team worked with the parties and they collectively developed a compromise that involved sacrifice from both basins and ultimately became part of the 2007 Guidelines as the states made the federal deadline.

One of the most significant components of the 2007 Guidelines was the development of the Intentionally Created Surplus (ICS) provision, which arose from collaboration between Metropolitan and Arizona. Metropolitan is the only contractor that has the right to store water in Lake Mead, but Arizona has insisted that the 1964 Supreme Court decree made the right moot. Rather than debate our respective legal arguments, the ICS program was developed that protected Arizona's legal position while also providing Metropolitan with the operational flexibility it needed. During wet years in Northern California, when Southern California can rely on more water from the State Water Project, we store conserved water in Lake Mead. Metropolitan can then recover that water during local dry years to offset lower in-state supplies. This flexibility is key in both improving our region's water supply reliability and reducing our overall dependence on the Colorado River. Most importantly, it benefits the entire Southwest by raising Lake Mead's level and allowing for increased power production at Hoover Dam. We put more water in Lake Mead in the good years than we recover in the lean times, with a net increase in 20 feet to Lake Mead over the last 20 years. It was directly through partnership and consensus that this common-sense, mutually beneficial solution was developed, not through litigation.

The Basin States did not stop working together when the 2007 Guidelines were adopted. In 2015, As drought conditions persisted, Reclamation partnered with Metropolitan, Central Arizona Project, Southern Nevada Water Authority, and Denver Water to collectively develop and fund the Pilot System Conservation Program. Under the program, conserved water was added to Lakes Mead and Powell for the benefit of all water users. Agencies across the basin, from Wyoming to Arizona, participated in the conservation effort, and project proposals exceeded available funding. The success of this program demonstrated that water users in all states were interested in being part of a program to help protect the river.

Since the Colorado River drought began 25 years ago, communities across the basin have come together to develop new tools to better manage our shrinking resource. The solutions described above are just some examples of this. Our successes have been made through creative thinking, compromise, and setting aside our legal positions and interpretations of the Law of the River. In the absence of consensus, parties become entrenched in legal positions, which results in risky, expensive, time-consuming litigation and the destruction of working relationships among stakeholders. Litigation will not result in more water; Colorado River water users would still need to figure out how to use less water, but they would do so with a court appointee staring over their shoulders, mistrust across the Basin, and agencies having to develop often costly solutions on their own. Judicial declarations of water rights are meaningless “paper water” unless there are flows in the river to satisfy those rights.

It appears that the clock has run out on a seven-state agreement that could be effective by October 1 of this year, and the administration is crafting a compromise short-term deal to address record-low storage conditions. As the threat of litigation remains, work must continue to seek a basin-wide consensus. In discussions with representatives from all seven basin states, Metropolitan believes that a comprehensive, basin-wide plan is attainable. Water users from across the Basin recognize the need to adapt to a drier future, but each has its own way of doing so. Some can produce long-term savings each year, while others can only conserve when supplies are more abundant, so flexibility is key for successful implementation. A long-term agreement for sustainable river operations requires federal funding assistance to support its implementation, which should be paired with local matching dollars to increase effectiveness. Federal investment should consider a variety of methods to conserve water, which could include support for crops that use less water, programs to accelerate the removal of non-functional turf in urban areas, or infrastructure projects like our Pure Water Southern California program to help us all adapt to a drier future.

Metropolitan looks forward to working with Congress to develop a funding mechanism to support a basin-wide consensus agreement. Thank you for the opportunity to testify. I look forward to answering any questions.