




Colorado River Basin States Representatives of
Arizona, California, and Nevada

April 20, 2026

United States Department of the Interior
Bureau of Reclamation
Upper Colorado River Region
Via email: bor-sha-ucb-droa@usbr.gov

SUBJECT: Lower Basin Comments on Draft Drought Response Operations Plan

Dear Colleagues:

Thank you for your email soliciting Lower Basin comments on the Draft Drought Response Operations Plan (DDROP) that was previewed for us by webinar Tuesday April 14, 2026. While we appreciate the opportunity to provide comments on materials for which you provided links in your email, in particular the DROA Framework document and Attachments A (Plan Summary), B (Glen Canyon Dam Operations), C (Flaming Gorge Operations), and E (Navajo Reservoir Operations), the compressed time frame for comments – approximately three working days – necessitates that we reserve our right to provide further comments as the documents are evaluated internally. We assume the omitted Attachment D would have covered the Aspinall Unit, but that it was not included for reasons stated during our Upper Initial Unit webinar on Tuesday; specifically, that contracted for deliveries or storage exhaust all the available live storage at current or projected elevations. We address this matter below.

Our principal concern with the DDROP is that the May 20, 2019, Drought Response Operations Agreement (DROA) does not inform or govern in any way the release of the proposed additional Upper Initial Unit (UIU) water between April 2026 and April 2027 as discussed therein. The DROA, including the elevation triggers, limitations, and conditions of water releases from the UIU and the recovery of the volume of such releases, expired by its own terms on December 31, 2025. See DROA Sections II.A.6 and II.B.2. Accordingly, such releases should be treated purely as system water subject only to any future agreement by the basin states and Reclamation on recovery.

Additionally, the DDROP suggests that no water from Navajo is available for release below elevation 5990 because "contract deliveries can no longer be made [below elevation 5990]." See DDROP Section 3. During the webinar discussion Tuesday April 14, 2026, we were advised similar limitations prohibit any releases from the Blue Mesa/Aspinall Unit for the same reasons and because of existing storage contracts. We cannot, however, agree that any of the referred to contracts for delivery or storage in Navajo or Blue Mesa/Aspinall Unit reservoirs limit the ability of Reclamation to release additional water therefrom because they cannot pre-date the existence of the Colorado River Compact of 1922 (1922 Compact) and the Upper Basin's obligations to Mexico or the Lower Basin thereunder. See 1922 Compact Sections III.C. and III.D. Construction of UIU reservoirs was authorized pursuant to Section I of the Colorado River Storage Project Act of 1956 (Storage Project Act), more than thirty years after the 1922 Compact. Moreover, the Storage Project Act specifically subordinates such contracts and storage within the UIUs to Lower Basin and Mexico rights and Upper Basin obligations under the 1922 Compact and 1944 Treaty with Mexico. See

Storage Project Act Section 4. Only when such rights are fully satisfied and such obligations fully discharged can the independent rights to delivery from and storage within the UIUs serve as a limit to UIU releases.

And while we appreciate the desire to document a robust framework for coordinating UIU release activities, poor basin hydrology has been apparent for months and the additional releases should have been initiated some time ago to protect Glen Canyon Dam infrastructure and to facilitate releases from Lake Powell sufficient to satisfy the Lower Basin and Republic of Mexico rights discussed above (or even the diminished releases contemplated for Water Year 2026). We strongly encourage Reclamation to expedite contemplated UIU releases while keeping stakeholders fully informed, and we strongly discourage enabling inapplicable DROA requirements and process to delay actions manifestly needed to protect the system.

Finally, DDROP Attachment B (Glen Canyon Dam Operations) makes a passing reference to a Secretarial determination under 6E of the 2024 SEIS to adjust the Lake Powell release down to 6.0 maf for Water Year 2026. We are constrained to note that a release volume at that level will cause a deficiency under 1922 Compact Articles III(C) and III(D), which requires that 82.5 maf be delivered over every ten-year period, object to any DDROP or DROA provision that undermines Lower Basin rights, and specifically do not waive any rights relating to such deficiency.

As noted above, there may be individual or group technical comments, in addition to the foundational Law of the River comments set forth herein, after we've had time to evaluate the DDROP more fully. In the meantime, please do not hesitate to contact us with any questions regarding these comments.

Respectfully submitted,

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