



Rising Tide of Rhetoric Doesn't Lift a Much-Needed Water Debate

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Presidential campaigns are both the best way and the worst way to have a national conversation about important public policy questions.

They are the best way because they force the conversation.

But the point-scoring, vote-tallying "gotcha" campaign culture frequently ensures that the ensuing discussion will have more heat than light.

This was illustrated in dramatic fashion over the last week by the kerfuffle over John McCain's comments about the Colorado River Compact — the 1922 governing document that divides the river's water among seven western states. In an interview published Aug. 15 with the Pueblo Chieftain, McCain said this:

"I don't think there's any doubt the major, major issue is water and can be as important as oil. So the compact that is in effect, obviously, needs to be renegotiated over time amongst the interested parties."

McCain's political opponents saw an opening and pounced, arguing that the Arizona senator's comments amounted to the opening round in a war by rapidly growing lower basin states like California and Arizona to steal water from places like New Mexico and Colorado.

The political world exploded with claims that McCain wanted to steal the upper basin's water. The Obama campaign set up a conference call for reporters Wednesday to pile on.

Water experts I talk to, including some firmly in the Democratic camp, think the whole thing is a bit silly.

The Colorado River Compact is both a great triumph and deeply flawed.

The basic shape of the deal, signed in 1922 by seven western states and the federal government, is simple: the upper basin states, including Colorado and New Mexico, get 7.5 million acre feet of water per year. The lower basin states, including California and Arizona, get 7.5 million feet. Mexico gets 1.5 million acre feet.

The compact allocation adds up to 16.5 million acre feet of water per year, and therein lies the basic problem. The negotiators looked at the previous 20 years of flow in the river and figured 16.5 million was a good estimate of the river's flow.

Here is how Delph Carpenter, the Colorado water lawyer known as the "silver fox", explained it: "The hydrographers and experts advise me that a 20-year record on a river is adequate in its completeness and includes enough years to warrant an assumption that the average there deduced would be the average flow of the river in the future."

Now, we know better. Carpenter was a brilliant water lawyer and deserves much of the credit for the compact's success. But he could not have known then what climate scientists have since learned. Climate varies more than he knew. By a cruel accident of history, the 20 years Carpenter and the other negotiators were looking at was the wettest two-decade period in the last thousand years.

The real long term average is more like 13.5 million acre feet. Climate change will likely make that worse.

The problem for New Mexico is that the compact is worded in such a way that long-term shortages will likely come out of the upper basin's share.

But no deals can happen — no "reopening" of negotiations on the compact or discussions about side deals that would leave the compact intact in its current form while fixing some of its worst problems — without the consent of the seven states. No one can force New Mexico or Colorado into any such discussion against their will. No one can steal our water without our permission, which means they can't steal our water.

A serious policy discussion about the shortcomings of the Colorado Compact is needed and is already underway on an ongoing basis among the leadership of the western water community.

The current round of presidential campaign "gotcha" has thus far not added much useful to the conversation.

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