

STATEMENT OF

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BEFORE THE

HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEE ON WATER RESOURCES AND
ENVIRONMENT

CONCERNING H.R. 135 TO ESTABLISH THE
TWENTY-FIRST CENTURY WATER COMMISSION

NOVEMBER 8, 2007

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November 8, 2007

Mr. Chairman and Members of the Subcommittee, my name is Bob Lynch. I am an attorney in Phoenix, Arizona. I have worked on water and water rights issues, beginning at the Justice Department here in Washington in the late 1960's and then in private practice in Phoenix for over 40 of the 43 years I have been a member of the bar.

As you know, H.R. 135 has been passed by the House of Representatives not once but twice. It has received overwhelming bipartisan support. I am here today to ask you to continue that bipartisan support by joining the House Natural Resources Committee in supporting this bill and expediting its early consideration by the full House of Representatives.

My reasons for asking you to do so are twofold. First, this bill has received unprecedented scrutiny, especially in Western water circles. That scrutiny has resulted in equally unprecedented support among Western water interests for this Commission and its focus on enhancing water supplies, not only in the West but throughout the country. We in the West have a long history of having to deal with drought. The experiences in the East are of more recent vintage but emphasize the need for a national look at water supply. There hasn't been such a look since the National Water Commission report came out in the early 1970's. Second, the problems identified in H.R. 135 and in testimony when it was considered by the House Natural Resources Committee in April 2003 have not gone away. Indeed, if anything, they have gotten worse. While we were already behind the curve in terms of fashioning solutions then, we are even more behind the curve now. There are things that can be done. There are things that can be done in relatively short order, including actions that can be taken by Congress.

I want to commend the Committee and the Subcommittee for scheduling this hearing and considering this important legislation. Action on this bill by the full Congress is overdue. The drought problems that are creating headlines in our newspapers are testimony in themselves of the need for a critical look at the nation's water supply and ways that we can protect and enhance it.

We in Arizona understand the seriousness of this situation. We are in our eleventh year of drought within the interior of

Arizona and the eighth year on the Colorado River system as a whole. So far our infrastructure and planning are proving to have been wise choices, both as to the actions taken at the state and local level in Arizona and the federal projects that Congress has previously authorized. As we speak, the final Environmental Impact Statement on the Shortage Criteria for the Colorado River is released as a predicate to the decision by the Secretary of the Interior on those criteria. Those criteria will complete the regulatory pattern for the Colorado River Basin that has been underway in one fashion or another since 1922.

In addition, the three Lower Basin States, Arizona, California, and Nevada, have entered into a partnership with the federal government called the Multi-Species Conservation Plan. This environmental mitigation and restoration plan covers the entire floodplain of the Colorado River from Hoover Dam to the Mexican border. It will spend a billion dollars over fifty (50) years. The program is designed to ensure that environmental objectives for the Lower Colorado River are met while ensuring that water and power supplies for 20,000 million people continue to be made available. Congress has before it a bill to indicate its support for this ground-breaking venture.

Arizona has established the most stringent groundwater management law in the nation. We are still exploring all the ramifications of our program since its initial passage in 1980. However, it is clear that this law was an essential step for Arizona in management of its groundwater resources. We have also embarked on an aggressive groundwater storage and recovery program. While we are perhaps several decades behind southern California, which has long had such programs, we are catching up. These are some of the tools we have chosen in order to plan for our water future. Not all of these may be appropriate in other areas. Other programs may need to have different elements to be effective in different parts of the country. Nevertheless, it is time for more actions and more solutions, fashioned by the several states, fashioned in multi-state programs, and fashioned in public/private partnerships with state and local government and with the federal government.

In my view, the Twenty-First Century Water Commission will provide an impetus and an enhanced public awareness not only of our problems but of the solutions that we need to solve them. Some of these solutions will be difficult. Without marshaling the public will, some of them will not be attainable. We need the emphasis on increasing our water supply that this Commission is fashioned to produce. We need H.R. 135 passed and signed by the President.

Thank you for the opportunity to appear before you on this very important legislation. I urge your support and quick action on H.R. 135.