

Severe drought conditions imperil US Southwest, as states wrestle over water rights

Alex Findijs, Dan Conway
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The seven states of the Colorado River Basin failed to reach an agreement on how to redivide declining water supplies, blowing past another federal deadline on February 14. Negotiations have been ongoing for two years with no sign of compromise in sight, as several critical agreements between basin states and the US and Mexico expire this year.

Central to the impasse is disagreement on how states should share the burden of conserving water after a quarter century of drought, the worst in 1,200 years. Due to climate change and overallocation, the Bureau of Reclamation (BoR) estimates that the Basin states will need to reduce consumptive use by up to 4 million acre-feet, about a quarter of allocated volume (an acre-foot is roughly 326,000 gallons).

Consumptive use has largely exceeded annual supply for decades and over the past several years Lake Powell and Lake Mead, the two largest reservoirs in the US, have declined to concerning levels. Lake Mead is currently one-third full, and Lake Powell is a quarter full. Conditions are expected to worsen, with Lake Powell predicted to receive only half the normal inflow this year—and potentially just 37 percent—according to the BoR.

Low levels in Lake Mead have triggered cuts to the Lower Basin states and the U.S. Bureau of Reclamation predicts that by the end of the year Lake Powell will fall below “Power Pool,” the elevation at which the Glen Canyon Dam can produce electricity. The dam provides electricity to almost a million homes throughout the Southwest, raising the potential for brownouts and blackouts in the region. To prevent this, the BoR will have to release more water from Upper Basin reservoirs, angering Upper Basin states, or reduce flows to Lake Mead, which could cause a triggering of Level 2 drought cuts.

States in the Lower Basin—California, Arizona and Nevada—have argued that all states should share in the

reduction in use. The Lower Basin has proposed basin-wide cuts triggered by low storage levels in all reservoirs in the basin combined, not just at Lake Mead as current cuts are determined. Lower Basin states would take cuts up to 1.5 million acre-feet at 38 percent storage levels, after which all states would contribute up to 3.9 million acre-feet in cuts.

While the Lower Basin has been the one to propose shared cuts during shortages, it refuses to acknowledge that its excessive claims on the river cannot be sustained and that the Upper Basin cannot be compelled to subsidize its overuse.

Historically, the Lower Basin has used more than its allocation of 7.5 million acre-feet (maf), while the Upper Basin has only used 4-5maf. Agriculture is the largest consumer of this water, accounting for 70-90 percent of consumptive use, of which the majority is used for growing alfalfa and hay for livestock.

Because of this, Upper Basin states—Colorado, Wyoming, New Mexico and Utah—have refused to take any cuts to their use, further arguing that they have never used their full allocation and that they already have to deal with declining runoff. This claim is true in any given year but not true over time, as the Upper Basin has continued to increase its consumptive use during the drought.

Regardless of relative use, the Colorado River Compact requires the Upper Basin to provide an average of 7.5maf of water to the Lower Basin and half of the obligation to Mexico, measured as a moving 10-year sum of 82.5maf. Data of flows at Lees Ferry (where the basin is divided) show that last year’s rolling sum was 83.7maf, raising the prospect of a Compact violation with record low snow pack this winter. It is unclear what will happen if this occurs as there is no legal mechanism for the Lower Basin to require the Upper Basin to reduce use.

With negotiations at a standstill, the Bureau of

Reclamation had set the February 14 deadline in hopes of securing congressional approval by October. (All interstate agreements must be approved by Congress.) If no deal is reached, the Bureau will have to impose its own plan to stabilize water levels at the declining reservoirs, Powell and Mead. Because it only has authority to affect flows at federally managed reservoirs, the Bureau's proposals only impact the Lower Basin and could impose significant cuts to its states and Mexico of up to 4 million acre-feet.

These proposals have angered politicians and officials in the Lower Basin, especially in Arizona, which has junior rights to California and bears the brunt of shortage cuts.

Republican Arizona Representative Andy Biggs posted on X/Twitter, "Arizona cannot sit idly by and allow Colorado to dictate water policy for the entire Basin region" promising "a solution that protects Arizona's interests and safeguards our future."

The Upper Basin is similarly protective of its share. Colorado's river commissioner, Becky Mitchell, identified "Defending against attempts at Compact curtailment in the Upper Basin States" as one of her eight "irrefutable truths" she would base her approach to negotiations on, referring to the 1922 Colorado River Compact, made law in the Boulder Canyon Act of 1928, which allotted 7.5 million acre-feet to both the Upper and Lower Basin with expectation of regular surplus.

That division was based on a complete dismissal of available science in favor of a politically agreeable settlement that would lay the groundwork for the rapid development of the American Southwest.

Several leading scientists and engineers, including E.C. LaRue, Herman Stabler and William Sibert, conducted surveys of the historic flow of the Colorado and found that natural flow in the decades preceding the Compact had been closer to 14-15 million acre-feet instead of the 20 million invoked during the Compact negotiations, measured during unusually wet years.

These findings were presented to Congress but ignored. Basin states were rushing to claim as much water as possible, and a deal based on a lie was considered favorable to future conflict. Therefore, 15maf was apportioned to the states with the assumed surplus going to the Lower Basin. Mexico was also eventually guaranteed 1.5maf in a 1944 treaty.

In total today there are 16.5maf of allocations in a system yielding only 12-13maf of water annually. The Lower Basin claims 4.4maf for California, 2.8maf for

Arizona and 0.3maf for Nevada. In the Upper Basin the states distribute water by percentage: Colorado 51.75 percent (~3.8maf), Utah 23 percent (1.7maf), New Mexico 11.25 percent (0.84maf), Wyoming 14 percent (~1maf).

This does not account for all claims on water rights that cannot be satisfied because of overallocation within states and the largely unfulfilled rights of Native American tribes. The Center for Natural Resources and Environmental Policy estimates that tribal water rights may total 3.6maf, of which the BoR estimates only 1.4maf is being used due to a lack of infrastructure, losing the rest to other users despite often having seniority. Providing tribes with water they were systematically denied as part of the genocide of the native population will require massively reducing use from other users, primarily in agriculture.

Under these conditions the Colorado River can be considered in a state of "Water Bankruptcy," as defined by a recent UN report, in which water resources have been overused and mismanaged to such a degree that the impacts are often irreversible and require a complete restructuring of use.

Through decades of overuse, the Colorado River no longer reaches the sea, destroying ecosystems and communities that once thrived in the Colorado Delta. Agricultural runoff into the Salton Sea has turned it into a polluted wasteland that releases toxic dust as it recedes. Prioritization of profit has stymied efforts to conserve agricultural water and encouraged the depletion of aquifers.

Rebalancing the demands on the Colorado River requires the scientific management and coordination of the entire basin in accordance with environmental realities and social need. This is incompatible with the prioritization of profit and the petty squabbling of capitalist governments desperate to defend their own resources at the expense of others.



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