BEYOND THE DIVISIONS: A COMPACT THAT UNITES

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I. INTRODUCTION

In a world increasingly challenged by population growth, natural resource utilization and climate change, existing water management systems often appear insufficient for solving tomorrow’s water problems. Elaborate legal regimens such as the Law of the River, and historically accepted norms such as prior appropriation and what constitutes beneficial use, are frequently seen as impediments to meeting the evolving values, demands and needs of contemporary communities. This seeming contradiction between current management systems and the need to innovate to meet future challenges can be a source of friction and conflict among parties interested in addressing particular water issues.

Yesterday’s reliable water supplies depended principally on getting to a water source first, staking a claim, placing the water to beneficial use, and then defending the resulting “right” with as much money and legal support as one could muster. Reliable water supplies in tomorrow’s more constrained environments will depend upon partnerships, collaboration and flexibility—that is, the willingness of parties with often disparate interests to cooperate sufficiently across institutional, regulatory and cultural boundaries to achieve their unique collection of objectives. As this article will relate, it does not necessarily follow that today’s water management systems are incapable of bridging the gap between how things have worked historically and how they must work in the future, if conflict is to be minimized or avoided and resource needs met. In fact, there are a few examples of systems that have proven highly effective at adapting to new conditions, yielding innovative results under challenging circumstances. The Colorado River Compact of 19221 is a case in point, as is the experience of Southern Nevada in managing its regional water situation for the past 18 years.

‡ In keeping with the style of these remarks as they were delivered at the Stegner Symposium, this Essay has kept the footnotes to a minimum and does not follow the citation rules or conventions of The Bluebook: A Uniform System of Citation or the Journal of Land, Resources, and Environmental Law.

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This article reprises key themes and comments from my presentation at the Stegner Symposium in March 2007. I want to express my appreciation to the staff and faculty of the Wallace Stegner Center for Land, Resources, and the Environment at the University of Utah for the opportunity to participate in the symposium and for the chance to share my views on the Compact, Southern Nevada and water management in the West.

II. NEVADA AND THE COLORADO RIVER COMPACT OF 1922

In Nevada, one often encounters criticism for suggesting that overthrowing the Compact would be a mistake. This is not surprising, given Nevada received only 300,000 acre-feet per year under the agreement— the smallest allocation of all the states tied to the river and only two percent of the river’s estimated average flow at the time the agreement was promulgated. However, from the perspective of contemporary water management, the Compact may have been one of the best things that ever happened to Nevada. Furthermore, it does not follow that embracing the Compact means embracing a status quo of water management unsuitable to today’s challenges.

At the time of its adoption, the Colorado River Compact of 1922 imposed structure on what was then unregulated use of the West’s most important water supply, the Colorado River. That unregulated use was primarily benefiting California, so the Compact was conceived first and foremost as a tool to protect the water interests of other basin states from future claims of prior appropriation by California. Nevada was allocated a mere 300,000 acre-feet per year mostly in recognition of the state’s small boundary with the Colorado River, its relative lack of agriculture or agricultural prospects in Southern Nevada, and its scant population in 1922.

Similar rationales governed the determination of other state allocations from the river, with the result that the Compact may appear uncommonly rigid, even unfair, to some observers today, given the West’s actual population trends, increasing water demands and changing priorities.

However, as recent experience has shown, far from dividing its signatories, the Compact inextricably binds them together in a framework that is as rigid or as flexible as the parties as a whole desire. The Compact allows the seven states that

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2Boulder Canyon Project Act of 1928 43 U.S.C. § 617, Colorado River Commission, Minutes and Record of the Colorado River Commission Negotiating the Colorado River Compact of 1922, 1st and 6th Meeting, Jan. 26, 1922 (For priority concerns, see various comments made by W.S. Norviel, Arizona State Water Commissioner (Session 1). For agricultural prospects, see Table A, Areas and Water Requirements (Session 6)).


share the waters of the Colorado River to do whatever they, as a group, can agree to do. It prevents one state from ignoring the interests of any other state, and forces the seven states to think as a team and to work together to find common solutions. In this sense, it is a dynamic document that, contrary to the views of some critics, seems keenly prescient in its binding together of regional communities that share a common water source. By ensuring each state has leverage over the particular objectives of any other state when it comes to the Colorado River; the Compact encourages all seven states to communicate. And because each state’s self-interest must yield at some level to the reality of the basin’s mutual or collective interests—at least if anything is to be accomplished—the Compact in turn encourages compromise and consensus. As a decision-making tool, the Compact retains the potential for unprecedented collaboration, cooperation and comity when it comes to managing this critical water source in the arid West. In this sense, it does not divide the river so much as it unites the various people who depend on the river each day.

III. SOUTHERN NEVADA WATER AUTHORITY

As with most urban communities in the West, Southern Nevada would not exist were it not for water. Indeed, the birthplace of Las Vegas is a series of groundwater springs that once percolated to the surface, providing an oasis for native peoples for thousands of years. At the time of the Compact in 1922, most Southern Nevadans believed they would never need water from the Colorado River.5 Local groundwater supplies provided ample resources for the region and few could imagine a future where those supplies would be insufficient to meet demands. No one anticipated the explosive population growth—and accompanying increase in water use—that would dominate the West for the balance of the twentieth century. Because of that growth, Southern Nevada found it necessary to tap the resources of the Colorado River for municipal purposes by the late sixties. The community opened the Southern Nevada Water System in conjunction with federal support by the early seventies, and for a time it appeared the state’s Colorado River allocation would be sufficient to meet Southern Nevada’s needs for decades to come. Within 20 years, however, the incessant population growth occurring in the region would change all this.

The Southern Nevada Water Authority (Authority) emerged out of a water crisis that arose in the greater Las Vegas Valley in the late eighties. At that time, the explosive growth that had been urbanizing much of the Southwest began to take hold in Southern Nevada and put real pressure on the area’s water supply. Local municipal water purveyors were operating independently and competing with each other for a share of the region’s water resources, including Nevada’s Colorado River allocation. There was no coordination of Southern Nevada’s overall water resources and the mantra of the day was “use or lose it”—a standard not dissimilar to the one that prompted the seven basin states to create the

5 Id. at 70 Areas and Water Requirements, tbl.A.
Colorado River Compact more than half a century earlier. Faced with increasing water demands and no centralized ability to know where the community stood in terms of its water resources, a group of visionary leaders created the Authority through a joint powers agreement, as allowed to local jurisdictions under state statute.⁶

Consisting of the seven major water and wastewater purveyors in Southern Nevada—the cities of Boulder City, Henderson, Las Vegas and North Las Vegas; Las Vegas Valley Water District; Clark County Water Reclamation District; and Big Bend Water District—the Authority was formed to ensure mutual cooperation and collaboration among its member entities on critical water issues affecting Southern Nevada. To effectively realize this vision, the member entities agreed to consolidate their collective water rights and operate under a system of common priorities where water is supplied to purveyor members based on need, all members participate in achieving regional conservation goals and, in times of shortage, all members agree to bear a reduction of water in direct proportion to the member’s existing demands and water deliveries at the time of the shortage. Moreover, they agreed that all substantive changes to the Authority’s joint powers agreement and associated planning and cost-sharing documents must be ratified by all member or purveyor members, thereby giving each member entity a de facto veto power over Authority decisions. In addition to the specific arrangements outlined in its joint powers agreement, the Authority’s member entities established a variety of technical and managerial committees to meet regularly and discuss issues pertinent to each other and the Authority. The result is an overall arrangement that, much like the Colorado River Compact, ensures all members have equal influence regardless of size, and a daily operating environment where conflict yields to compromise and innovative solutions are realized.

It is worth noting that the Authority’s approach to member agency water resources challenges one of the most fundamental concepts in western water law—the idea of priority water rights. As it dealt with its water crisis in the late eighties, Southern Nevada recognized that priority water rights, particularly among cities that share a common water source, are largely meaningless. They are only relevant during a shortage and the last thing one wants in a shortage situation are winners and losers. It becomes politically untenable for a city to exercise its priority water rights if the consequence to another city is serious shortage. Exercising priority rights in a shortage would force people to make tradeoffs that no one, in good conscience, can make. The seven states in the Colorado River Basin have come to realize this on a larger scale in recent years, as

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⁶ Southern Nevada Water Authority 1991 Cooperative Agreement (1991) (on file with the author) (This agreement included: Big Bend Water District, City of Boulder City, City of Henderson, City of Las Vegas, City of North Las Vegas, Clark County Water Reclamation District and the Las Vegas Valley Water District. The agreement was subsequently amended in 1994 and 1996.), see also, NEV. REV. STAT. § 277.110 (This statute gives these groups the authority to make this agreement).
they grapple with the challenges posed by long-term drought and growing water demands. It also points to a truth reflected in the operation of both the Compact and Authority—namely, that the interdependence of a system’s stakeholders, and their concomitant need for cooperation, increases in direct proportion to the constraints being placed on the system. To defy this reality is to invite endless conflict and stalemate.

Formation of the Authority liberated Southern Nevada to embark on a number of initiatives that would otherwise have been impossible. In particular, the confederated nature of the Authority allowed the community to begin regional water resource planning and regional conservation. Southern Nevada was now able to speak with one voice in negotiations with the other basin states, the federal government and other stakeholders. This in turn redefined Nevada’s relationships with those parties and its role in the Compact.

These early steps in redefining Nevada’s role in the Compact would not have been possible without the cooperation of the state of Arizona. In 2001, in what was previously considered an impossible move under the Law of the River, Nevada and Arizona created the first interstate water banking agreement. Under the banking arrangement, the Arizona Water Banking Authority agreed to recharge and store unused Colorado River water in its groundwater aquifer for Nevada. Viewed as a means for providing Southern Nevada with the water resources it needed to continue to thrive, as well as a means for ensuring California did not become dependent on Arizona’s unused apportionment of Colorado River water, the water banking agreement was the beginning of a new era on the river—an era of cooperation and collaboration. It demonstrated the Compact’s innate flexibility, where many had said none was possible. This flexibility would prove critical over the next decade as the federal government and seven basin states wrestled with a series of rapid-fire changes in Colorado River conditions.

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7 Storage and Interstate Release Agreement through the Secretary of the Interior; the Arizona Water Banking Authority; the Southern Nevada Water Authority; and the Colorado River Commission of Nevada, Contract 02-XX-30-W0406 (June 12, 2001), available at http://www.usbr-.gov/lc/region/g4000/SIRA/finagmt.pdf. (Under this agreement, the AWBA agreed to use its best efforts to store 1.2 million acre-feet of water for the Authority, with no more than 100,000 acre-feet eligible to be recovered in any given year. In return, the Authority agreed to pay the AWBA $180 million to store the water for Nevada. The agreement was subsequently amended in 2004, guaranteeing Nevada 1.2 million acre-feet of banked water in exchange for $330 million, recoverable at established intervals through 2060).
IV. THE DROUGHT

As inconceivable as it sounds today, the Colorado River basin states and U.S. Bureau of Reclamation spent much of the nineties in negotiations about dividing surplus water on the river. During those negotiations, any discussion of shortage or shared-shortage arrangements was dismissed as unnecessary, too contentious or too complicated. Predictive models had indicated that the probability of a major shortage on the Colorado River was virtually zero, and without compelling data or evidence to the contrary, most stakeholders on the river accepted this. In other words, the basin had not yet encountered a crisis similar to that of Southern Nevada in the late eighties.

This quickly changed. Just as documents resolving the long-standing conflicts and issues surrounding surplus on the Colorado River were signed, and just as Nevada began utilizing surplus Colorado River water, the Colorado River entered what soon became the worst drought in the history of the Compact, as well as in the recorded history of the river. That drought continues today and the physical impacts on the river system are daunting. Since 2001, inflows to both Lake Powell and Lake Mead have been below average for all but one year, with 2003 being roughly 25 percent of average. Today, Lake Mead sits at roughly 50 percent of capacity and Lake Powell is even lower—a combined loss of around 25 million acre-feet of system water, and in only a handful of years. In Lake Mead, the Authority has had to take steps to protect the operation of its drinking water intakes, which are threatened by the steadily declining water levels. No sooner had the ink dried on the river system’s various surplus agreements than they became largely obsolete as a result of the drought.

At the same time, a regionalized drought began on the Salt River in Arizona. Forced to make up its loss of this water supply with Colorado River


water, Arizona informed Nevada that it would no longer be able to bank surplus water as part of the groundwater banking agreement between the two states. Thus, two linchpins of Southern Nevada’s Water Resource Plan for the next three decades had been pulled, and in fairly quick order. The Authority was forced to retool its entire water planning approach.

The retooling started with the implementation of more aggressive water conservation. When the Authority was formed, the region embarked on a modest campaign to achieve 10 percent conservation by 2010. By 2003, with the drought as backdrop, the Authority’s seven member agencies adopted an aggressive drought response plan that has resulted in permanent changes to how the community uses water. This plan includes a mix of regional policy, education, pricing and incentive initiatives, including adjustments to tiered water rates among all Authority purveyor members, prohibition of turf in front yards of new development, restrictions on time and day of watering, and more innovative conservation advertising. Today, the centerpiece of this new conservation ethic is the Authority’s Water Smart Landscapes Program. With revenues derived from local connection charges paid by new development, the Authority provides rebates to water customers to remove turf from their landscaping—more than $74 million in rebates to date, saving an estimated 4.7 billion gallons of water each year.

The combined effect of Southern Nevada’s collective conservation response was a reduction of consumptive use by roughly 18 billion gallons annually between 2002 and 2006. This reduction was achieved even as 6,000 people, on average, continued to relocate into the area each month. Most importantly, the measures are no longer a temporary response to drought, but a way of life. Today, the Authority’s member agencies share common drought and conservation response goals. Every city council and the Clark County Commission have similar conservation and landscape watering ordinances, tiered water rates and development code restrictions. This commonality of approach is a testament to the unifying power of the Authority structure.


17 Conservation and drought response in Southern Nevada tend to focus on outdoor water use, and this is intentional. In Southern Nevada, all water that reaches the sanitary sewer system is recycled, either through direct reuse facilities or return-flow credits by returning treated wastewater to Lake Mead and recovering a like amount of Colorado River water from the Authority’s intakes in Lake Mead. In contrast, water used in outdoor landscaping is largely lost to evaporation. And in Southern Nevada, grass in residential landscaping is the largest user of water. Contrary to popular misconception, Nevada’s resort industry, including the fountains at the Bellagio and the canals at the Venetian, consume only three percent of Southern Nevada’s water supply. All of the modern resorts
As Southern Nevada began to realize the full benefits of its conservation response to the drought, the seven basin states embarked on negotiations to establish guidelines for dealing with shortage on the Colorado River. After several years of challenging debate, a comprehensive proposal was submitted to the Secretary of the Interior in late 2006 for inclusion in the Environmental Impact Statement being developed in response to proposed changes to the operation of the Colorado River.\(^{18}\)

The seven states’ proposal is remarkable not so much for its inherent details, but for the fact that seven states with very different cultures and competing interests were able to set aside differences and work together to find solutions that avoided winners and losers. It is an excellent example of the Compact’s inherent power as a “tie that binds” and stands as a milestone in the history of the river. For the first time, a shared shortage among states and urban communities has been established, one that recognizes the integrated nature of the people who use the river and the need to share impacts.\(^{19}\) Thus, in one bold move, the Old West legacy of water as priority right and property right has given way to the New West’s evolving legacy of water as a finite, essential resource necessary for the protection of people, economies and the environment. In other words, we are now stewards of a resource that is shared as much as owned. None of this would have been possible without the Compact.

V. IN-STATE RESOURCES FOR SOUTHERN NEVADA

Despite the fact that the Compact continues to evolve to meet the needs and changing priorities of its users, there are some things it cannot solve—for example, the fact that 90 percent of Southern Nevada’s water supply currently


\(^{19}\) To cite just one example, in the event that the Secretary of the Interior declares a shortage on the Colorado River and Arizona cities are forced to cut back, Southern Nevada has agreed to reduce its consumption from the Colorado River by a proportionate amount. \textit{See Arizona Department of Water Resources, Arizona Water Banking Authority, Colorado River Commission of Nevada and Southern Nevada Water Authority, Arizona-Nevada Shortage Sharing Agreement,} (2007) (on file with author).
comes from the Colorado River. The drought may have helped transform Southern Nevada’s conservation ethic to one of the most progressive in the West, but it also reminded us that you cannot supply 100 percent of an area’s demands with only 10 percent of its water supply.

In a future shortage situation, conservation will not be enough for Southern Nevada, particularly as the area’s water demands harden over time in response to the success of the region’s conservation efforts. Desalination is repeatedly suggested as a solution to Nevada’s water supply dilemma in the face of shortage, but while that will invariably be a part of the solution at some point in the future, it still faces some major resistance. The principal obstacle to ocean desalination stems from opposition by environmental and coastal advocates that are loath to see large-scale desalination facilities, and the power generation necessary to operate them, on the coast of California. Options in Mexico have been discussed and are being investigated by the seven basin states, but these too involve serious environmental and political obstacles. In addition, there is the substantial problem of how to dispose of highly saline brin—the byproduct of desalination—in an environmentally responsible manner.

Notwithstanding these challenges, desalination is problematic for Southern Nevada in an even more basic way—it will not reduce the area’s dependence on the Colorado River. The most practical desalination arrangement for Nevada would likely involve an exchange of Colorado River water from California or Mexico to Nevada (for example), in return for Nevada’s funding of the construction and operation of a desalination facility to benefit a user in one of those locations. Nevada would take the exchanged Colorado River water out of Lake Mead, thereby minimizing its own treatment and distribution costs. However, if there is little water in Lake Mead and shortages have been declared—which we now know is a very real possibility given the drought—such an exchange does little to improve the security of Southern Nevada’s water supply.

Consequently, in retooling its overall water planning approach in response to the drought, Southern Nevada did not stop at more aggressive conservation. Recognizing the limitations that the drought and future shortage would impose, the Authority accelerated its efforts to develop an alternate water supply that is hydrologically independent of the Colorado River. That supply is comprised of applications for unappropriated, unused groundwater in several hydrographic basins in eastern Nevada (principally Lincoln and White Pine counties) and is expected to provide between 125,000 and 200,000 acre-feet each year to Southern Nevada. Development of these in-state resources is a critical part of Nevada’s commitment to the other basin states in return for their help in maximizing the

availability and use of Colorado River water for Nevada. To date, the Authority has gone to hearing on applications in one basin and anticipates going to hearing on other applications in other basins over the next several years.

In developing its in-state groundwater applications, Southern Nevada recognized early on its obligation to ensure that communities in rural Nevada remained viable and were included in the development of these resources. To this end, the Authority worked closely with Lincoln County to develop a water sharing agreement that ensures Lincoln County sufficient water resources to determine its own future. In addition, the Authority also agreed to allow Lincoln County use of its infrastructure to deliver water to planned developments in Lincoln County. This represents a $350 million economic boost for the county that it would be unable to make on its own. Today, Southern Nevada and Lincoln County are partners in ensuring each other’s future—another example of how stakeholders must come together to solve water issues in the new West.

In White Pine County, the situation is different and more contentious. Two basins in White Pine County form the backbone of the Authority’s groundwater project: Snake Valley and Spring Valley. The Authority has applications for roughly 50,000 acre-feet of unappropriated groundwater in Snake Valley, a basin that is shared by both Nevada and Utah. The headwaters of the groundwater system in Snake Valley are firmly located within the state of Nevada. While most of the groundwater recharge (roughly 60 percent) is generated in Nevada, most of the land use occurs in Utah. Conservative estimates project roughly 1,200,000 to 1,320,000 acre-feet of annual recharge in Snake Valley. Across the border from White Pine County in neighboring Utah, Nevada is perceived as stealing Utah water, and most of the opposition to Southern Nevada’s groundwater project has come from residents of Utah, not White Pine County.

Adjacent to Snake Valley is Spring Valley, which serves as the anchor basin of the Authority’s groundwater project. Located west of Wheeler Peak, Spring

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23 Cooperative Agreement for the Allocation and Management of Water Rights (on file with author) (The agreement was signed February 20, 2003 and was among Lincoln County, the Southern Nevada Water Authority and the Las Vegas Valley Water District), see also (1947 NEV. STAT.CH. 167-NEV. REV. STAT. §243.210, 2005-NEV. REV. STAT. CH. 277, 2005) (Which authorized the agreement).

24 General Capacity Agreement for Participation in Southern Nevada Water Authority’s Groundwater Project (2006) (on file with the author) (This agreement was formed between the Lincoln County Water District and the Southern Nevada Water Authority).

25 “Application for Permit to Appropriate the Public Waters of the State of Nevada” Serial Nos. 54022 - 54030 inclusive.


Valley has among the largest amount of unappropriated water of any basin in Nevada.\textsuperscript{28} In April 2007, the Nevada State Engineer granted Southern Nevada 60,000 acre-feet of water rights in Spring Valley, the pumping of which the Authority must step into gradually.\textsuperscript{29} As the Spring Valley hearing began, the Authority agreed to a stipulation with the U.S. Department of the Interior on behalf of the U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management and the U.S. Bureau of Indian Affairs, to work with Southern Nevada to monitor and protect Spring Valley.\textsuperscript{30}

Unlike Snake Valley, there is no community in Spring Valley, only a series of large ranches. In mid-2006, the Authority began acquiring many of these properties as part of its commitment to the adaptive management of the groundwater basins that encompass the groundwater project. Along with the properties, the Authority has acquired more than 33,000 acre-feet of surface water rights and more than 6,000 acre-feet of groundwater rights.\textsuperscript{31} The Authority has committed that it will not export any of the surface water resources; instead, the surface water will be used to recharge the basin and help manage and protect the aesthetic and environmental resources in Spring Valley. It will also be used to continue the long tradition of ranching and agriculture in Spring Valley for years

\textsuperscript{28} "Nevada State Water Plan" Nevada Division of Water Resources, 1998.


to come. The Authority is committed to retaining the ranching tradition in Spring Valley and is beginning to work with local ranchers to evaluate and develop strategies for more efficient and sustainable agricultural practices.  

VI. A NEW WEST

The Authority’s in-state groundwater project is one example of how collaborative efforts at the local level (Southern Nevada) intersect with collaborative efforts at the Compact level. The seven basin states recognize Nevada’s need for continued flexibility in Colorado River supplies, and Nevada, in turn, recognizes the need to maximize the use of its unused in-state resources if such flexibility is to continue. This give-and-take is an essential characteristic of the new paradigm taking shape in water management across the West.

The fiercely fought battles for resource independence have to be replaced by recognition of interdependence. If a city develops groundwater supplies in an area outside of its own boundaries, it is not a given that the area will ultimately be destroyed. There are sufficient environmental standards and regulatory processes to prevent this, but most importantly, it is not in a community’s interest to exhaust or irreparably harm resources that are vital to its own well-being. Furthermore, rural communities will find that a partnership with an urban area will ultimately provide them the resources to survive the ravages of climate change. Interdependence is also becoming apparent in the need for all users to examine how they utilize this diminishing resource. Urban conservation has long been the focus of much attention. But when 85 percent of the West’s water is dedicated to

32 In the final analysis, Southern Nevada has no choice but to develop in-state groundwater resources. The region has shown that it can continue growing while using less water, but the fact remains that, even if growth stopped, local water agencies have a responsibility to protect the two million residents that call Southern Nevada home. This cannot be done if the area is dependent on the Colorado River for 90 percent of its water. Today, Southern Nevada uses about nine percent of the state’s water resources. This would increase to less than 12 percent of the state’s water resources if all of the groundwater that Southern Nevada has applied for in the eastern part of Nevada is approved. Yet Southern Nevada is the economic engine of the state, accounting for roughly 70 percent of the state’s economic productivity. Some might view this as Southern Nevada contending it is more important than the rest of the state, but that is not the case. The point is that this is a statewide issue, not a Southern Nevada issue, and the use of less than 12 percent of a state’s resources to support 70 percent of the state’s economic activity is a legitimate choice.

33 And while I have referenced the experience of Southern Nevada in this regard, there are similar examples in Utah as well. Consider the Iron County Water District, which is working to develop groundwater in Hamlin Valley (another shared basin with Nevada) and other adjacent basins. Or consider St. George, which has initiated the environmental compliance process to develop a pipeline to deliver Colorado River water from Lake Powell. Nevada and Utah are finding that the Compact binds them together in more ways than their respective water allocations from the river.
agricultural use,\textsuperscript{34} it would also seem apparent that examination of irrigation efficiencies is long overdue. Opportunities in that area abound, and urban areas are increasingly willing to finance those ventures.

To be successful in the new West, water managers must embrace cooperation and partnership, replacing independence with interdependence. They must learn to be adaptable to changing conditions and develop water portfolios with a diversity of water resources. For the first time in memory, water managers must function as more than purveyors of a necessary resource—they must act as facilitators, environmental stewards and community advocates in an effort to bridge the often diverse and competing interests that can make or break an area’s water future. The Compact and the Authority are both examples of how this can be done. My experiences on the Colorado River and in Southern Nevada have taught me that many of our most difficult water issues can be resolved if everyone is willing to work together, take the time to understand one another’s point of view, and share in the occasional tradeoffs necessary to achieve meaningful, long-lasting outcomes. As I hope this article has demonstrated, the potential for a compact or agreement to unite or divide depends as much on the attitude and commitment of the underlying parties as it does on the actual content of the governing instrument. Those instruments—whether an interstate compact, joint operating agreement among local entities, or other tool—are critical for establishing the framework in which innovations and progress can take shape. But they are no substitute for a larger commitment to collaboration, which is the essential element that allows otherwise staid or moribund systems to reinvent themselves and contribute anew. In this respect, the seven basin states and other users of the Colorado River are setting new standards for resource management that will see the West through the next century and the consequences of climatic uncertainty.