

**EXECUTIVE DIRECTOR'S MONTHLY REPORT  
TO THE  
COLORADO RIVER BOARD OF CALIFORNIA**

**December 13, 2005**

**ADMINISTRATION**

Calendar Year 2006 Board Meeting Schedule

Included in the Board folder is a copy of the draft Calendar Year 2006 Board meeting schedule. Since the August 2006 Board meeting will be held in conjunction with the Urban Water Institute (UWI) annual meeting on August 30<sup>th</sup>, I am proposing that the regular Board meeting in September be canceled. I am proposing that we finalize and approve the Board meeting schedule for Calendar Year 2006 at the December Board meeting in Las Vegas, Nevada.

**AGENCY MANAGERS' MEETINGS**

Representatives of the agencies have been meeting and having conference calls to discuss Nevada's proposals, as well as, to identify elements of a package that they believe should be included in any Basin states package regarding operation of the reservoirs under low reservoir and runoff conditions. The agency representatives are also discussing proposals that are originating in the other states. As discussion papers and recommendations are developed, they will be brought to the Board for its consideration.

In addition to the Basin states discussions, several conference calls have been held to develop and finalize the Board's comments on scoping Reclamation's NEPA process for development of shortage guidelines for the Lower Basin and coordinated management guidelines for the operation of Lakes Powell and Mead.

**PROTECTION OF EXISTING RIGHTS**

Colorado River Water Report

As of December 1, 2005, storage in the major Upper Basin reservoirs decreased by 89,200 acre-feet and storage in the Lower Basin reservoirs decreased by 158,300 acre-feet during November. Total System active storage as of December 7<sup>th</sup> was 34.506 million acre-feet (maf) or 58 percent of capacity, which is 4.461 maf more than one year ago.

November releases from Hoover, Davis, and Parker Dams averaged 11,340, 10,540 and 6,370 cubic feet per second (cfs), respectively. Planned releases from those three dams for the month of December 2005 are 8,100, 6,900, and 5,500 cfs, respectively. The December releases

represent those needed to meet downstream water requirements including those caused by reduced operation of Senator Wash Reservoir.

As of December 7<sup>th</sup>, taking into account both measured and unmeasured return flows, the Lower Division states' consumptive use of Colorado River water for calendar year 2005, as forecasted by Reclamation, totals 7.065 maf and is described as follows: Arizona, 2.451 maf; California, 4.325 maf; and Nevada, 0.289 maf. The Central Arizona Project (CAP) will divert 1.330 maf, of which 0.129 maf are planned to be delivered to the Arizona Water Bank. The Metropolitan Water District of Southern California (MWD) will use about 0.865 maf, which is 115,000 acre-feet more than its 2004 use of mainstream water.

The preliminary end-of-year estimate by the Board staff for 2005 California agricultural consumptive use of Colorado River water under the first three priorities and the sixth priority of the 1931 *California Seven Party Agreement* is 3.354 maf. This estimate, by Board staff, is based on the collective use, through October 2005, by the Palo Verde Irrigation District, the Yuma Project-Reservation Division (YPRD), the Imperial Irrigation District, and the Coachella Valley Water District. Figure 1, found at the end of this report, depicts the historic projected end-of-year agricultural use for the year.

### Colorado River Operations

#### *Board's Letter to Reclamation Requesting Article V Decree Accounting Documentation*

On November 16<sup>th</sup>, the Board submitted a letter to Reclamation requesting additional information and documentation associated with its proposed revision of Article V Decree accounting procedures in the Yuma region. Reclamation held a meeting in Las Vegas, Nevada, on November 14<sup>th</sup> to present the new accounting methodology to interested stakeholders. The Board had requested similar information and Decree accounting documentation in a letter dated December 1, 2004. At this time, the Board believes that there are still relevant questions and issues that need to be addressed by Reclamation and the Lower Division states prior to formal adoption of the new Decree accounting methodology.

#### *Reclamation's Process to Develop Methods to Replace the By-Pass Drainage Flow from the Wellton-Mohawk Irrigation and Drainage District*

On November 17<sup>th</sup>, the Board submitted a letter to Reclamation's Regional Director, Mr. Robert W. Johnson, detailing the Board's comments and concerns regarding the process to develop potential methods to recover or replace the bypass drainage flows from the Wellton-Mohawk Irrigation and Drainage District (WMIDD). The Board's comments generally include the following:

- Replacement of the WMIDD Bypass Flow is a national obligation;
- Reclamation should take steps to replace the Bypass Flow and increase the storage in the mainstream reservoir system;
- Additional land-fallowing programs in California to produce the replacement water are not likely in California at this time;

- Urge Reclamation to recognize the broader scope of issues that are of importance to users in Mexico and the United States;
- That programs related to Bypass Flow replacement should be funded wholly with funds from the federal government; and
- Some solutions for Bypass Flow replacement may involve groundwater pumping in the Yuma region; however, before this option can be fully implemented there are issues associated with Article V Decree accounting and Minute 242 water quality requirements that must be addressed.

In closing, the Board has requested that Reclamation convene a meeting of interested stakeholders to discuss these issues, particularly those associated with groundwater pumping in the Yuma region. Included in the Board folder is a copy of the letter that was sent to Reclamation.

Also, included in the Board folder is a letter from the California Department of Water Resources (CDWR) providing its comments on Reclamation's NEPA process. The CDWR comments reflect several of the Board's comments and request Reclamation to replace the Bypass Flows to conserve storage in the Colorado River System reservoirs, to carefully evaluate the potential use of pumped groundwater in the Yuma region, and to recognize the national obligations of the United States in meeting the 1944 Mexico Water Treaty and the requirements of Minute 242.

### Basin States Discussions

#### *Basin States' Meetings*

Representatives of the Colorado River Basin states are continuing to meet. As previously reported, the Basin states representatives met in Denver, Colorado on October 28<sup>th</sup>. During that meeting, in order to narrow the focus and scope of the model runs being evaluated by the Technical Committee, they selected the Hybrid scenario for further analysis of the coordinated management of the operations of Lake Powell and Lake Mead; and the Technical Committee was charged with refining the Hybrid scenario in an attempt to provide operational benefits to both the Upper and Lower Basins.

Since the October 28<sup>th</sup> meeting, the Technical Committee has begun the process of refining the Hybrid scenario by modifying the trigger elevations in both Lake Powell and Lake Mead to test the sensitivity of various assumptions. The Technical Committee met on November 21<sup>st</sup> to review a set of model runs. Based upon the results of those runs, the Technical Committee identified further studies that should be run. The results of those studies were discussed during a conference call held on December 9<sup>th</sup>. The Technical Committee is finding that benefits can be provided to both the Upper and Lower Basins through adjustments of the trigger elevations. The Committee will continue to refine the model runs.

A meeting of the Basin states representatives will be held on December 14<sup>th</sup>. During that meeting the Basin states representatives will receive a brief report from the Technical Committee on its modeling efforts, as well as, receive reports from both the Upper and Lower Basins on

their efforts to identify elements that need to be in a seven Basin states package in dealing with development of Shortage Guidelines for the Lower Basin, Guidelines for the Coordinated Management of Lakes Powell and Mead, and the water supply needs of various states.

In developing a package from a Lower Basin perspective, a two-day retreat was held on November 21<sup>st</sup> and 22<sup>nd</sup>. During that retreat, representatives from the Lower Basin states began development of a concept paper containing working principles on the operation of the Colorado River System reservoirs and how water from various sources might be managed within the constraints of the “Law of the River.” The Lower Basin states are discussing how various types of water might be managed and made available to meet the water supply needs. This include: imported water supplies, augmented water supplies through exchanges/demand management, conserved water through System efficiencies, conserved water through extraordinary conservation, retired tributary development, long-term augmentation of the Colorado River, and development of shortage guidelines. Each of the Lower Basin states’ is continuing to internally discuss potential elements of a seven Basin states package. The California agencies have held several conference calls and one meeting since the last Board meeting to develop materials that will be brought to the Board for its consideration.

#### *National Environmental Policy Act Scoping for Preparation of Shortage and Conjunctive Management Guidelines*

The informal scoping process that Secretary Norton initiated on June 15<sup>th</sup> has now become a formal NEPA process. On September 30, 2005, the Department of the Interior released a *Federal Register* notice indicating its intent to prepare an environmental impact statement (EIS) and to solicit comments and hold public scoping meetings on the development of Lower Basin shortage guidelines and coordinated management strategies for the operation of Lake Powell and Lake Mead under low reservoir conditions. Through this NEPA process, Reclamation is considering development of: 1) specific guidelines that will identify when releases from Lake Mead will satisfy Lower Basin mainstream consumptive use requirements of less than 7.5 maf and the manner in which those releases would be reduced and 2) coordinated management strategies for the operation of Lake Powell and Lake Mead. Alternatives to be considered in the EIS will be developed through this NEPA process.

On November 30<sup>th</sup>, the Board submitted written comments to Reclamation’s Lower Colorado Regional Office. The Board’s scoping comments generally included the following:

- The goals of avoiding a “Compact Call” on the Upper Division states and avoiding the declaration of a shortage in the Lower Basin should be given emphasis by the Secretary in development of the guidelines;
- The guidelines must be for the full range of expected Lake Mead operations;
- The shortage rules that are developed in the process should be in the form of guidelines as opposed to regulations, providing for management and operational flexibility;
- The guidelines should be for an interim period, i.e., through 2016, unless the Interim Surplus Guidelines are extended;
- The guidelines should only apply to post-September 30, 1968, water use entitlements;
- The guidelines should protect senior water use entitlements;

- The guidelines should reflect the practical reality of the water intake elevations of the Southern Nevada Water Authority;
- The guidelines should identify how shortages will be addressed by water users in Mexico;
- The guidelines should not include or formally endorse programs that attempt to tax water or power users within the Lower Division states to fund voluntary forbearance programs;
- The guidelines should depend upon a linkage and relationship with coordinated reservoir operations between Lakes Powell and Mead; and
- The guidelines must reflect operational flexibility with respect to the coordinated management of Lakes Powell and Mead, as well as other basin-wide initiatives that can benefit the System and reduce impacts of low runoff and low reservoir conditions.

A copy of the Board's comment letter is included in the Board folder. Additionally, copies of the letters from the Imperial Irrigation District (IID) and the Arizona Department of Water Resources (ADWR) are included in the Board folder. IID provided comments not only on the shortage guidelines development process, but also on the environmental organizations' "Conservation Before Shortage" proposal. IID's comments also included comments prepared by its economic consultant, Stratecon Inc. Stratecon's comments also focused on the "Conservation Before Shortage" proposal. The ADWR comments are focused the shortage guideline development and NEPA processes. ADWR believes that the scoping process and EIS evaluation should review Section 602(a) of the Colorado River Basin Project Act, specifically, the 602(a) storage algorithm. ADWR also requests that Reclamation review the current Upper Basin depletion schedule and to adjust it, if appropriate; and eliminate the 14.85 million acre-feet storage requirement associated with the interim 602(a) Storage Guideline. ADWR also recommended a shortage schedule quantifying shortages based upon Lake Mead water surface elevations and that total shortages in the Lower Basin would included uses in Mexico.

In the context of the ADWR, the Upper Division states responded in an electronic mail letter dated November 30<sup>th</sup>, to the regional directors in Reclamation's Upper and Lower Colorado Regions. The Upper Division states view the ADWR comments as "...entirely inconsistent with the actions and commitments described in the August 25<sup>th</sup>..." letter prepared by all seven of the Basin states to the Secretary of the Interior. A copy of the Upper Basin states' November 30<sup>th</sup> electronic mail letter is included in the Board folder.

*Mexican National Water Commission Report: Proposed Technical Improvements to Mitigate the Effects of the All-American Canal Lining in Mexican Territory*

On July 14, 2005, the Mexican National Water Commission released a brief technical report regarding potential mitigation strategies to address the reduction in recharge of local aquifers related to the lining of the All-American Canal in the United States. The report indicates that Mexico expects a reduction of 72 million cubic meters of water (or, approximately 58,000 acre-feet) to be recharged annually in the Algodones region of the Mexicali Valley in Baja California, del Norte. The Mexican report outlines a series of actions that could be implemented to make up for this loss of water annually. These actions could include: (1) on-farm water conservation programs; (2) improvements to regional water delivery and conveyance

facilities; (3) conversion from well field supplied irrigation to surface water supplied irrigation; and (4) recovery of water supplies through transfer of water rights from adjacent irrigation zones in the Mexicali Valley. The report estimates that through implementation of these various programs that approximately 78.66 million cubic meters, or nearly 64,000 acre-feet, of water could be recovered. A copy of the Mexican Technical Report is included in the Board folder.

In a related vein, I have included copies of correspondence between the Department of the Interior and California Department of Water Resources in the Board folder. On November 30<sup>th</sup>, the Department of the Interior, in a letter to CDWR Director Lester Snow, requested that the State of California and Departments of State and Interior cooperate and coordinate with the Mexican federal and state governments to address concerns associated with the All-American Canal Lining Project on both sides of the International Boundary. The California Department of Water Resources responded in a letter dated December 8<sup>th</sup> that California would be willing to work with the Departments of State and Interior in such a fashion to identify environmental and water management improvements in the border region that can benefit users in the United States and Mexico.

#### *Miscellaneous Related News Articles of Interest*

Related to the Basin states discussions and basinwide hydrologic conditions, several news articles have been included in the Board folder. The articles provide an overview of the current discussions and negotiations occurring in the Basin states processes. A recent Rocky Mountain News article indicates that snowmelt in the Rocky Mountains could experience a 10-30 percent reduction in annual runoff by 2050 due to global warming. The article cautions that researchers all indicate that much more data needs to be collected in order to produce reliable predictions that can be used in effecting water management decisions.

#### Colorado River Environmental Activities

##### *Technical Staff Tour Lower Colorado River Multi-Species Conservation Program (LCR MSCP) Proposed Implementation Sites and Projects, December 6-8, 2005*

The Bureau of Reclamation and other LCR MSCP participants conducted a tour of the Lower Colorado River for agency technical staff and interested parties on December 6-8, 2005. The tour started in Yuma, Arizona on the morning of December 6<sup>th</sup> and concluded in the late-afternoon of December 8<sup>th</sup> in Las Vegas, Nevada. The purpose of the tour was to acquaint tour participants with an overview of the proposed restoration projects and activities associated with Reclamation's long-term implementation of the LCR MSCP over the 50-year period. A portion of the tour involve a boat trip through the Topock Gorge Division to participate in surveys for marsh bird species, including Yuma clapper rail, least bittern and California black rail. Terrestrial habitat restoration projects on the Imperial, Cibola, and Havasu National Wildlife Refuges were visited. An extensive tour of the Willow Beach National Fish Hatchery facility was conducted on December 8<sup>th</sup> with an emphasis on the recovery and conservation of razorback sucker and bonytail. Overall, Mr. Harris and I found the tour to be very informative and provided an excellent overview of the planned LCR MSCP implementation activities for the next few years.

## *Glen Canyon Dam Adaptive Management Program*

Two environmental organizations, Center for Biological Diversity and Living Rivers, recently filed notice that they intend to sue Reclamation and the U.S. Fish and Wildlife Service (USFWS) over the decline and extinction of native fishes below Glen Canyon Dam and in Grand Canyon National Park. The basis for the 60-day notice is the recently released “State of the Colorado River Ecosystem in Grand Canyon” technical report released by the U.S. Geological Survey in October 2005 (Circular Report No. 1282). In that report, which the Board discussed at its November Board meeting, the USGS indicates that efforts to restore the native fishes have not been as successful as hoped. A copy of a recent article from the Salt Lake Tribune newspaper describing the 60-day notice and providing a brief overview of some of the information provided in the USGS report is included in the Board folder.

### Lower Colorado Water Supply Project

Included in the Board folder is a letter from Mr. Vic Peloquin requesting to: “1) remove the temporary status and place next years water request as current water use, and 2) approve the Chemehuevi Indian Water Company to wheel our water to our mobile home park.”

The background information on the Mr. Peloquin’s application is in the handout materials. Congress on November 14, 1986, enacted the Lower Colorado Water Supply Act of 1986 (Act). This Act authorized and appropriated funds for the Bureau of Reclamation (Reclamation) to construct the Lower Colorado Water Supply Project (Project). The Project consists of well field facilities in the Sand Hills along the All-American Canal in Imperial County, California. As authorized by Congress, the Project is to “...supply water for domestic, municipal, industrial, and recreational purposes only.” Water for agricultural uses is not available under the Act. The Act limits the eligible Project beneficiaries “to persons or Federal or non-Federal governmental agencies whose lands or interests in lands are located adjacent to the Colorado River in the State of California, who do not hold rights to Colorado River water or whose rights are insufficient to meet their present or anticipated future needs as determined by the Secretary.”

The implementation of the Project began in late 2001, in which the CRB has the role of evaluating the eligibility of the applicants to receive water from the Project. In February of 2002, J. Victor Construction, Inc. applied for 84 acre-feet of water per year for the future use in addition to 46 acre-feet for construction use. The CRB staff made a determination that the applicant was eligible to receive the water from the Project. Consequently, based on the Board’s resolution of April 10, 2002, the CRB made its recommendation to Reclamation to approve J. Victor Construction, Inc.’s application and to have a subcontract with the City of Needles.

In reviewing Mr. Peloquin’s latest request, CRB staff has come to the conclusion that neither the eligibility nor the amount of water that previously was requested has changed. In other words, the only action that should be taken by the Board is to reaffirm that J. Vicotor Construction, Inc. is eligible to receive 84 acre-feet of water per year from the Project. Any changes or amendments to Mr. Peloquin’s subcontract with City of Needles should be addressed by Reclamation and the City of Needles. Since Reclamation has requested further input from the

Board, the it is the staff recommendation that the CRB reaffirm that J. Vicotor Construction, Inc. is eligible to receive 84 acre-feet of water per year from the Vista Del Lago Project.

## **WATER QUALITY**

### Status of the Clean Water Coalition – System Conveyance and Operations Program

I had reported in the previous Board meetings that the Bureau of Reclamation, Lower Colorado Region (Reclamation) and the National Park Service, Lake Mead National Recreation Area (NPS), as joint-lead federal agencies, have prepared a Draft Environmental Impact Statement (DEIS) for the Clean Water Coalition Systems Conveyance and Operations Program (CWC-SCOP). The purpose of the DEIS is to evaluate the potential impacts associated with the construction, operation, and maintenance of the SCOP.

The Clean Water Coalition (CWC), comprised of the three agencies currently responsible for wastewater treatment in the Las Vegas Valley, proposes to implement the SCOP. The SCOP includes an Effluent Interceptor (EI) pipeline, plus one, or a combination of, alternatives to discharge the treated effluent into the Lower Colorado River system via Lake Mead. The SCOP provides an alternate discharge point for the effluent, which is currently discharged into Lake Mead through the Las Vegas Wash.

The CRB staff has reviewed the DEIS and provided comments. The comments included: 1) there was no discussion or analysis of potential impacts on implementation of the LCR MSCP, 2) there was no discussion of expanding water reuse and reclamation as effluent flows increase, 3) questioned the objective of maximizing the return flow credits being received by Nevada rather than maximizing water conservation through best management practices, 4) more discussion and analysis of a sustained severe drought should be included in the FEIS, and the alternative to provide tertiary treatment should be evaluated to reduce the impacts on the human and aquatic resources downstream of Lake Mead.

On the same subject, the Mohave County (AZ) Board of Supervisors held a public meeting on November 21, 2005 in Kingman, Arizona, to discuss the SCOP. Basically, in that meeting all of the Arizona agencies that participated, either preferred the “No Action Alternative” or suggested a different preferred alternative. Also, Board of Supervisors passed a resolution to write a letter to object the SCOP. The CRB staff attended this meeting, however, no comments were presented.

  
Gerald R. Zimmerman  
Executive Director