

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

**March 8, 2005**

**ADMINISTRATION**

*Status of State Government Reorganization*

Governor Schwarzenegger's reorganization plan has been withdrawn by the Governor. Instead of continuing to advocate for the elimination of 88 boards and commissions, the Governor will move forward with a reform of the state prisons and parole system. The Governor's office is still looking forward to receiving a report from the Little Hoover Commission. Two articles from the Sacramento Bee and Los Angeles Times have been included in the Board folder.

**AGENCY MANAGERS MEETING**

The agency managers have not met, nor held any conference calls, since the last Board meeting.

**PROTECTION OF EXISTING RIGHTS**

Colorado River Water Report

As of March 1, 2005, storage in the major Upper Basin reservoirs decreased by 188,600 acre-feet and storage in the Lower Basin reservoirs increased by 739,100 acre-feet during February. Total System active storage as of March 3<sup>rd</sup> was 30.988 million acre-feet (maf) or 52 percent of capacity, which is 1.198 maf less than one year ago.

February releases from Hoover, Davis, and Parker Dams averaged 8,400, 8,000 and 6,700 cubic feet per second (cfs), respectively. Planned releases from those three dams for the month of March 2005 are 16,800, 15,600, and 11,400 cfs, respectively. The March releases represent those needed to meet downstream water requirements including those caused by reduced operation of Senator Wash Reservoir.

As of March 4<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 6.976 maf and is described as follows: Arizona, 2.429 maf; California, 4.255 maf; and Nevada, 0.292 maf. The Central Arizona Project (CAP) will divert 1.300 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 0.577 maf in 2005, which are 173,000 acre-feet less 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 3.653 maf. This estimate, by Reclamation, is based on the projected use 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.

### Arizona v. California

#### *Arizona v. California Settlement Agreement, February 24, 2005*

Included in the Board folder are a series of documents related to the proposed settlement agreement in the *Arizona v. California* lawsuit involving the United States, Fort Yuma-Quechan Indian Tribe, and parties in Arizona and California. The proposed settlement agreement has been submitted to Special Master Frank McGarr for his review and approval. Upon the Special Master's approval, the settlement agreements, and proposed supplemental decree would be submitted to the United States Supreme Court for its approval and issuance of a final Decree.

Generally, the proposed California settlement agreement contains the following provisions:

1. Clarifies the boundary of the Fort Yuma Indian Reservation;
2. The agreement resolves the water rights of the Fort Yuma Indian Tribe;
3. The agreement specifies the annual amount of water available for use by the Tribe on certain lands within the reservation:
  - a. 20,000 acre-feet of diversions
  - b. For use on 2,998.50 acres within California
4. The Metropolitan Water District of Southern California and the Tribe have agreed that any water unused by the Tribe may be diverted by MWD;
5. Pursuant to the QSA, CVWD agrees not to object to MWD's diversion and use of any water obtained from the Tribe, provided that CVWD retains all of its rights to the use of any water by MWD after the QSA has expired
6. The parties agreed that the Tribe's Present Perfected Rights are not affected by this settlement agreement;
7. The United States agrees to resolve the consumptive use issues related to the Yuma Island water use by March 15, 2005, but MWD may extend this deadline;
8. The State of California accepts the boundary of the reservation in California for the purposes of determination of water rights, but reserves the right to contest the boundary of the reservation in any appropriate administrative or judicial proceedings; and

9. The State of California contends that the western-half of the natural bed of the Colorado River prior to the avulsion event of 1920 are sovereign lands and passed to the State of California in 1850 by operation of the Equal Footing Doctrine.

A similar type of settlement agreement was developed between the United States, the Tribe, and the Arizona parties. The Arizona settlement provides 6,350 acre-feet of water to the Tribe, established the boundary of the reservation in Arizona, and includes a proposed supplemental decree for the Special Master's and the Supreme Court's consideration and adoption.

### Colorado River Operations

#### *City of Needles Estimated Diversions for CY-2005*

Included in the Board folder is a copy of a recent letter from Reclamation regarding the proposed diversions of mainstream water by the City of Needles, California. According to the letter, Needles is entitled to divert 1,500 acre-feet under its Present Perfected Right (PPR), with a consumptive use of 950 acre-feet. Once the assignment of the Atchison, Topeka, and Santa Fe PPR to the City of Needles is completed, the City will be entitled to an additional diversion of 1,260 acre-feet of mainstream water, with a consumptive use of 273 acre-feet. Consequently, the combination of the two PPRs results a total consumptive use for the City of Needles of 1,223 acre-feet per annum.

Through the Lower Colorado Water Supply Project (LCWSP), the City of Needles will utilize an additional 216 acre-feet of mainstream water, with an additional 475 acre-feet made available to the City's LCWSP subcontractors. The total amount of mainstream water available for consumptive use under the PPRs and LCWSP contract and subcontracts is 1,914 acre-feet during calendar year 2005.

#### *Living Rivers' Comments Regarding Basin Hydrologic Conditions*

The environmental organization, Living Rivers, has provided a news release associated with the Basin States activities associated with developing drought management strategies in conjunction with the Department of the Interior. The news release describes the current Basin States planning process and the positions put forth by several of the states. Included in the Board folder is a copy of the news release.

#### *Coordination of Releases from Painted Rock and Alamo Dams*

The U. S. Army Corps of Engineers (USACE) responded, on February 9<sup>th</sup>, to the Board's letter regarding the request for coordination between the USACE and Reclamation associated with releases from Alamo, Parker, and Painted Rock Dams, in an effort to further conserve and efficiently manage storage in mainstream and tributary river systems. The USACE assured the Board that releases from all affected reservoirs

will continue to be managed and coordinated with appropriate entities, including Reclamation. Included in the Board folder is a copy of the letter from the USACE.

Regarding recent flow releases from Alamo Dam on the Bill Williams River, I have included several handout materials from the U.S. Fish and Wildlife Service (USFWS) and the The Nature Conservancy. Releases from Alamo Dam are being coordinated with Reclamation and the USACE to simulate spring flooding to benefit native riparian plant species, particularly cottonwood-willow. Flows were ramped up to 3,000 cfs, and then to nearly 6,000 cfs along the 25-mile reach of the river from Alamo Dam to the confluence with Lake Havasu.

These extraordinary flow releases will help scour the adjacent floodplain and recharge the local groundwater aquifer in much of the USFWS' Bill Williams River National Wildlife Refuge. This refuge contains the largest grove of native cottonwood and willow along the Lower Colorado River, and is considered important for southwestern willow flycatcher and yellow-billed cuckoo.

#### *Reclamation News Release regarding Reduced Releases at Davis Dam*

Included in the Board folder are copies of several news releases from Reclamation and the Imperial Irrigation District regarding reductions in flow releases at mainstream facilities because of the recent rainfall in southern California and in Arizona. The conserved water is being stored in mainstream reservoirs.

#### *American Public Power Association Resolution*

The American Public Power Association (APPA) recently passed a resolution urging Reclamation and the Western Area Power Administration to implement the following: (1) cost-cutting measures and strategies to improve the status of the Colorado River Basin Fund; (2) stabilize the Colorado River Storage Project (CRSP) Act power rate; and (3) work in partnership with CRSP customers to develop operational, financial, and rate-setting strategies addressing the drought situation. The resolution urges Congress to take action if appropriate. Included in the Board folder is a copy of the APPA resolution.

#### *Salton Sea Ecosystem Restoration Program Public Meetings*

The State of California, several California state representatives, and the Salton Sea Authority are hosting a series of public meetings related to the identification of potential Salton Sea Ecosystem Restoration alternatives. I have included a copy of the schedule for the meetings in the Board folder.

## Basin States Discussions

### *Basin States' Letters to Congressional Delegations Regarding FY-2006 Funding Requests*

Representatives of the Seven Basin States submitted a letter, on February 9<sup>th</sup>, to members of the Basin States' congressional delegations regarding an urgent request for funding of Lower Colorado River regulatory storage projects in FY-2006. The letter urges the Congress to appropriate \$30 million for the All-American Canal storage project, and \$7.6 million for the Laguna Dam regulatory storage project. I have included a copy of the letter in the Board folder.

### *Basin States' Meetings of February 18<sup>th</sup>, 28<sup>th</sup>, and March 1st*

Discussions among the Basin states representatives are continuing. The discussions have focused on managing the Colorado River System reservoirs during times of low runoff and drought conditions and investigating the potential for conjunctive management of releases and storage in Lakes Powell and Mead, as well as, beginning initial discussions regarding development of shortage guidelines.

On February 18<sup>th</sup> a meeting of the Lower Basin representatives was held to obtain a consensus position from within the Lower Basin on the potential for conjunctive management of Lake Powell and Lake Mead and the key parameters to be included in the interim shortage guidelines. During the meeting consensus was reached on acceptable conditions, i.e., the side boards, that are needed from a Lower Basin's perspective for conjunctive management of Lakes Powell and Mead. Also, agreement was reached on conceptual key parameters for consideration in draft Lower Basin Shortage Guidelines to be presented to the Upper Basin states.

During the meeting of the seven Colorado River Basin states held on March 1, 2005, there was discussions of the current water supply conditions in the Colorado River Basin, the status of the Basin states' letters regarding needed funding in Fiscal Year 2006 for the Lower Basin regulatory storage projects, Reclamation's upcoming mid-year review of the releases from Lake Powell, the conjunctive management of releases and storage in Lakes Powell and Mead, and the key parameters for draft Lower Basin Shortage Guidelines prepared by the Lower Basin states.

In discussing the mid-year review of the releases from Lake Powell, the Upper Basin states expressed an interest in reducing the releases from Lake Powell in order to store more water in Lake Powell this year. If that were to occur, the Lower Basin states indicated that conditions must be established such that it does not impact Lake Mead's ability to meet future water demands in the Lower Basin. In further discussion of the mid-year review of the releases from Lake Powell, it was determined that the issues associated with how the reservoir system is operated this year are similar in nature to those regarding the conjunctive management of the system reservoirs and that additional technical information was desirable. Thus, how the conjunctive management of the

releases from Lake Powell and Lake Mead might work was referred to the Basin States Technical Committee to conduct additional model runs and analysis and to report the Committee's finding at the next Basin states meeting. The next meeting of the Basin states representatives is scheduled to be held on April 4<sup>th</sup>.

*Arizona House Concurrent Memorial Regarding Central Arizona Project Water Rights Status and California Response Letter Regarding Arizona Efforts to Change Central Arizona Project Water Rights Status*

In February 2005, the Arizona House of Representatives introduced a House Concurrent Memorial (HCM 2007) that urges the U.S. Congress to enact legislation that would revise the water use priority status of the Central Arizona Project (CAP). The Board and its member agencies prepared correspondence, background information, and briefing papers that were sent to the Governor, The Resources Agency, members of the California Legislature, and members of California's congressional delegation. Copies of these documents are included in the Board folder.

*Senate Conference on Water Resources Issues – April 5th*

New Mexico U.S. Senators Bingaman and Domenici recently announced that they will hold a special conference to address the challenge of meeting the nation's ever increasing demand for water. The senators are soliciting proposals from interested persons, or entities, who wish to address one or more of the six topics chosen for discussion. The conference is to be held in Washington, D.C. on April 5<sup>th</sup>. I have included a copy of the press release and submission guidelines in the Board folder.

Colorado River Environmental Activities

*Status of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP)*

Progress is continuing to be made in finalizing the Funding and Management Agreement (FMA), Implementation Agreement (IA), and USFWS Section 10 Incidental Take Authorization Permit. The LCR MSCP lawyers group has had several conference calls with representatives of Reclamation, USFWS, and the Solicitor's Office. Generally, the documents are completed and have been agreed upon by the lawyers group. The documents will be prepared for execution at the signing ceremony with the Secretary of the Interior now scheduled for April 4<sup>th</sup> at Hoover Dam.

In a related vein, the intra-California funding agreement is continuing to be discussed among the California LCR MSCP participating agencies. Again, this document needs to be completed in time for the April 4<sup>th</sup> signing ceremony.

*Status of the LCR MSCP CESA 2081 Permit*

The California LCR MSCP participating agencies are continuing to work closely with the California Department of Fish and Game (CDFG) to complete the California

Endangered Species Act (CESA) Section 2081 Incidental Take Authorization Permit. As of last week five issues still remained under discussion. Following our last conference call on these issues, it is generally anticipated that the resolution of these remaining issues will be successfully negotiated over the next few weeks, allowing for the final CESA 2081 permit terms and conditions to be agreed upon and executed by the California LCR MSCP parties and CDFG at the signing ceremony on April 4<sup>th</sup>.

#### *Status of the Glen Canyon Dam Adaptive Management Program*

The Glen Canyon Dam Adaptive Management Work Group (AMWG) met in Phoenix, Arizona, on March 2-3, 2005. The AMWG received reports from the Grand Canyon Monitoring and Research Center (GCMRC) regarding the following: (1) Core Monitoring Plan; (2) Long-Term Experimental Plan; (3) Strategic Science Plan; (4) Non-native fish suppression activities; (5) Proposed 2005/2006 experimental flow releases; and (6) FY-2005 budget changes, and proposed FY-2006 draft budget. Included in the handout material for the Board meeting is a news release that describes the initial conclusions from the November 2004 high flow release.

#### Lower Colorado Water Supply Project (LCWSP)

##### *LCWSP Water for Federal Owned Facilities and Lands in California*

As the Board has discussed at prior meetings, Reclamation has been analyzing the problem of unauthorized Colorado River water use in the states of Arizona, California, and Nevada. In California, with respect to the first stage of LCWSP, only 1,150 acre-feet of project water were committed to the Bureau of Land Management in 1998. Now, in its analysis document, Reclamation has indicated a need to reserve an amount of mainstream water equivalent to the annual consumptive use of up to 350 acre-feet of LCWSP water for use at federally owned facilities or lands within California. Up to 100 acre-feet of the 350 acre-feet of reserved water will be used for the Parker Dam Camp facilities located on Reclamation-administered lands in California.

As further information becomes available, Reclamation will issue a notice in the *Federal Register* regarding the proposed place of use for the remaining 250 acre-feet of reserved water, together with the identification of the federal agency putting the water to use in California. Included in the Board folder is a copy of Reclamation's letter, along with an attachment containing a determination for this reservation of water that was prepared by the Reclamation's Lower Colorado Regional Office.

##### *Advance Delivery*

Unfortunately, because of the severe winter storms, Mr. Dennis Underwood of MWD and I were unable to attend the special meeting of the Needles City Council and the Board of Public Utilities on February 22<sup>nd</sup>. Ostensibly, the meeting was to be held to provide a status report and overview of the LCWSP and the potential sale of excess LCWSP water to a third party contractor.

Included in the Board folder is a copy of the proposed amendments to Lower Colorado Water Supply Act, which Congressman Jerry Lewis has requested to be included in the Energy and Water Appropriation's Bill. These amendments will authorize the Secretary of the Interior to contract with additional persons or entities who hold Boulder Canyon Project Act Section 5 contracts for municipal and industrial uses within the State of California to divert and use LCWSP water on an interim basis.

## **WATER QUALITY**

*Colorado River Basin Salinity Control Forum Work Group Meeting, February 22-23, 2005*

I reported at the February Board meeting that the Colorado Basin Salinity Control Forum Work Group (Work Group) scheduled a meeting on February 22-23, 2005, in Phoenix, Arizona, to discuss the preparation of the 2005 Triennial Review Report. However, at the February meeting, most of the meeting time was spent on discussions regarding the allocation of the remaining discretionary funds.

The Work Group approved funding for new projects and/or projects for which more information was requested at the prior meeting in Salt Lake City, Utah, in January. The Work Group discussed the issue of how to handle the remaining discretionary funds, i.e., whether to carry it over or spend it on cost effective programs this year. The Work Group concluded that this issue would be referred to the Forum for its guidance. Also, the priority for the discretionary funding was discussed. It was mentioned that the priorities may be: 1) emergency, 2) planning, 3) research, and 4) on the ground projects. It was decided that the identification and ranking of priorities would be referred to the Forum as well.

Reclamation reported on the status of the Salinity Economic Damage Model. Most of the data has been updated; however, Reclamation still needs to update the data for Riverside County in California. After review and debugging, Reclamation plans to run the model this month for different scenarios based upon the latest salinity levels from the Salinity Model. After making these model runs, Reclamation will write up documentation of the model elements that were updated and the results of the model runs. The report will be distributed when it is finished.

The preparation of the 2005 Triennial Review Report was briefly discussed at the end of the second day. A smaller group of Work Group members continued to meet into the third day as well. Several Work Group members have taken on the responsibility for preparation of the first draft of this report, which will be distributed to the Work Group members by the end of the March. Another meeting is scheduled in Salt Lake City on April 13-14 to further discuss the draft Triennial Review Report, which is intended to be submitted to the Forum Members during the first week of May.



The Forum will consider approval of the draft 2005 Triennial Review Report at its June, 2005, meeting in Grand Junction, Colorado. As I mentioned at the February Board meeting, if the Forum approves the draft report, then public hearings will be scheduled in the Basin states to receive comments on the Triennial Review Report. The final draft report will be presented to the Forum at its October 2005 meeting, at which time final approval and adoption is expected.

Finally, the Colorado River Basin Salinity Control Forum and Work Group have adopted a position supporting appropriations for Title II Colorado River Basin salinity control program for FY 2006 as follows:

- Bureau of Reclamation's in the amount of \$17,500,000;
- Bureau of Land Management in the amount of \$5,200,000, \$800,000 of which is to be designated specifically to further advance Colorado River salinity control efforts on federal lands; and
- U.S. Department of Agriculture (USDA) in the amount of portion of 2.5 percent of the total EQIP funding.

Included in the handout materials are documents related to the preparation of letters of support and testimony on behalf of FY-2006 appropriations for the Interior agencies and USDA associated with Title II salinity control projects in the Colorado River Basin. I urge each of the Agencies to prepare testimony in support of this important program.


#### *Comments Regarding the Moab Uranium Mill Tailings Environmental Impact Statement*

Included in the Board folder is a copy of the Board's letter commenting on the recently released environmental impact statement associated with the Moab Uranium Mill Tailings site, near Moab, Utah. The Board's comment letter identified issues related to moving the tailings pile away from the Colorado River, implementing groundwater remediation, groundwater disposal, and potential application of the Colorado River Basin Salinity Control Forum's policies related to water quality of mainstream water supplies. A copy of the Board's comment letter, as well as several related news releases and news media articles associated with the tailings site and remediation are included in the Board folder.

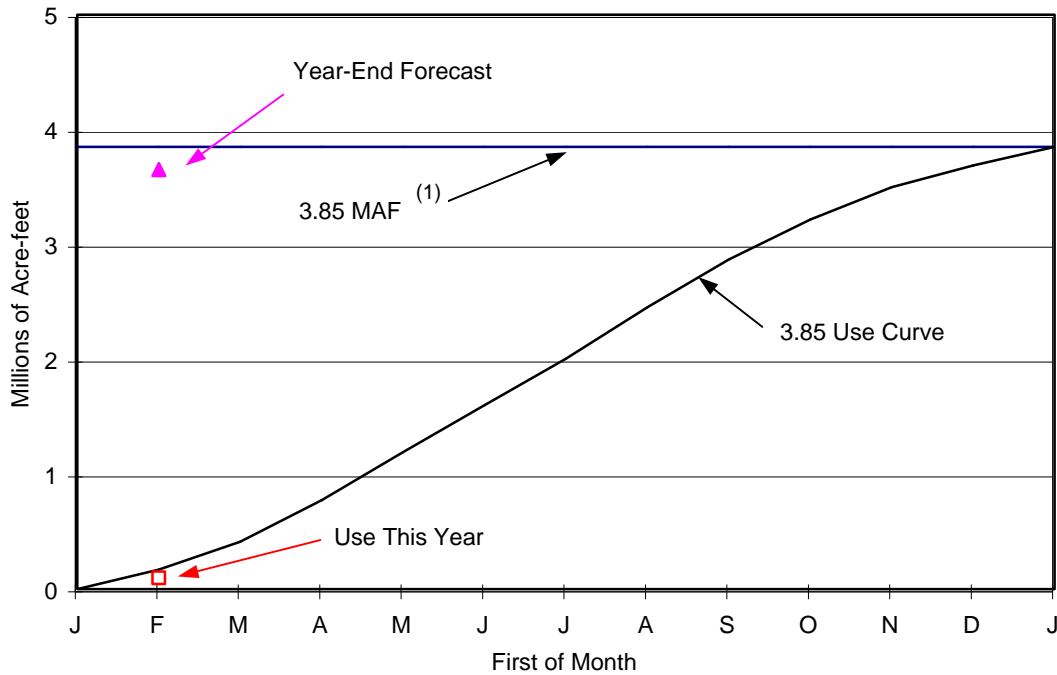
Also, included in the handout material is a copy of a recent article about the Moab uranium mill tailings site that appeared in the Los Angeles Times. Additionally, Senator Diane Feinstein has sent a letter to the Secretary of the Department of Energy expressing concern about the draft Environmental Impact Statement's lack of an off-site remediation alternative. A copy of Senator Feinstein's letter and a press release from her office is included in the handout materials.

*News Article Regarding Hexavalent Chromium VI Contamination at the Topock Gas Compressor Station*

According to a recent article in the Los Angeles Times, the California Department of Toxic Substances Control (DTSC) is requesting that PG&E accelerate the clean-up of the hexavalent chromium found in a groundwater plume adjacent to the Colorado River near the PG&E Topock Gas Compressor Station. The DTSC is requiring PG&E to sample well water in the area on a weekly basis. Additionally, DTSC is requiring PG&E to pump the remediation well field at its maximum capacity and treat the pumped groundwater to remove any hexavalent chromium. A copy of the LA Times article is included in the Board folder.

  
Gerald R. Zimmerman  
Executive Director

**FIGURE 1**  
**MARCH 1 FORECAST FOR 2005 YEAR-END COLORADO RIVER WATER USE**  
**BY THE CALIFORNIA AGRICULTURAL AGENCIES**



Forecast of Colorado River Water Use by the California Agricultural Agencies (Millions of Acre-feet)			
Month	Use as of First of Month	Forecast of Year End Use	Forecast of Unused Water (1)
Jan	0.000	-----	-----
Feb	0.097	3.653	0.053
Mar			
Apr			
May			
Jun			
Jul			
Aug			
Sep			
Oct			
Nov			
Dec			
Jan			

(1) The forecast of unused water is based on the availability of 3.713 MAF under the first three priorities of the water delivery contracts. This accounts for the 101,900 acre-feet of conserved water available to MWD during 2004 in accordance with the 1988 IID-MWD Conservation Agreement and the 1989 IID-MWD-CVWD-PVID Agreement, as amended; and 35,000 AF of conserved water available to SDCWA in accordance with the IID-SDCWA Transfer Agreement, as amended. As USBR is charging disputed uses by Yuma Island pumpers to priority 2, the amount of unused water has been reduced by those uses - - 0.007 maf. The CRB does not concur with the USBR's viewpoint on this matter.