

Minutes of Special Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
August 22, 2007

A Special Meeting of the Colorado River Board of California (Board) was held in the Grand Ballrooms A-C, at the San Diego Marriott Hotel-Del Mar, at 11966 El Comino Real, San Diego, California, Wednesday, August 22, 2007.

Board Members and Alternates Present

D. Bart Fisher, Jr., Chairman  
Terese Maria Ghio  
Russell Kitahara  
W. D. "Bill" Knutson  
Henry Merle Kuiper

James B. McDaniel  
John Pierre Menvielle  
Bill D. Wright

Board Members Absent

John V. Foley  
John W. McFadden

Christopher G. Hayes, Designee  
Department of Fish and Game  
Jeanine Jones, Designee  
Department of Water Resources

Others Present

Mark D. Beuhler  
John Penn Carter  
Tellis Codekas  
David Fogerson  
Allen Gribbnan  
Michael L. King  
Gordon A. Hess  
Cliff Hurley  
Stella A. Mendoza  
Jan P. Matusak  
Javier Saunders

Peter S. Silva  
Ed W. Smith  
James J. Taylor  
Joseph A. Vanderhorst  
  
Abbas Amir-Teymoori  
J.C. Jay Chen  
Mark Van Vlack  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher, announced the presence of a quorum and called the meeting to order at 3:08 p.m.

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Chairman Fisher asked if there was anyone in the audience who wanted to address the Board on items on the agenda or matters related to the Board. Mr. Cliff Hurley addressed the Board regarding water resource budgeting and on-farm water conservation. Mr. Hurley gave each of the Board members a hand-out of the framework of his discussion.

## **ADMINISTRATION**

### Approval of Minutes

Chairman Fisher requested approval of the July 11<sup>th</sup> meeting minutes. Mr. Menvielle moved the July 11<sup>th</sup> minutes be approved. Mr. Knutson seconded the motion. Unanimously carried, the Board approved the July 11<sup>th</sup> meeting minutes.

## **AGENCY MANAGERS' MEETING**

Mr. Zimmerman reported that the agency managers had met on July 30<sup>th</sup> and August 6<sup>th</sup>. The focus of the meetings have been on the California exhibits to the Forbearance Agreement and the California agreement regarding "Intentionally Created Surplus".

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Zimmerman reported that as of August 9<sup>th</sup>, the storage in Lake Powell was 12.396 million acre-feet (maf), or 51 percent of capacity. The water surface elevation was 3,606.7 feet. The storage in Lake Mead was 12.559 maf, or 49 percent of capacity, and water surface elevation was 1,111.6 feet. Total System storage was about 33.07 maf, or 56 percent of capacity. Last year at this time, there was 34.35 maf in storage, or 58 percent of capacity. Total System storage was about 1.3 maf less than the storage at this time last year.

Mr. Zimmerman reported that precipitation from October 1<sup>st</sup> to August 4<sup>th</sup>, was 90 percent of normal, and the snowpack melted. The April through July inflow into Lake Powell for Water Year 2007, is projected to be about 4.05 maf, or 51 percent of normal. The projected 2007 Water Year unregulated inflow into Lake Powell was about 8.27 maf, or about 69 percent of normal.

Mr. Zimmerman reported that Reclamation's projected consumptive use (CU) for the State of Nevada is over its entitlement of 300,000 acre-feet (327,000 acre-feet); and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.762 maf); and for California the CU is also projected to be slightly under its apportionment of 4.4 maf (4.376 maf). The total projected CU in the Lower Basin is expected to be about 7.465 maf.

Mr. Zimmerman added that projected Basin storage curve continues the downward slope. The increase in storage from next years winter season is expected to be slightly below normal due to depleted soil moisture content. Precipitation next year is assumed to be normal, but dry conditions

over the last eight years would reduce the amount of runoff.

### State and Local Water Reports

Mr. Zimmerman also reported on the climate conditions in California. As of August 1<sup>st</sup>, the seven major precipitation centers in southern California, Mammoth Lakes reported the highest precipitation, 47 percent of normal, and the Imperial Valley reported the lowest, four percent of normal.

Mr. Zimmerman reported that the State Water Project (SWP) has about 3.2 maf in storage, or 59 percent of capacity, down about 1.6 maf from last year. San Luis Reservoir is only at 30 percent of capacity. Chairman Fisher added that is likely due to the Court ordered cut-backs in pumping at the Delta pumps to protect the Delta Smelt.

Mr. Wright, of The Metropolitan Water District of Southern California (MWD), reported that the Colorado River Aqueduct was shut down in July for eight days. The shut down was an effort to control the spread of the quagga mussels to the MWD storage system. Consequently, Diamond Valley Reservoir has been drawn down, and as of August 1<sup>st</sup> storage in Diamond Valley Reservoir is at 88 percent of capacity. Plans are to refill Diamond Valley Lake with water other than from the Colorado River.

### Colorado River Operations

#### *Final 2007 Hydrologic Determination*

Mr. Zimmerman reported that on June 8<sup>th</sup>, Secretary Kempthorne signed the final 2007 Hydrologic Determination for the proposed contract from Navajo Reservoir for the Navajo-Gallup Water Supply Project, which is included in the Board folder. The determination was then made available to the governors of each of the Basin states. The determination reports that the Upper Basin annual yield is 5.76 maf through 2060. New Mexico's annual consumptive use is about 0.642 maf/year. Although the delivery obligation of the Upper Basin to Lower Basin is modeled, the determination does not make any attempt to quantify or interpret Article III(c) of the 1922 Colorado River Compact. With this determination, and congressional passage of the Northwestern New Mexico Rural Water Projects Act, Reclamation will be authorized to enter into contracts for water supplies from Navajo Reservoir. The determination is a requirement of P.L. 87-483 and must be submitted to Congress for its approval. The legislation is currently sitting in both the House and the Senate awaiting approval.

#### *MWD Recovery of Interstate Underground Storage Credits in 2008*

Mr. Zimmerman reported that included in the Board folder is a letter dated June 27<sup>th</sup> from MWD requesting the Central Arizona Water Conservation District of Arizona to release 25,000 acre-feet of water stored on behalf of MWD, in the Arizona Water Bank. The stored water would be recovered by MWD in 2008. Mr. Wright added that MWD had accrued 80,000 acre-feet of water stored in the Arizona Water Bank. Sixteen thousand acre-feet of water is to be released this year, and twenty five thousand acre-feet in 2008.

*Arizona Water Banking Authority Final Accounting of the Southern Nevada Water Authority Water Bank Account*

Mr. Zimmerman reported that on July 2<sup>nd</sup> the Arizona Water Banking Authority (AWBA) issued its final calendar year 2006 final accounting of the water that the AWBA has stored on behalf of the Southern Nevada Water Authority (SNWA) in the Arizona Water Bank. The accounting statement, included in the Board folder, shows that as of January 1, 2006, the balance in SNWA account was 237,065 acre-feet. An additional 175,569 acre-feet was earned in 2006. The total number of Long-Term Storage Credits on SNWA's behalf, as of December 31, 2006, was 412,634 acre-feet. The long-term goal of the SNWA is to store 1.2 maf in the Arizona Water Bank.

*Board Testimony to U.S. House Subcommittee on Water and Power Regarding H.R. 1970 (the Northwestern New Mexico Rural Water Projects Act), July 24, 2007*

Mr. Zimmerman reported that the U.S. House Subcommittee on Water and Power held a hearing regarding H.R. 1970, the Northwestern New Mexico Rural Water Projects Act. The Board's written testimony is included in the Board folder. At the hearing Mr. Zimmerman basically supported the legislation provided that there is inclusion of language ensuring adherence to the "Law of the River".

*Calendar Year 2007 Bureau of Indian Affairs Revised Approval of Tribal Diversions*

Mr. Zimmerman reported that on August 7<sup>th</sup>, Reclamation informed stakeholders that it had approved the revised Tribal diversions requested by mainstream Tribes holding entitlements. Reclamation's letter, included in the Board folder, lists the Tribe, state, amount of diversion requested and amount of entitlement. Collectively, the California tribes, including Fort Mojave, Colorado River, Chemehuevi, and Fort Yuma, requested a total of 85,805 acre-feet for 2007.

*News Release – Arizona Republic - Non-Native Mussels in Lake Powell*

Mr. Zimmerman reported that the Board folder included an article from the Arizona Republic announcing the discovery of non-native mussels in Lake Powell. Biologists with the Arizona Game and Fish Department, U.S. Fish and Wildlife Service, and the Utah Division of Wildlife are in the process of determining if the mussels are Zebra mussels or Quagga mussels. Boat inspection and cleaning stations are being implemented at Lake Powell in an effort to control the spread of the mussel.

Basin States Discussion

*Status of Seven Basin States Representatives Meetings and Activities*

Mr. Zimmerman reported that the Basin States Technical Committee are continuing to work on documents related to the Interim Colorado River Operations Guidelines, the Water Delivery Agreement, the Lower Basin Forbearance Agreement, and specific water supply project descriptions. The Basin States Technical Committee and Principals met in Las Vegas, Nevada, on August 16<sup>th</sup> to discuss Reclamation's proposed preferred alternative for Interim Operation DEIS, the Draft Water Supply Augmentation Options report and the status of discussions associated with the Water Delivery Agreement between the Lower Basin states and the Department of the Interior. The

International Boundary and Water Commission American Section Commissioner Carlos Marin gave a briefing on the Mexican Treaty issues and potential involvement of Mexico in the Interim Operational Guidelines and the Intentionally Created Surplus (ICS) storage opportunities in Lake Mead.

*Reclamation's Preferred Alternative for Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations of Lake Powell and Lake Mead*

Mr. Zimmerman reported that with the release of Reclamation's Draft Environmental Impact Statement (DEIS) on June 18<sup>th</sup>, several meetings have been held. The Basin States Technical Committee met in San Diego on July 12<sup>th</sup> and 13<sup>th</sup>, and again on the 30<sup>th</sup> and 31<sup>st</sup>, to continue to work on documents related to the Interim Colorado River Operations Guidelines; namely, the Water Delivery Agreement, the Lower Basin Forbearance Agreement, and the specific water supply project descriptions. The Basin states met in Denver, Colorado, on June 25<sup>th</sup> to discuss Reclamation's proposed preferred alternative for the Interim Operations DEIS. Also discussed were the Draft Water Supply Augmentation Options report, the Status of the Water Delivery Agreement between the Lower Basin states and the Department of the Interior, the Central Arizona Project (CAP) aqueduct capacity issues and the Basin states letters, and the Mexican Treaty issues and potential involvement in ICS storage opportunities in Lake Mead. After the meetings among the stakeholders, including the Basin states, Reclamation released a revised version of the Interim Guidelines on August 15<sup>th</sup>. The revised draft of the guidelines, included in the handout materials, focused on describing the conditions of implementation and conditions for future consultations.

Mr. Zimmerman reported that at the July 30<sup>th</sup> meeting a significant issue was identified that needed to be addressed, primarily related to 602(a) storage and the 602(a) storage algorithm and how that would be treated within the guidelines. The Executive Director requested a small group be tasked to discover how to frame the issues that have been identified and their relationships and find a process that could be undertaken in order to address the issues identified. The main issues includes the following: 1) that the Interim Guidelines have a non-precedential effect either during or after the interim period; 2) identification of the mechanism for determination of the Lake Powell Tier (i.e., controlling release volumes) for the next Water Year; 3) the extent from which reservoir operation could be modified through a mid-year review of the Annual Operation Plan and how this review should be included in the Interim Guidelines; and 4) how response to potential emergencies (e.g., safety of dams, public health and safety, etc.) affect implementation of the guidelines during the interim period.

Finally, Mr. Zimmerman reported that the Basin States Technical Committee and Principals met in Las Vegas, Nevada, on August 16<sup>th</sup>. The revised August 15<sup>th</sup> draft of the guidelines was discussed. The Draft Water Supply Augmentation Options report and the status of discussions associated with the Water Delivery Agreement between the Lower Basin States and the Department of the Interior was also discussed.

*U.S. Department of the Interior's News Release, "Secretary Kempthorne Announces Joint U.S.-Mexico Statement on Lower Colorado River Issues"*

Mr. Zimmerman reported that on August 13<sup>th</sup> Secretary Kempthorne's announcement, included in the Board folder, that the federal governments of the United States and Mexico issued a Joint U.S./Mexico Statement to renew their commitments to cooperate and collaborate on Colorado

River issues. The two countries have pledged to cooperate and collaborate on issues including: water uses and efficiencies; coastal desalination; environmental; and water supply augmentation, including environmental needs and climate change impacts. A meeting was scheduled for September 5<sup>th</sup> in Washington, D.C., to meet with representatives of the Basin states, Departments of the Interior and State to discuss strategies for potential Mexican involvement in the Shortage Guidelines and coordinated reservoir operations process and the current status of binational discussions related to the All-American Canal Lining Project and Drop-2 Reservoir project.

### **Environmental Issues**

#### *Lower Colorado River Multi-Species Conservation Program Act (H.R. 2515)*

Mr. Zimmerman reported that a hearing was held, July 24<sup>th</sup>, before the House Subcommittee on Water and Power associated with the Lower Colorado River Multi-Species Conservation Program (LCRMSCP) Act (H.R. 2515). Representatives from each of the three Lower Basin states and the Administration provided testimony during the hearing, as did a representative of the environmental community. The Board provided supplemental written testimony in support of the legislation which is included in the Board folder. The proposed legislation directs the Secretary of the Interior to establish agreements for the use and accounting of water used for the LCRMSCP purposes; authorizes appropriations for program implementation; provides for the ‘enforceability’ of all of the primary program agreements; and provides the LCRMSCP Steering Committee with an exemption from the Federal Advisory Committee Act.

### **Other Business**

#### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, October 10, 2007, at 10:00 a.m., at the Ontario Airport Marriott Hotel, 2200 East Holt Boulevard, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn. Mr. Menvielle moved the Board meeting be adjourned. Mr. Kuiper seconded the motion, and with unanimous approval the Board meeting was adjourned at 4:16 p.m. on August 22, 2007.



Gerald R. Zimmerman  
Executive Director