

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, February 11, 2009

A Regular Meeting of the Colorado River Board of California (Board) was held in the Orchard Room, at the Ontario Airport Holiday Inn, at 2155 East Convention Center Way, Ontario, California, Wednesday, February 11, 2009.

Board Members and Alternate Present

Dana Bart Fisher, Jr., Chairman

Thomas M. Erb

John V. Foley

Terese Marie Ghio

W. D. 'Bill' Knutson

Henry Merle Kuiper

John W. McFadden

John Pierre Menvielle

Jeanine Jones, Designee

Department of Water Resources

Board Members Absent

James B. McDaniel

Christopher G. Hayes, Designee

Department of Fish and Game

Others Present

Steven B. Abbott

Celia A. Brewer

John Penn Carter

David Fogerson

William J. Hasencamp

Michael L. King

Russell Kitahara

Thomas E. Levy

Jan P. Matusak

Dan Parks

David R. Pettijohn

Steven B. Robbins

John L. Scott

Tina L. A. Shields

Ed W. Smith

Mark Stuart

William H. Swan

Peter E. von Haam

Bill D. Wright

Abbas Amir-Teymoori

J.C. Jay Chen

Gary E. Tavetian

Mark Van Vlack

Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher announced the presence of a quorum and called the meeting to order at 10:01 a.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. Hearing none, Chairman Fisher moved to the next agenda item.

## **ADMINISTRATION**

### Approval of Minutes

Chairman Fisher requested the approval of the January 14<sup>th</sup> meeting minutes. Mr. Foley added that there was a correction to be made to the MWD water report. Mr. Menvielle moved January 14<sup>th</sup> minutes be approved, with the correction to the MWD water report. Ms. Jones seconded the motion. Unanimously carried, the Board approved the January 14<sup>th</sup> meeting minutes as amended.

### State of California Conflict of Interest Statements

Mr. Zimmerman reminded the Board members that Form 700 "Conflict of Interest Statement" should be turned in to Board staff as soon as possible.

## **AGENCY MANAGERS' MEETING**

Mr. Zimmerman reported that the agency managers met February 5<sup>th</sup> at MWD's office in Los Angeles. Discussions included: the proposed Yuma Desalting Plant Pilot Project; the renaming of the All-American Canal Drop-2 Reservoir facility; the status of the binational process addressing environmental and water projects; the status of the Basin states discussions; and the Inadvertent Overrun and Payback Policy being developed by Reclamation.

## **PROTECTION OF EXISTING RIGHTS**

### Colorado River Water Report

Mr. Zimmerman reported that as of February 2<sup>nd</sup>, the storage in Lake Powell was 13.147 million acre-feet (maf), or 54 percent of capacity. The water surface elevation was 3,614.1 feet. The storage in Lake Mead was 12.573 maf, or 49 percent of capacity, and water surface elevation of 1,111.8 feet. Total System storage was about 32.998 maf, or 55 percent of capacity. Last year at this time, there was 31.371 maf in storage, or 53 percent of capacity. Total storage increased about 1.6 maf from last year.

Mr. Zimmerman reported that precipitation from October 1<sup>st</sup> to February 2<sup>nd</sup> is 107 percent of normal, and the snowpack is 111 percent of normal. The Reclamation forecast for April through July inflow into Lake Powell for Water-Year 2009 was 8.00 maf, or 101 percent of normal. The forecast projected 2009 Water-Year unregulated inflow into Lake

Powell was about 11.535 maf, or about 96 percent of normal.

Mr. Zimmerman added that Reclamation's projected consumptive use (CU) for Calendar Year 2008 for the Lower Basin was slightly over 7.5 maf. State of Nevada was 269,000 acre-feet; and for Arizona, the CU is projected to be 2.777 maf; and for California the CU is projected to be 4.502 maf, including some Intentionally Created Surplus water from previous years.

### State and Local Water Reports

Mr. Mark Stuart, of the California Department of Water Resources, reported on the current climate conditions in California. Precipitation for most of California is below normal. Communities in southern California range from 33 to 109 percent of normal. Of those reporting, most reported precipitation of 70 percent of normal or less. The Sacramento River Index, as of February 1<sup>st</sup>, was 17.7 inches, or 66 percent of average. Snow water content is also below normal. In the northern part of the state, the snow water content is about 60 percent of normal. Precipitation statewide is about 65 percent of normal, whereas, runoff is about 35 percent of normal. State Water Project (SWP) storage north of the Delta is 1.1 maf, or 30 percent of capacity. South of the Delta, SWP storage was 0.97 maf, or 53 percent of capacity. Overall SWP storage is 38 percent of capacity. The projected SWP deliveries are 15 percent of Table A entitlements.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of February 1<sup>st</sup>, MWD's combined reservoir storage of Lakes Skinner, Mathews, and Diamond Valley, was about 537,000 acre-feet, or about 52 percent of capacity. As of February 1<sup>st</sup>, Lake Mathews had about 94,000 acre-feet, or 51 percent of capacity. Lake Skinner had about 36,000 acre-feet, or about 81 percent of capacity. Diamond Valley Lake had about 407,000 acre-feet in storage, or about 50 percent of capacity

Mr. Erb, of the City of Los Angeles Department of Water and Power (LADWP), reported that as of February 10<sup>th</sup>, precipitation in Eastern Sierra was about 50 percent of normal. In addition, deliveries from the Eastern Sierra have diminished because of increasing environmental restoration activity in the Eastern Sierra region; including the Lower Owens River Project and dust control at Owens Valley Lake. The City of Los Angeles is currently stepping up city-wide water conservation efforts. Mayor Villaraigosa has asked the City Council to approve water restrictions on landscape irrigations and potentially mandatory water rationing of 15 percent.

### Colorado River Operations

#### *Joint Declaration on Colorado River Issues*

Mr. Zimmerman reported that on January 13<sup>th</sup>, former Secretary of the Interior Dirk Kempthorne and Mexican Ambassador Arturo Sarukhan issued a Joint Declaration associated with Colorado River issues of interest to both countries. The Joint Declaration recognizes: 1) the current drought conditions in the Colorado River Basin; 2) the water

supply needs of the two countries; and 3) acknowledges the desire to continue the current binational cooperative process. In addition, the Joint Declaration urges the International Boundary and Water Commission (IBWC) staff from both countries to work with all interested stakeholders in the development and implementation of cooperative and innovative measures that are consistent with the 1944 Mexican Water Treaty and meet the continuing water needs of both nations. The Joint Declaration continues the work begun by the late Commissioners Carlos Marin and Commissioner J. Arturo Herrera Solis who were killed in a plane crash on September 15, 2008.

*Board Letter to California Environmental Protection Agency Regarding Colorado River Management and Negotiations*

Mr. Zimmerman reported that, in response to a request of the Board at its January 14<sup>th</sup> meeting, the Board staff finalized and sent a response letter to Secretary Linda Adams of the California Environmental Protection Agency (CalEPA) regarding CalEPA's Memorandum of Understanding (MOU) and proposed action plan prepared in consultation with the Mexican Environmental Ministry. The Board's letter addressed potential conflict with ongoing Colorado River activities of the Basin states regarding operations, management, and the binational cooperative processes. The Board's letter provided specific editorial comments associated with several elements of the CalEPA work plan that is being developed to implement the MOU and action plans.

*Binational Drought Science Conference in San Diego, CA*

Ms. Jeanine Jones, of the California Department of Water Resources, reported that the U.S./Mexican Border State Governors are hosting the Binational Drought Science Conference, March 26-27, 2009, in San Diego, California. The purpose of the conference is to discuss drought issues in and along the binational border region. The proposed conference topics include:

- Hydroclimate of the U.S. Southwest and Mexican Northwest;
- Drought information for decision-making;
- Climate and drought forecasting;
- Climate change considerations; and
- Border-area drought mitigation activities.

*Imperial Irrigation District's Proposal to Rename the Drop-2 Reservoir*

Mr. Zimmerman reported that a letter was received from Mr. James C. Hanks, President of the IID Board of Directors, regarding IID's request that Reclamation rename the All-American Canal Drop-2 Reservoir facility to honor the late Mr. Warren H. Brock.

Mr. Menvielle reported that on October 21, 2008, at the ground breaking of the construction of the Drop-2 reservoir near the All-American Canal, Secretary Kempthorne suggested the name of the reservoir sounded like something a drill sergeant utter, and the reservoir needed a real name. Mr. Menvielle mentioned that the reservoir is being built at the site of the old Brock Research Station. The freeway exit from Interstate 8 is called the Brock

Research off-ramp. Mr. Menvielle reported that after the ground-breaking ceremony of the Drop-2 reservoir he requested the IID Board send a letter to Secretary Kempthorne requesting the Drop-2 reservoir be renamed after Mr. Warren H. Brock. The Imperial County Board of Supervisors as well as U.S. Congressman Bob Filner, also sent letters requesting the name change.

Mr. Menvielle reported that on January 7<sup>th</sup> the IID Board received a letter from Acting Commissioner William McDonald stating that, “On behalf of Secretary Kempthorne I am responding to your letter of November 18, 2008, regarding the request of the IID Board of Directors to rename Drop-2 Reservoir currently under construction in the Imperial Valley after the late Warren H. Brock. We appreciate the suggestion and can certainly understand the Board’s interest in naming this reservoir for Mr. Brock. As you are aware, the Drop-2 Reservoir will be owned by Reclamation, but will be operated and maintained by the IID. The project is made possible through funding from partnerships in several states and will provide an overall system benefit for all water users. For this reason it would seem that any changes to the project name be coordinated to ensure support from partners and stakeholders. We request that the IID consult with Southern Nevada Water Authority, The Metropolitan Water District of Southern California, and Central Arizona Water Conservation District, and the Lower Colorado River Basin States regarding renaming this facility. Should a consensus be reached, Reclamation will consider forwarding the recommendation to the Secretary of Interior. Thank you for your continued support and interest in this critical water conservation project.”

Mr. Menvielle reported that the IID Board had received a letter dated October 28, 2008, from Donald Lee Brock regarding the renaming of the Drop-2 reservoir: “Thank you for suggesting that the new reservoir, Drop-2 might be named after our late father, Warren H. Brock. As you may recall, the original 640-acre experimental farm, which was known as Brock Research Experimental Farm, engaged in the development and production of a long list of new fruits and vegetables best suited for arid and semi-arid areas of the world. Particularly, a great deal of breeding and research took place for citrus, dates, soft fruits, grapes, and some vegetables including asparagus. Several new varieties from that research work are now available to the commercial markets throughout the world. Our father took no grants or subsidies; but, rather, invested heavily from his own personal funds to carry on this work. There was a great deal of cooperative efforts put forth by the USDA, the University of California, and other interested universities, and private public sector interests. I’m enclosing two items which will give a more complete picture of the scope of this research farm during our father’s time. It includes a book published by Warren Brock in the early 1960’s outlining the overall project, and also an article from the *Congressional Record* dated May 22, 1961. On behalf of our family, I very much appreciate your efforts in proposing this new reservoir be named after a true pioneer who lived his 90 years in this desert area. As the life-blood of any desert area is water, because our father was one who toiled long and hard to match water and hard work to achieve meaningful results, this would be a fitting tribute and would properly honor his memory. The designation would be much appreciated by the family and community, and would be accepted in a true sense of humility.”

Mr. Menvielle requested the Board support renaming the Drop-2 Reservoir after Mr. Brock. Mr. Kuiper seconded the request. Mr. Foley, wanting to preserve the memory of Mr.

Dennis Underwood with some other project in the future, would support the request to rename the Drop-2 reservoir. Unanimously carried, the Board approved a resolution in support of renaming the Drop-2 Reservoir facility after Mr. Warren H. Brock.

### Basin States Discussion

#### *Reclamation's Basin Studies Program*

Mr. Zimmerman reported that Reclamation in its Fiscal-Year 2009 proposed budget has set aside \$4 million dollars to fund Basin Studies as part of the Water for America Initiative. The seven Basin states have expressed an interest in submitting a letter of interest in conducting a study. The proposed study would be to refine options and develop strategies for augmentation opportunities to meet future demands. This study would build on the March 2008 report that the Basin states submitted to Secretary Kempthorne entitled, "Study of Long-Term Augmentation Options for Water Supply of the Colorado River System." The Basin states have prepared a draft letter to Reclamation Regional Directors Lorri Gray and Larry Walkoviak and are in the process of signing it. The letter expresses the states' interest in participating with Reclamation in the development of a study to evaluate the current and projected water supply and demand throughout the Basin and its service areas. The Basin states expect that this study would refine strategies that, if implemented, could provide an additional one-million acre-feet of new water annually for use within the Colorado River Basin. The Basin states would provide significant resources to assist in the development and completion of the proposed study including sharing of data, in kind services and pertinent models. Cost-sharing may go up to 50 percent with extra points for cost sharing above 50 percent. The letter of interest is due to Reclamation by March 4<sup>th</sup>. If the Basin states letter of interest is selected, a detailed study proposal would be prepared in cooperation with Reclamation. A copy of the final draft letter is included in the handout materials.

Mr. Zimmerman requested authorization to sign the letter of interest. Upon the motion of Mr. Menvielle, seconded by Mr. Foley, and unanimously carried, the Board authorized the Executive Director to sign the letter of interest, with the other Basin states, to participate in the Basin Studies program.

#### *Basin States Discussion Document Concerning Binational Water Management – December 17, 2008*

Mr. Zimmerman reported that on December 17, 2008, representatives of the Basin states approved transmittal of a discussion document to IBWC's American Section Commissioner, Mr. Bill Ruth. The discussion document identifies the projects and programs that may have binational interest in the United States and Mexico in augmenting the water supplies of the Colorado River. The transmittal letter and discussion document were included in the January Board folder. Commissioner Ruth shared this discussion document with his counterparts in Mexico. Mexico has requested a consultation meeting with the federal representative, IBWC and Reclamation, on the Basin states discussion document. The consultation meeting will be held on February 13<sup>th</sup>. It is anticipated that during this meeting the process will be established for continuing the binational discussions on the Basin states discussion document and in identifying and pursuing implementation of projects that

have binational interest and support.

### Colorado River Environmental Activities

#### *International Boundary and Water Commission Tour*

Mr. Zimmerman reported that during the last week of January a tour was held as part of the ongoing IBWC binational process. The tour included agricultural and environmental projects in both the U.S. and Mexico, as well as the Yuma Desalting Plant and the All-American Canal Lining Project. One of the environmental sites visited along the Laguna Grande and, Colorado River mainstream was the restoration project funded by the Six Agency Committee.

#### *Sonoran Institute's Adopt-The-River Program and Restoration*

Mr. Zimmerman reported that included in the Board folder was flyer from the Sonoran Institute describing its Adopt-The-River program, focusing on projects in the Colorado River Biosphere in Mexico. Also included in the Board folder was a table describing the status of eight ongoing habitat restoration projects.

#### *Status of the Glen Canyon Dam Lawsuit*

Mr. Gary Tavetian, of the California Attorney General's Office, reported that the Summary Judgment Motions, are expected to be completed next week.

### **Other Business**

#### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, March 11, 2009, at 10:00 a.m., at the Ontario Airport Holiday Inn, at 2155 East Convention Center Way, Ontario, California.

There being no further items to be brought before the Board, Chairman Fisher asked for a motion to adjourn the meeting. Upon the motion of Mr. Kuiper, seconded by Mr. Foley, and unanimously carried, the meeting was adjourned 10:49 a.m. on February 11, 2009.



Gerald R. Zimmerman  
Executive Director