

Minutes of Regular Meeting
COLORADO RIVER BOARD OF CALIFORNIA
Wednesday, July 15, 2009

A Regular Meeting of the Colorado River Board of California (Board) was held in the Big Bear room, at the Ontario Airport Double Tree Hotel, at 222 N. Vineyard Avenue, Ontario, California, Wednesday, July 15, 2009.

Board Members and Alternates Present

D. Bart Fisher, Jr., Chairman

Thomas M. Erb

John V. Foley

W. D. 'Bill' Knutson

Henry Merle Kuiper

John W. McFadden

John Pierre Menvielle

David Elms, Designee

Department of Fish and Game

Board Members Absent

Terese Maria Ghio

James B. McDaniel

Jeanine Jones, Designee

Department of Water Resources

Others Present

Steven B. Abbott

Celia A Brewer

James H. Bond

John P. Carter

Dave Fogerson

William J. Hasencamp

Michael W. Hughes

Michael L. King

Jay W. Malinowski

Jack Porrelli

John L. Scott

Tina L. Shields

Charles H. Van Dyke

Joseph A. Vanderhorst

Bill D. Wright

Abbas Amirteymoori

J.C. Jay Chen

Christopher S. Harris

Kathleen Kenealy

Lindia Y. Liu

Mark Van Vlack

Gerald R. Zimmerman

CALL TO ORDER

Chairman Fisher announced the presence of a quorum and called the meeting to order at 10:05 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 June 10th meeting minutes. Mr. Knustson moved the June 10th minutes be approved. Mr. Menvielle seconded the motion. Unanimously carried, the Board approved the June 10th meeting minutes.

Governor's Executive Order

Mr. Zimmerman reported that Governor Arnold Schwarzenegger has issued an Executive Order implementing a 3rd furlough day for most State employees. According to the Executive Order, most State offices will be closed the 1st, 2nd, and 3rd Friday of each month. Within the budget discussions, a 4th furlough day is being discussed.

AGENCY MANAGERS' MEETING

Mr. Zimmerman reported that the Agency Managers had not met since the June 10th Board meeting; but that the Agency Managers were scheduled to meet following the July 15th Board meeting.

PROTECTION OF EXISTING RIGHTS

Colorado River Water Report

Mr. Amireteymoori reported that as of July 5th, Lake Powell storage was about 16.2 million acre-feet (maf), or 67 percent of capacity. The water surface elevation was 3,641.6 feet above sea level. The Lake Mead storage was 11.07 maf, or 43 percent of capacity. The water elevation was 1,095.3 feet above sea level. Total System storage was 35.7 maf, or 60 percent of capacity, whereas, this time last year the total system storage was 34.9 maf. Total System storage this year is about 700,000 acre-feet greater than this time last year.

Mr. Amireteymoori reported that precipitation from October 1st to July 6th, was 106 percent of normal. The snowpack in the headwaters regions has largely melted. The projected April through July unregulated inflow into Lake Powell was 7.55 maf, or 95 percent of normal. The projected water year inflow (October 1st through September 30th) was 10.785 maf, or 90 percent of normal.

Mr. Amireteymoori added that Reclamation's projected consumptive use (CU) for the State of Nevada is approximately 9,000 acre-feet under its entitlement of 300,000 acre-feet; and for Arizona, the CU is projected to be slightly under its basic entitlement of 2.8 maf (2.754 maf); and for California the CU is also projected to be slightly under its basic apportionment of 4.4 maf (4.339 maf). Currently the total projected CU in the Lower Basin is expected to be about 7.384 maf.

State and Local Water Reports

Mr. Zimmerman, reported that precipitation in the Los Angeles area was about 64 percent of normal. Most areas in Southern California precipitation are well below normal; San Diego was better, but only 79 percent of normal. The Northern Sierra Precipitation 8-station index was near normal (92.6 percent of normal) thanks to precipitation in late May. Storage in Lake Oroville in 2007 was just over 3 maf, and last year was about 1.5 maf. Currently Lake Oroville has about 2 maf, or 58 percent of capacity. The State Water Project storage north of the Delta is about 2.1 maf, or 58 percent of capacity, while south of the Delta SWP storage is about 0.95 maf or 52 percent of capacity. Current SWP projected deliveries is 40 percent of entitlements.

Mr. Foley, of The Metropolitan Water District of Southern California (MWD), reported that as of July 1st, storage in the main Southern California reservoirs was about 517,000 acre-feet, or 50 percent of capacity. Diamond Valley Lake was down to about 346,000 acre-feet or 43 percent of capacity. The storage in Lake Mathews was about 133,000 acre-feet or 73 percent of capacity, and Lake Skinner was about 38,000 acre-feet or 88 percent of capacity.

Mr. Thomas Erb, of the Los Angeles Department of Water and Power, said that there was nothing to report regarding the climate conditions of the Los Angeles Aqueduct System. He reported that the City of Los Angeles started conservation restrictions on June 1st. Landscape irrigation has been restricted to two days per week. The price for Tier 2 water has been increased for customers who don't conserve 15 percent of their Tier 1 allotment. It appears that the water restrictions will be in place for awhile.

Colorado River Operations

2009 Annual Operating Plan

Mr. Zimmerman reported that the first consultation meeting of the Colorado River Management Work Group for the development of the Annual Operating Plan for the Colorado River System Reservoirs (2010 AOP) was held on June 25th in Las Vegas, Nevada. It is expected that the 2010 AOP will include determinations of initial releases of 8.23 maf from Glen Canyon Dam. Releases from Hoover Dam will be made under normal conditions to meet downstream demands. Mexico will be able to schedule the delivery of 1.5 maf in calendar year 2010. No unused apportionment under Article II(B)(6) of the Consolidated Decree in *Arizona v. California* for calendar year 2010 is expected to be available.

Mr. Zimmerman also reported that included in the 2010 AOP, MWD is expected to recover 6,000 acre-feet of Intentionally Created Unused Apportionment (ICUA) stored in Arizona and potentially take delivery of 32,000 acre-feet of system efficiency intentionally created surplus (ICS) credits created from the Drop 2 Storage Reservoir Project in 2010. Also, IID anticipates creating 25,000 acre-feet extraordinary conservation ICS (EC ICS) credits in both 2009 and 2010. The Southern Nevada Water Authority (SNWA) anticipates creating 30,000 acre-feet of tributary conservation ICS and taking delivery of 28,500 acre-feet in 2010.

Finally, Mr. Zimmerman reported that there will be additional consultation meetings on the 2010 AOP. The final consultation meeting will probably be held in the latter part of August. A copy of the draft 2010 AOP can be downloaded from Reclamation's webpage at: http://www.usbr.gov/lc/region/g4000/AOP2010/AOP10_draft.pdf.

Reclamation's Letter Responding to Lake Mead National Recreational Area Concessionaires Regarding Lake Mead's Declining Water Levels

Mr. Zimmerman reported that low water surface elevation levels in Lake Mead have hurt a group of concessionaires operating businesses in the Lake Mead National Recreation Area. The concessionaires wrote letters to their congressional delegation asking that Reclamation take steps to stabilize Lake Mead water surface elevation. Reclamation responded to these concerns in a letter, dated June 8th, to Nevada's U.S. Senator, Mr. Harry Reid. Reclamation's letter described the current Lake Mead operating regime, pursuant to the Interim Guidelines. Reclamation committed to continue to utilize available management flexibility in operating Lake Mead to minimize potential impacts to the concessionaires.

Reclamation's Letters to Various Agencies Regarding 2007 Inadvertent Overrun of Colorado River Entitlement and Payback

Mr. Zimmerman reported that included in the Board folder are several letters from Reclamation notifying Lower Division entitlement holders of inadvertent overruns for calendar year 2007. The overruns were determined as a result of the completion of the final water use accounting required by Article V of the Consolidated Decree in *Arizona v. California*. The 2007 overruns include:

- The Gila Monster Farm (Arizona) incurred a 905 acre-foot overrun;
- The SNWA incurred a 312 acre-foot overrun; and
- The Fort Mojave Indian Tribe incurred a 4,603 acre-foot overrun associated with its California entitlement.

Mr. Zimmerman reported that entities must develop and submit for Reclamation approval a payback plan with extraordinary conservation measures identified that will be implemented in order to pay back the amount of mainstream water overrun in 2007.

Basin States Discussion

Reclamation's Transmittal of the Basin Study Proposal (Seven Colorado River Basin States' Joint Colorado River Basin Water Supply and Demand Study) with Various Supporting Letters from the Seven Basin States and Water Agencies

Mr. Zimmerman reported that, as reported previously, the Basin states prepared a study proposal to build upon previous efforts. The proposal was submitted to Reclamation Regional Directors Walkoviak and Gray-Lee. The proposal requests Reclamation's participation and cooperation in developing a study evaluating:

- The current and projected water supply;
- The demand throughout the Colorado River Basin and its service areas;
- The water supply/demand imbalances; and
- Water augmentation opportunities.

Mr. Zimmerman reported that on May 14th, the Basin states received a letter from Reclamation indicating that the states' proposal was selected for Step 2 of the evaluation process. In Step 2, Reclamation's Upper and Lower Colorado Regional Offices worked with the Basin states to further refine the scope and objectives of the study. The draft study proposal was reviewed by the Board at its June meeting. The study is expected to cost \$2.0 million and would be cost-shared 50/50 between the seven Basin states and Reclamation.

Mr. Zimmerman reported the proposal was completed and Reclamation submitted it to the Reclamation-wide review committee on June 26th. The Reclamation-wide review committee will review all of the proposals that were submitted and select three or four to be cost-shared by Reclamation. If the Basin states proposal is selected, a detailed plan of study will be developed that identifies the specific tasks to be completed during the study and the total cost.

Mr. Zimmerman reported that as part of the study proposal, the states requested letters of support from stakeholders in the Basin. Approximately forty letters of support from basin-wide stakeholders were received and accompanied the final package.

Status of Binational Discussions with Mexico

Mr. Zimmerman reported that discussions with Mexico regarding the Basin States' Discussion Document Concerning Binational Water Management (Discussion Document) are continuing. A meeting was held on June 1, 2009, among the Basin states, Reclamation, International Boundary and Water Commission (IBWC), and Mexico to further explain the concepts contained in the Discussion Document. The Basin states representatives made a presentation at the meeting to describe the Basin states' role regarding water management within the United States, and more fully explained the concepts contained in the Basin states' Discussions Document providing examples of how implementation of the programs contained in the Discussion Document could work and benefit both nations. The Basin states representatives also suggested that a workshop be held to further advance the discussions related to specific projects and programs. Mexico agreed to have a follow-up two-day workshop in August in San Diego, California. To assist in forming the agenda for the

workshop, both Mexico and the U.S. agreed to provide a list of questions that should be addressed during the two-day workshop. A Technical Group of representatives from the Basin states and Reclamation met on June 25th and 26th to develop a draft agenda for the August workshop based upon a comprehensive list of questions provided by Mexico and the U.S. The Technical Group also developed recommendations for consideration by the Basin states principals regarding a response to questions raised by Mexico. On July 7th and 8th, the Basin states principals met to discuss the recommendations from the Technical Group and to further refine the proposed August workshop agenda. Based upon this meeting, representatives from the United States focused the discussions on a legal and policy framework to provide for:

- Storage of Mexico's water in the U.S. reservoir system
- Operations of Colorado River during low reservoir conditions
- Other items on the agenda would include: environmental issues; conservation and desalination projects; and the next steps.

Mr. Zimmerman reported that attendance at the workshop is being expanded to include more interested parties, though each state is encouraged to limit the number of people attending. The additional attendees will not sit at the table. Environmental representatives include Mr. Peter Culp, from the Sonoran Institute, and Ms. Jennifer Pitt, from the Environmental Defense. Both have been instrumental in working with Mexico, and it was agreed that their attendance would be beneficial. During negotiations between the two countries, the negotiators would be limited to those that actually have water allocations and are in charge or have some purview over administration of the water resources, thus negotiations would occur on a country-to-country and Basin states basis.

Mr. Zimmerman reported that Commissioner Michael Connor, of the Bureau of Reclamation, attended the second day of the Basin states meeting and indicated that the Binational Discussions were a high priority within Reclamation. Commissioner Connor expressed the importance of reaching a conclusion of this Binational effort within 18 months, or sooner.

Mr. Zimmerman reported that an item that may be on the agenda for the Binational Workshop is a draft minute for a Conceptual Framework for U.S.-Mexico Discussions on Colorado River Cooperative Actions. The proposed minute would contain the agreed upon joint cooperative process, among the American and Mexican Sections of the IBWC, that has been ongoing for the past two years. It is proposed that the minute also create a legal/policy group that would address the legal and policy issues associated with implementation of projects and programs coming out of the cooperative process. The draft Minute would build upon the March 11, 2008, Terms of Reference. The proposed Legal and Policy Group would be composed of representatives of the two Governments and the Basin states to which the water has been allocated and that have purview over its administration.

Arizona Water Banking Authority's Certification of Intentionally Created Unused Apportionment (ICUA) for 2008 between Central Arizona Water Conservation District and the Metropolitan Water District of Southern California

Mr. Zimmerman reported that on June 17th the Arizona Water Banking Authority (AWBA) notified interested parties of the status of MWD's interstate account with the AWBA for calendar year 2008. A total of 28,442 acre-feet of ICUA was created in calendar year 2008 for the benefit of MWD. The ICUA was created through both recovery and credit exchange methods. Recovery from long-term storage credits in the amount of 27,442 acre-feet were drawn from wells within irrigation districts in Pinal County, Arizona. The remaining 1,000 acre-feet of ICUA was developed via a credit exchange between the Central Arizona Water Conservation District and the Central Arizona Groundwater Replenishment District.

Colorado River Environmental Issues

Status of the Grand Canyon Trust v. United States Lawsuit

Ms. Kathleen Kenealy, of the Office of Attorney General, reported on the status of the *Grand Canyon Trust v. United States Bureau of Reclamation*. There has been no change from last month, other than some pending motions that the plaintiffs, Grand Canyon Trust, have filed seeking to appeal some of the ruled-upon claims.

OTHER BUSINESS

Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be held on Wednesday, August 12, 2009 at 10:00 a.m., at the Holiday Inn Ontario Airport, 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. Mr. Kuiper moved the Board meeting be adjourned. Mr. Menvielle seconded the motion, and with unanimous approval, the Board meeting was adjourned at 11:08 a.m. on July 15, 2009.



Gerald R. Zimmerman
Executive Director