

**COLORADO RIVER BOARD OF CALIFORNIA**

770 FAIRMONT AVENUE, SUITE 100  
GLENDALE, CA 91203-1068  
(818) 500-1625  
(818) 543-4685 FAX



August 3, 2012

**NOTICE OF REGULAR MEETING OF THE  
COLORADO RIVER BOARD**

**NOTICE IS HEREBY GIVEN** pursuant to the call of the Chairperson, Dana B. Fisher, Jr., by the undersigned, the Acting Executive Director of the Colorado River Board of California, that a regular meeting of the Board Members is to be held as follows:

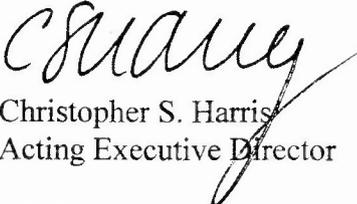
Date: August 15, 2012, Wednesday
Time: 10:00 a.m.
Place: Vineyard Room Holiday Inn Ontario Airport 2155 East Convention Center Way Ontario, CA 91764-4452 TEL: (909) 212-8000, FAX: (909) 418-6703

The Colorado River Board of California welcomes any comments from members of the public pertaining to items included on this agenda and related topics. Oral comments can be provided at the beginning of each Board meeting; while written comments may be sent to Mr. Dana B. Fisher, Jr., Chairperson, Colorado River Board of California, 770 Fairmont Avenue, Suite 100, Glendale, California, 91203-1068.

An Executive Session may be held in accordance with provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and in accordance with Sections 12516 and 12519 of the Water Code to discuss matters concerning interstate claims to the use of Colorado River System waters in judicial proceedings, administrative proceedings, and/or negotiations with representatives from other states or the federal government.

Requests for additional information may be directed to: Christopher S. Harris, Acting Executive Director, Colorado River Board of California, 770 Fairmont Avenue, Suite 100, Glendale, CA 91203-1068, or 818-500-1625. A copy of this Notice and Agenda may be found on the Colorado River Board's web page at [www.crb.ca.gov](http://www.crb.ca.gov).

A copy of the meeting agenda, showing the matters to be considered and transacted, is attached.

  
Christopher S. Harris  
Acting Executive Director

attachment: Agenda

Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
August 15, 2012, Wednesday  
10:00 a.m.

Vineyard Room  
Holiday Inn Ontario Airport  
2155 East Convention Center Way  
Ontario, CA 91764-4452

**A G E N D A**

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Board. Items may not necessarily be taken up in the order shown.

1. Call to Order
2. Opportunity for the Public to Address the Board (Limited to 5 minutes)  
As required by Government Code, Section 54954.3(a)
3. Administration
  - a. Minutes of the Meeting Held June 13, 2012, Consideration and Approval (**Action**) ... TAB 1
  - b. Status report for filling the Board's Executive Director position ..... TAB 6
    - Closed session pursuant to Government Code Section 11126 (a) (1)  
to consider the appointment to the Executive Director position
    - Report on closed session
    - Consider the appointment to the Executive Director position (open session)
4. Agency Managers Meetings
5. Protection of Existing Rights
  - a. Colorado River Water Report ..... TAB 2  
Report on current reservoir storage, reservoir releases, projected water use,  
forecasted river flows, scheduled deliveries to Mexico, and salinity
  - b. State and Local Water Reports ..... TAB 3  
Reports on current water supply and use conditions
  - c. Colorado River Operations ..... TAB 4
    - Development of the 2013 Annual Operating Plan
    - Status of the Colorado River Basin Water Supply and Demand Study Report
    - 2013 Plans for Creation of Intentionally Created Surplus for IID, MWD and  
SNWA
  - d. Basin States Discussions
    - Basin States Meeting, August 20, 2012, Las Vegas, Nevada
    - Status of U.S./Mexico Binational Discussions

**Agenda (continued)**

- e. Colorado River Environmental Issues and Water Quality ..... TAB 5
  - Status of Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP) EIS Process
  - Status of 2012 Farm Bill Legislation

6. Executive Session

An Executive Session may be held by the Board pursuant to provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code and Sections 12516 and 12519 of the Water Code to discuss matters concerning interstate claims to the use of Colorado River system waters in judicial proceedings, administrative proceedings, and/or negotiations with representatives from other states or the federal government.

7. Other Business

- a. Next Board Meeting: Regular Meeting
  - September 12, 2012, Wednesday, starting 10:00 a.m.
  - Holiday Inn Ontario Airport
  - 2155 East Convention Center Way
  - Ontario, CA 91764-4452
  - TEL: (909) 212-8000, FAX: (909) 418-6703

3.a. - Approval June 13, 2012, Board Meeting Minutes

Minutes of Regular Meeting  
COLORADO RIVER BOARD OF CALIFORNIA  
Wednesday, June 13, 2012

A Regular Meeting of the Colorado River Board of California (Board) was held in the Vineyard Room, at the Holiday Inn Ontario Airport, at 2155 East Convention Center Way, Ontario, California, Wednesday, June 13, 2012.

Board Members and Alternate Present

Dana Bart Fisher, Jr., Chairman  
John V. Foley  
W. D. "Bill" Knutson  
Henry Merle Kuiper  
David R. Pettijohn

John Palmer Powell, Jr.  
  
Jeanine Jones, Designee  
Department of Water Resources

Board Members Absent

Terese Marie Ghio  
James B. McDaniel

Christopher G. Hayes, Designee  
Department of Fish and Game

Others Present

Steven B. Abbott  
Autumn Ashurst  
James H. Bond  
Nicholas Brown  
J.C. Jay Chen  
David Fogerson  
Leslie M. Gallagher  
Christopher S. Harris  
William J. Hasencamp  
Eric M. Katz  
Michael L. King  
Thomas E. Levy  
Lindia Y. Liu  
Jan P. Matusak

Carrie Oliphant  
Glen D. Peterson  
Halla Razak  
Phil Rosentrater  
Jack Seiler  
Tina L. A. Shields  
Ed W. Smith  
Joanna Smith  
Mark Stuart  
Fred A. Worthley  
Bill D. Wright  
Mark Van Vlack  
Michael Yu  
Gerald R. Zimmerman

**CALL TO ORDER**

Chairman Fisher, announced the presence of a quorum, called the meeting to order at 10:03 a.m.

Powell inflow forecast for April through July was about 2.3 million acre-feet (maf), or 32 percent of normal. The 2012 water year forecast for unregulated inflow into Lake Powell was about 5.47 maf, or 51 percent of normal.

Mr. Harris reported that water storage, as of June 4<sup>th</sup>, in Lake Powell was 15.64 maf, or 64 percent of capacity. The Lake Powell water surface elevation was 3,636.9 feet above mean sea level. Water storage in Lake Mead was about 13.52 maf, or 52 percent of capacity. The Lake Mead water surface elevation is 1,119.1 feet above mean sea level. Total System storage is 36.724 maf, or 62 percent of capacity. At this time last year, the System storage was 33.37 maf, or 56 percent of capacity.

Mr. Harris reported that Reclamation's projected consumptive use (CU) for the State of Nevada is under its entitlement of 300,000 acre-feet (274,000 acre-feet); for Arizona the CU is projected to be slightly over its entitlement of 2.8 maf (2.858 maf); and for California the CU is also projected to be slightly over its entitlement of 4.4 maf (4.407 maf). The Lower Basin projected CU for 2012 is estimated to be 7.539 maf.

Finally, Mr. Harris reported that a decrease in Basin storage is projected, for the next two years. Fortunately, the winter of 2010-2011 was a relatively wet year so the drought this year is being mitigated by reservoir storage in the Basin.

#### State and Local Water Reports

Mr. Stuart, of the California Department of Water Resources, reported on California climate conditions. Precipitation in the Los Angeles area is about 9 inches, compared with a normal for this time of year of 15 inches. It's dry, but not the driest year on record. Precipitation stations in Southern California averaged about 50 percent of normal with Imperial County at about 30 percent of normal. Statewide precipitation is about 75 percent of normal with runoff averaging about 65 percent of normal. The good news is that reservoir storage in the State is above normal for this time of year. In northern California, precipitation averaged about 40 inches, while the average is about 50 inches for this time of year. State Water Project (SWP) storage, north of the Sacramento Delta (Delta), is about 98 percent of capacity, and south of the Delta SWP storage is about 79 percent of capacity. The overall SWP storage is about 92 percent of capacity. The Table-A allocations were increased from 60 to 65 percent of entitlements on May 23<sup>rd</sup>, 2012.

Mr. Foley of The Metropolitan Water District of Southern California (MWD) reported that the combined reservoir storage of Lake Skinner, Lake Mathews, and Diamond Valley Lake as of June 1<sup>st</sup>, was about 970,000 acre-feet, or 94 percent of capacity. Storage in Diamond Valley Lake was about 776,000 acre-feet or 96 percent of capacity. Storage in Lake Mathews was about 157,000 acre-feet, or 86 percent of capacity, and Lake Skinner was about 37,000 acre-feet, or 84 percent of capacity. Mr. Foley reported that MWD expects to draw about 708,000 acre-feet from the Colorado River during 2012.

Mr. Pettijohn, of the Los Angeles Department of Water and Power (LADWP), reported that precipitation in the Eastern Sierra's was about 50 percent of normal. He reported that the MWD will be selling more water to LADWP this year.

Management of the Colorado River Basin with that of Australia's Murray-Darling Basin. The authors of the article also recommended the establishment of an interstate water market, within the Colorado River Basin.

### Basin States Discussion

Mr. Harris reported that the Basin States met, on May 4<sup>th</sup>, at the office of the Southern Nevada Water Authority in Las Vegas, Nevada. The main focus of the meeting was the status of the Binational Discussions with Mexico and the Long-Term Experimental Management Plan – Environmental Impact Statement Process for Glen Canyon Dam (LTEMP EIS). A morning session was held among the representatives of the seven Basin states, and focused on the status of the Binational Discussions with Mexico and next steps in the process. During the afternoon session of the meeting, the Basin States were joined by Commissioner Connor and Reclamation staff from both the Upper and Lower Colorado Regions. The federal representatives provided updates on the federal perspectives of the process.

Mr. Harris reported that in the afternoon session, Reclamation Commissioner Michael Connor reiterated the federal commitment to the process and that the states will continue to be involved at all levels. The States' representatives and Commissioner Conner agreed to the suggestion that a focused working group be convened. The group would hold a binational technical workshop in Tijuana to develop a list of areas of "common ground" and identify those issues where there is still some level of disagreement between the two countries.

Finally, Mr. Harris reported that the Basin states principals also agreed to work together to develop a "Basin States' Alternative" for inclusion in the Glen Canyon Dam LTEMP EIS Process. The States' technical representatives are continuing to work with scientists to prepare an alternative that addresses the needs of the endangered humpback chub, sediment conservation, and ensures compliance with the 2007 Interim Guidelines in the context of ongoing Glen Canyon Dam operations.

### *Status of Binational Discussions - U.S. and Mexico*

Mr. Zimmerman reported that a binational technical workshop was held on May 29<sup>th</sup> through June 1<sup>st</sup>, in Tijuana, Mexico. He reported that the workshop was opened with statements from Reclamation Commissioner Conner, the International Boundary and Water Commission (IBWC) Commissioners Edward Drusina, and Roberto Salmón. Each charged the group, comprised of technical staff from both countries, to have candid discussions to identify linkages between the two countries' proposals and determine if there was enough "common ground" to continue discussions toward development of a proposed Minute 319. The Commissioners limited the discussions to linkages between the two countries' proposals and a mutual understanding of the fundamental concepts behind the elements in the proposals. Early in the workshop, U.S. representatives wanted to limit the discussion to two or three elements of the proposals, but Mexican representatives requested inclusion of all six elements contained in the proposal. Conceptual agreement was eventually achieved over the course of the three-day workshop, and the concepts agreed upon were fairly close to those in the U.S. proposal. However, the elements of surplus, shortage, pilot projects and various projects in Mexico have not yet been agreed upon. It was agreed to hold another technical

informing them that a Basin States Alternative was being developed and readied for submittal.

### *Grand Canyon Trust Lawsuit*

Mr. Steve Abbott, Counsel for the Coachella Valley Water District, reported that on June 11<sup>th</sup> the Ninth Circuit U.S. Court of Appeals held oral arguments on the Grand Canyon Trust appeal. The District Court had upheld the 2009 Biological Opinion in finding that the Annual Operating Plan (AOP) document did not require Endangered Species Act (ESA) Section 7 consultation and the National Environmental Policy Act (NEPA) assessment in adopting the annual operating plan.

Before a three-judge panel of the Ninth Circuit Court, the plaintiffs conceded that their challenge to the 2009 Biological Opinion was mooted by the issuance of the 2011 Biological Opinion. Essentially that left the issue of whether the preparation of the Annual Operating Plan had to comply with ESA consultation and NEPA assessment requirements. The three-judge panel questioned how ESA consultation and a NEPA analysis could be completed within one year when Congress requires the report to be filed annually. Mr. Abbott stated that the U.S. attorney did a very good job explaining to the court that the AOP is not a decision document, but simply summarizes how the Colorado River system will be operated based upon decisions that were made when various operating criteria were adopted, including flow regimes for Glen Canyon Dam releases and that those specific activities had already undergone NEPA assessment and ESA Section 7 consultation.

### *Basin States Letter Regarding Non-Native and High Flow Environmental Assessment Finding of No Significant Impact (FONSI) – May 11, 2012*

Mr. Harris reported that the Basin states submitted a letter to Reclamation associated with the non-native Fish Control and High-Flow Experimental Release Protocol Environmental Assessment (EA). The Basin states support the management actions in the EA. However, the Basin states expressed concern that the management actions must remain consistent with the 2011 Biological Opinion. The states have agreed to power-plant bypasses in the interests of comity to gain additional scientific information, but remain concerned about future releases – whether they are deemed experimental or management actions.

Mr. Glen Peterson asked if the high flows could be scheduled during off peak power demand or seasonally adjusted during low power demand periods. Mr. Harris responded that there is some effort to avoid the highest peak power demand though usually the high flows are scheduled over a two- to three-day period when they open the sluice gates, bypassing the power generators, to maximize the transfer of suspended sediment downstream of Glen Canyon Dam. During past experiments, they've found that there was a huge increase in the non-native trout population that is detrimental to the native fish population. Future experimental high flows will explore timing the events to consider the sediment transfer, the fish species themselves as well as the aquatic food base, plus consider the power production costs for the hourly, daily, weekly, and monthly power demand period.

with the Forum and Advisory Council to enlist the support of Basin States principals and finally get Reclamation to appropriate the funds needed to move on a solution to the Paradox Valley Unit. Mr. Hasencamp added that Mr. Barnett has offered to give a presentation to the Board, as well as, the Six Agencies Committee.

Mr. Harris reported that the U.S. Geological Survey (USGS) is continuing its efforts to fully understand the geology, hydrology, and how to address salinity control in the Pah Tempe Springs (aka: La Verkin Springs) on the Virgin River in southwestern Utah. USGS is expected to report on its findings at the next Forum meeting. The Forum will evaluate implementing a long-term salinity project based upon the results of the USGS study.

*Salinity Management Study Update Workshop – June 1, 2012, Los Angeles*

Mr. Harris reported that on June 1<sup>st</sup>, MWD hosted a workshop at their Union Station headquarters as part of their effort to update the Salinity Management Study report of 1999. The presentations and breakout sessions provided an overview of the progress since the 1999 Salinity Management Study and Action Plan. The purpose of the workshop was to identify current salinity management issues and strategies to collaboratively reduce salinity in the local and imported water supply for Southern California. The workshop sessions were moderated with the intent to document input from stakeholders during the workshop and issue an updated “Salinity Management Study” report.

## **OTHER BUSINESS**

### Next Board Meeting

Chairman Fisher announced that the next meeting of the Colorado River Board will be on Wednesday, August 15, 2012 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 the meeting. Mr. Kuiper moved the Board meeting be adjourned. Mr. Knutson seconded the motion, unanimously approved the Board meeting adjourned at 11:06 a.m. on June 13, 2012.

Christopher S. Harris  
Acting Executive Director

5.a. - Colorado River Water Report

**SUMMARY WATER REPORT  
COLORADO RIVER BASIN  
August 6, 2012**

RESERVOIR STORAGE (as of Aug. 5)	July 2, 2012					
	MAF	ELEV. IN FEET	% of Capacity	MAF	ELEV. IN FEET	% of Capacity
<b>Lake Powell</b>	14.596	3,627.7	<b>60</b>	15.272	3,633.7	<b>63</b>
<b>Flaming Gorge</b>	3.083	6,022.9	<b>82</b>	3.108	6,023.6	<b>83</b>
<b>Navajo</b>	1.167	6,044.9	<b>69</b>	1.243	6,051.5	<b>73</b>
<b>Lake Mead</b>	13.225	1,116.1	<b>51</b>	13.203	1,115.9	<b>51</b>
<b>Lake Mohave</b>	1.724	643.9	<b>95</b>	1.682	642.4	<b>93</b>
<b>Lake Havasu</b>	0.600	449.0	<b>97</b>	0.586	448.3	<b>95</b>
<b>Total System Storage</b>	<b>35.273</b>		<b>59</b>	<b>36.018</b>		<b>60</b>
<b>System Storage Last Year</b>	<b>39.305</b>		<b>66</b>	<b>36.977</b>		<b>62</b>

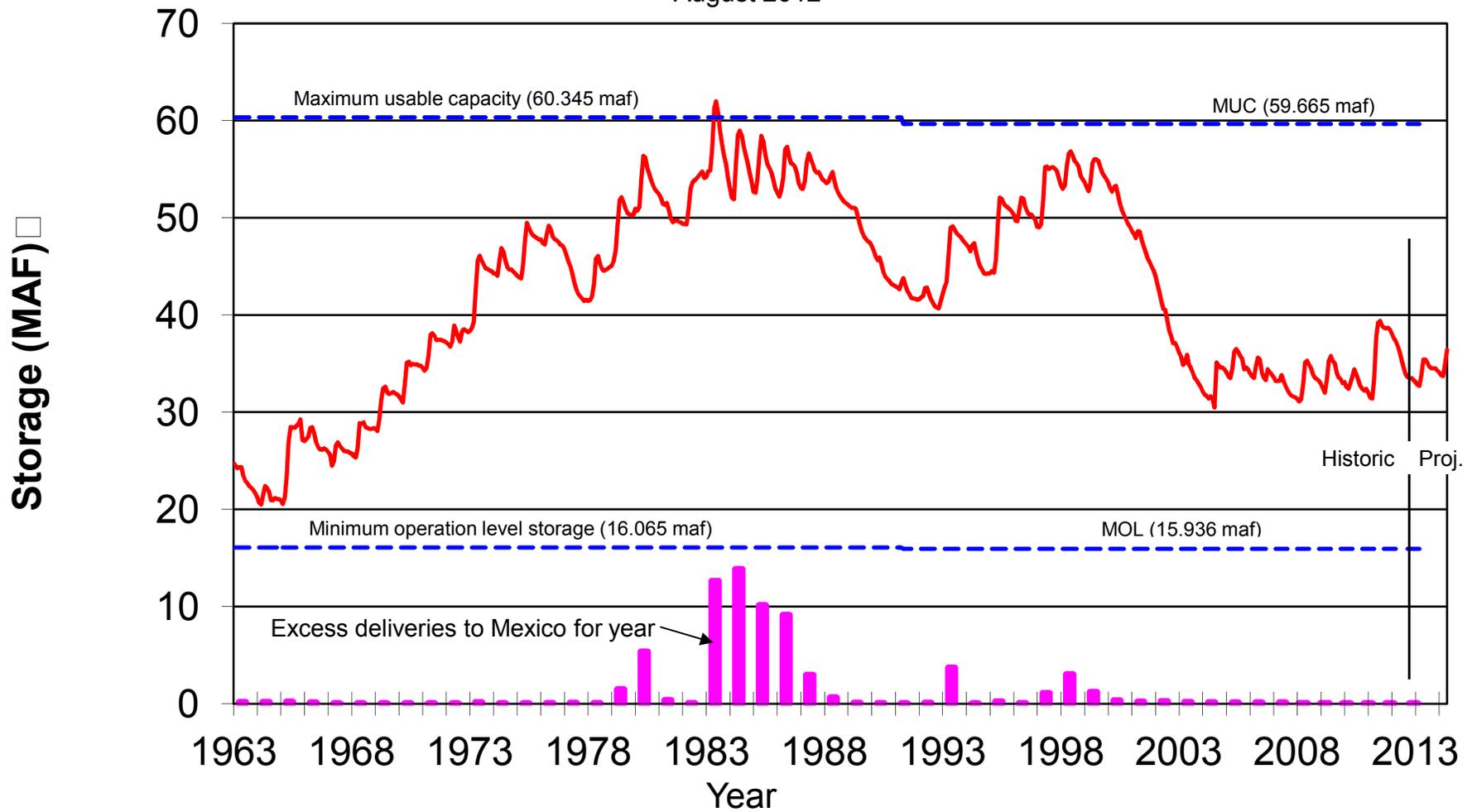
	July 2, 2012	
WY 2012 Precipitation (Basin Weighted Avg) 10/01/11 through 8/06/12	<b>74 percent (21.2")</b>	<b>69 percent (18.3")</b>
WY 2012 Snowpack Water Equivalent (Basin Weighted Avg) on day of 8/06/12 (Above two values based on average of data from 116 sites.)	<b>N/A(N/A)</b>	<b>N/A(N/A)</b>
	June 14, 2012	
August 1, 2012 Forecast of Unregulated Lake Powell Inflow	MAF % of Normal	MAF % of Avg.
2012 April through July unregulated inflow forecast	2.064 <b>29 %</b>	2.010 <b>28%</b>
2012 Water Year forecast	5.154 <b>48 %</b>	5.014 <b>46%</b>

USBR Forecasted Year-End 2012 and 2011 Consum. Use, August 6, 2012 a		MAF	
		<u>2012</u>	<u>2011</u>
	Diversion - Return =	Net	
Nevada (Estimated Total)	0.479	0.209	0.270
Arizona (Total)	3.703	0.890	2.813
CAP Total			1.606
<i>Az. Water Banking Authority</i>			0.134
OTHERS			1.242
California (Total) b./	5.046	0.632	4.414
MWD			0.722
3.85 Agriculture			0.699
IID c./	<u>Total</u> <u>Conserved</u>	<u>Forecasted</u>	<u>Estimated</u>
CVWD d./	3.198 -0.306	2.892	2.916
PVID	0.362 -0.031	0.331	0.309
YPRD	0.381 0	0.381	0.320
Island e./	0.043 0	0.043	0.048
Total Ag.	0.007 0	0.007	0.007
Others	3.991 -0.337	3.654	3.600
PVID-MWD following to storage (to be determined)		0.038	0.016
<b>Arizona, California, and Nevada Total f./</b>	<b>9.228</b>	<b>1.731</b>	<b>7.497</b>
			<b>7.321</b>

- a./ Incorporates Jan.-June USGS monthly data and 75 daily reporting stations which may be revised after provision: data reports are distributed by USGS. Use to date estimated for users reporting monthly and annually.
- b./ California 2012 basic use apportionment of 4.4 MAF has been adjusted to 4.175 MAF for creation of Intentionally Created Surplus Water by IID (-25,000 AF), and Creation of Extraordinary Conservation (ICS) by MWD (-200,000 AF).
- c./ In 2012, 0.105 MAF being conserved by IID-MWD Agreement as amended in 2007: 112,500 AF being conserved for SDCWA under the IID-SDCWA Transfer Agreement as amended, 90,000 AF of which is being diverted by MWD; 21,000 AF being conserved for CVWD under the IID-CVWD Acquisition Agreement, 67,700 AF being conserved by the All American Canal Lining Project.
- d./ In 2012, 30,850 AF conserved by the Coachella Canal Lining Project(may be ammended by 4,850 AF for mitigation).
- e./ Includes estimated amount of 6,660 acre-feet of disputed uses by Yuma Island pumpers and 653 acre-feet by Yuma Project Ranch 5 being charged by USBR to Priority 2.
- f./ Includes unmeasured returns based on estimated consumptive use/diversion ratios by user from studies provided by Arizona Dept. of Water Resources, Colorado River Board of California, and Reclamation.

# Monthly Total Colorado River Basin Storage

August 2012



A resurvey of Lake Powell changed the MUC and MOL in June 1991

Figure 3. NOAA National Weather Service Monthly Precipitation Maps for June and July 2012

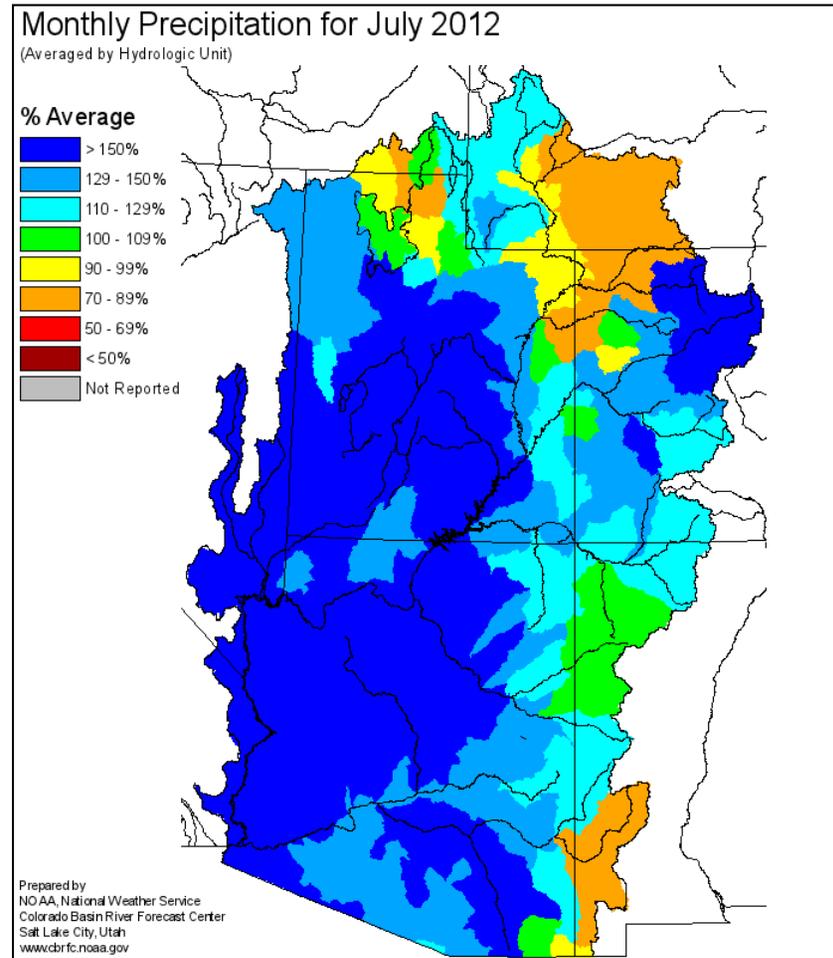
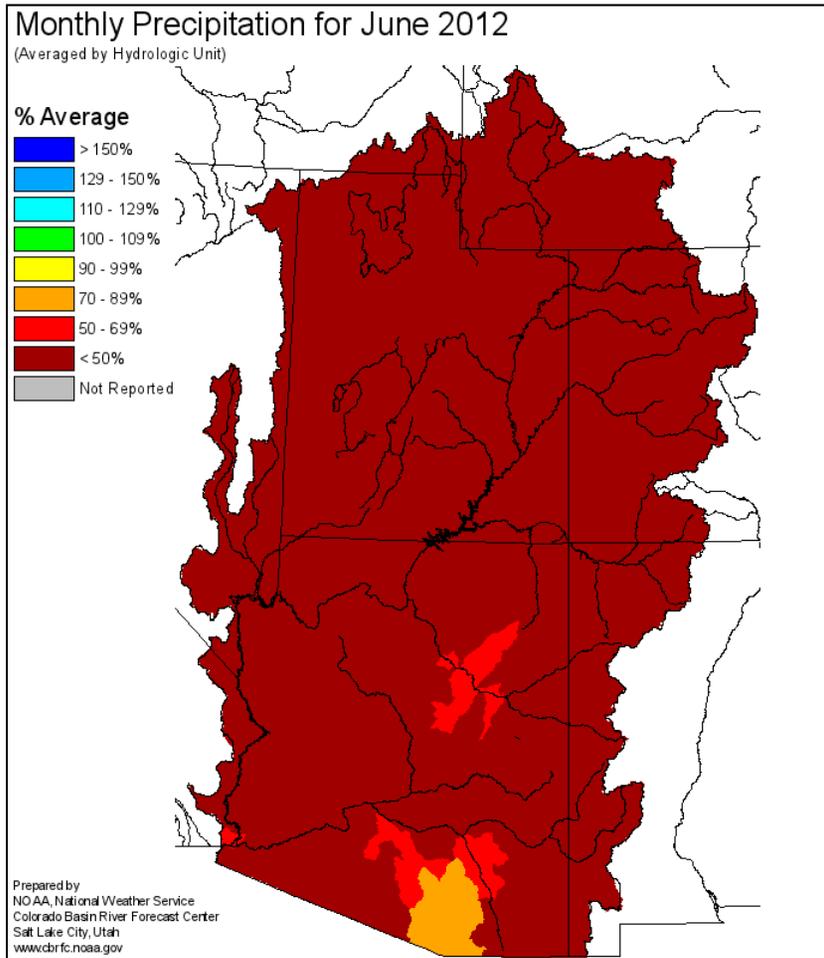
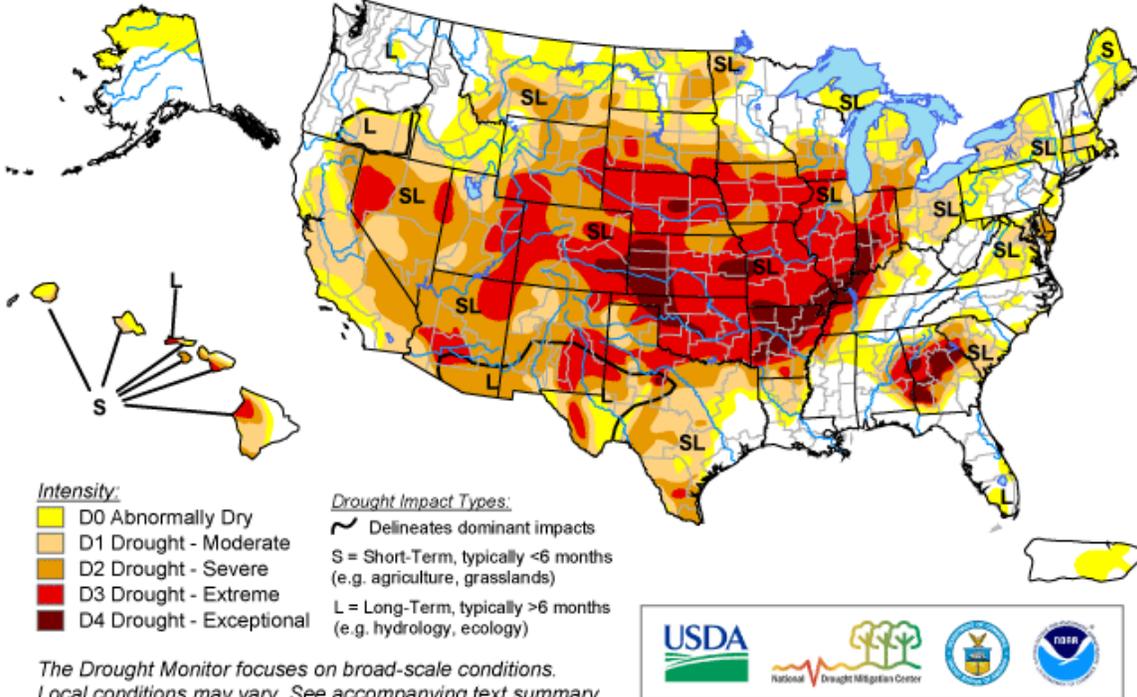


Figure 6. USDA United States Drought Monitor Map

# U.S. Drought Monitor

August 7, 2012  
Valid 7 a.m. EDT



Released Thursday, August 9, 2012

Author: Mark Svoboda, National Drought Mitigation Center

<http://droughtmonitor.unl.edu/>

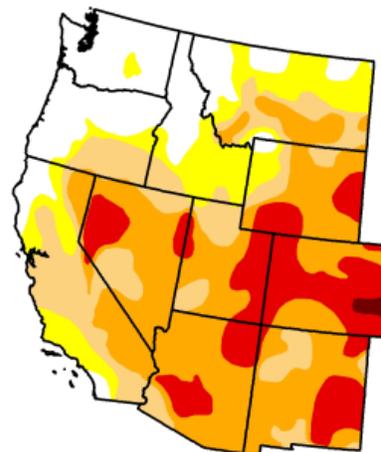
# U.S. Drought Monitor

## West

August 7, 2012  
Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	18.40	81.60	68.62	49.94	16.67	0.50
Last Week (07/31/2012 map)	18.40	81.60	68.22	49.78	16.74	0.29
3 Months Ago (05/08/2012 map)	31.85	68.15	49.83	26.45	4.36	0.36
Start of Calendar Year (12/27/2011 map)	48.49	51.51	20.05	12.22	2.67	0.78
Start of Water Year (09/27/2011 map)	66.72	33.28	19.04	14.99	9.30	3.81
One Year Ago (08/02/2011 map)	74.90	25.10	18.98	15.44	11.10	5.52



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

<http://droughtmonitor.unl.edu/>

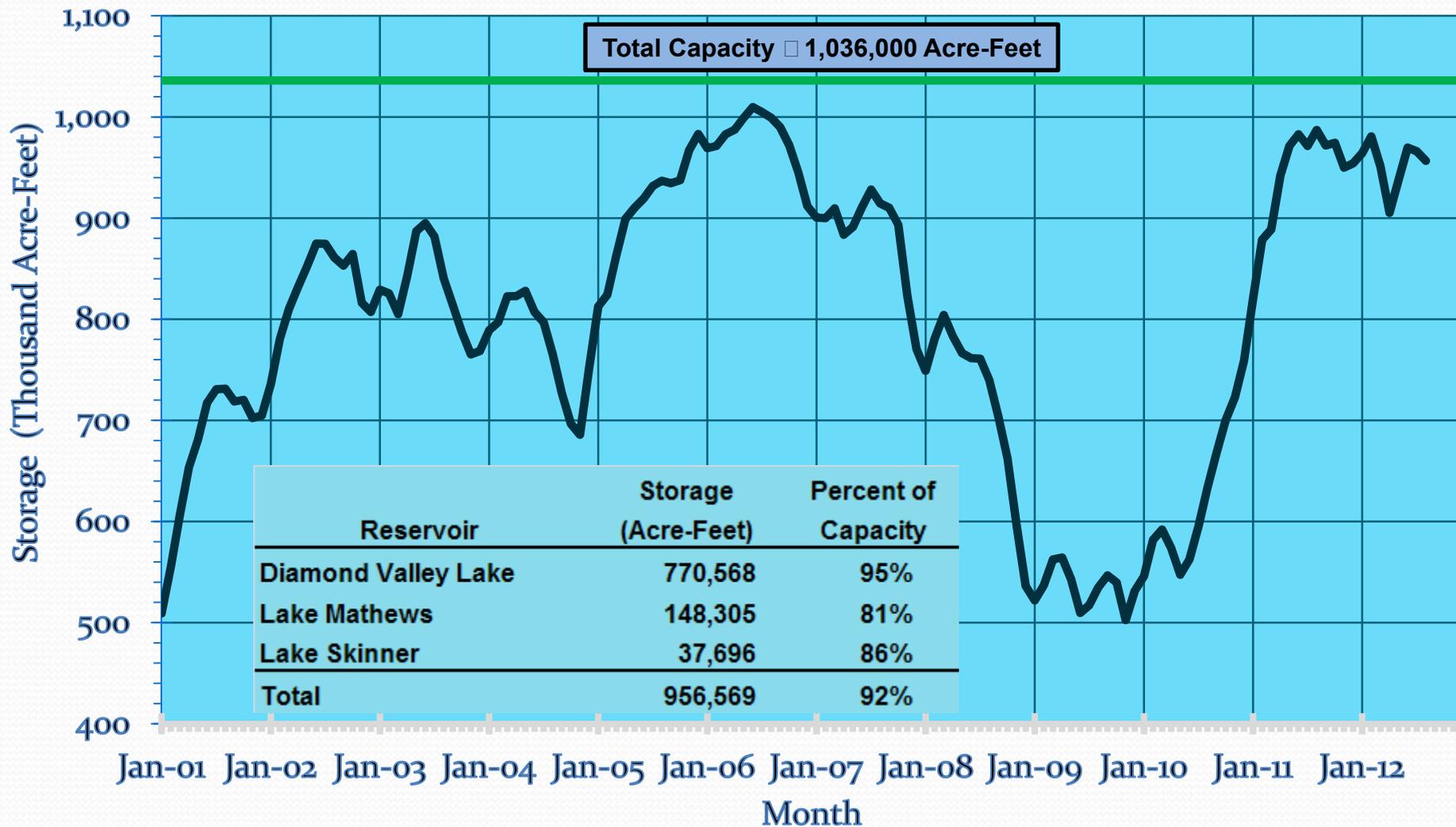


Released Thursday, August 9, 2012  
Mark Svoboda, National Drought Mitigation Center

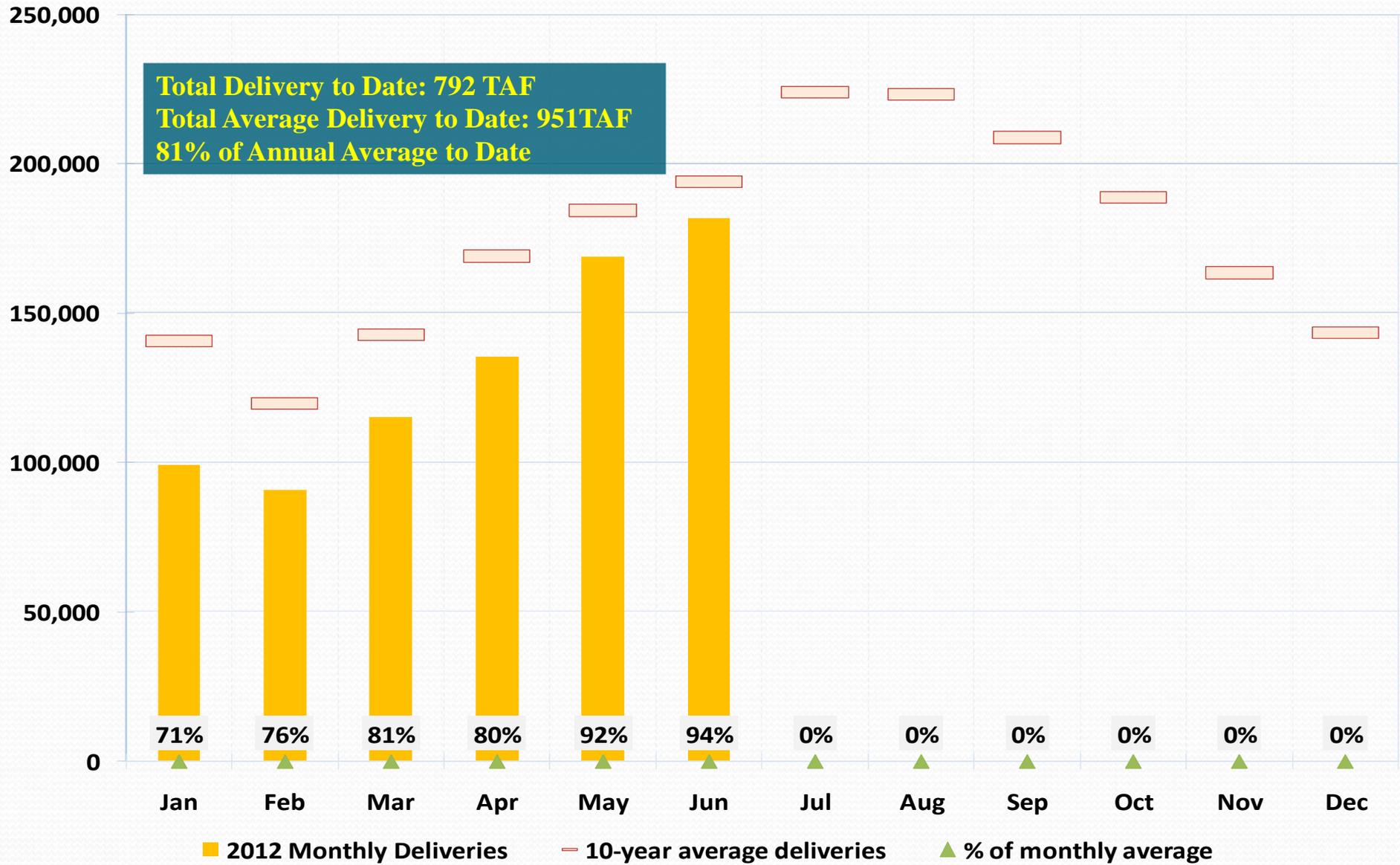
5.b. - State and Local Water Reports

# MWD's Combined Reservoir Storage as of August 1, 2012

Lake Skinner, Lake Mathews, and Diamond Valley Lake



# 2012 Water Deliveries to Member Agencies (AF)



5.c. - Colorado River Operations



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Office of the General Manager

June 29, 2012

Ms. Sandra A. Fabritz-Whitney  
Director  
Arizona Department of Water Resources  
3550 North Central Avenue  
Phoenix, AZ 85012

Mr. Christopher S. Harris  
Acting Executive Director  
Colorado River Board of California  
770 Fairmont Avenue, Suite 100  
Glendale, CA 91303-1035

Ms. Jayne Harkins  
Executive Director  
Colorado River Commission of Nevada  
555 East Washington Avenue, Suite 3100  
Las Vegas, NV 89101-1065

Dear Mses. Fabritz-Whitney and Harkins and Mr. Harris:

Metropolitan's 2013 Plan for the Creation of  
Extraordinary Conservation Intentionally Created Surplus

In accordance with Article 2.5(A) of the Lower Colorado River Basin Intentionally Created Surplus Forbearance Agreement, enclosed is The Metropolitan Water District of Southern California's (Metropolitan) Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus During Calendar Year 2013 (Plan). We are seeking approval to create 200,000 acre-feet of Extraordinary Conservation Intentionally Created Surplus during 2013. Metropolitan's Plan demonstrates how all requirements of the Forbearance Agreement will be met in the creation of Extraordinary Conservation Intentionally Created Surplus.

Metropolitan looks forward to the Secretary of the Interior's review and approval of the Plan in consultation with the Lower Division States. Should you have any questions regarding our Plan, please contact Jan Matusak of Metropolitan's staff at (213) 217-6772.

Very truly yours,

A handwritten signature in cursive script that reads "Bill Hasencamp".

William Hasencamp  
Manager of Colorado River Resources

JPM:jc  
o:\a\s\c\2012\JPM\_ICs Plan Transmittal to ADWR CRB CRCN.docx

Enclosure

## The Metropolitan Water District of Southern California

### Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus During Calendar Year 2013

#### Introduction

This plan for the creation of Extraordinary Conservation Intentionally Created Surplus (ICS) has been prepared pursuant to the specifications outlined in Section 3.B.1 on page 40 of the *Record of Decision: Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* signed by the Secretary of the Interior (Secretary) on December 13, 2007.

Four separate activities are described in this plan, each of which are incorporated as an exhibit to the December 13, 2007, *Lower Colorado River Basin Intentionally Created Surplus Forbearance Agreement* among the Arizona Department of Water Resources, the Palo Verde Irrigation District, the Imperial Irrigation District, the City of Needles, the Coachella Valley Water District, the Metropolitan Water District of Southern California (Metropolitan), the Southern Nevada Water Authority, and the Colorado River Commission of Nevada.

The projected yields of these extraordinary conservation activities for calendar year 2013 are as follows:

	<u>acre-feet</u>
<b>Activity 1:</b> Metropolitan Funded Palo Verde Irrigation District Forbearance and Fallowing Program	62,150*
<b>Activity 2:</b> Metropolitan Funded Imperial Irrigation District Water Conservation Program	105,000**
<b>Activity 3:</b> Metropolitan Funded Water Supply from Desalination	60,800
<b>Activity 4:</b> Metropolitan Funded Water Supply from Lower Colorado Water Supply Project	<u>6,940</u>
Total	234,890

\*Amount may be reduced depending upon Metropolitan's fallowing call for the period beginning August 1, 2013.

\*\*Amount may be reduced depending upon Coachella Valley Water District's use of up to 20,000 acre-feet.

From the yields of these extraordinary conservation activities, Metropolitan plans to create a total of 200,000 acre-feet of Extraordinary Conservation ICS during 2013.

Documentation that the ICS Plan of Creation is in Conformance with any State or Agency Agreements regarding ICS

The amount of Extraordinary Conservation ICS that Metropolitan plans to create is within the limits of Extraordinary Conservation ICS that can be created and accumulated in Lake Mead by



# IID

*A century of service.*

www.iid.com

June 29, 2012

Terry Fulp, Acting Regional Director  
Bureau of Reclamation  
Lower Colorado Region  
P.O. Box 61470  
Boulder City, Nevada 89006-1470

Subject: IID's 2013 Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus

Dear Terry,

Please review the enclosed copy of Imperial Irrigation District's (IID) *2013 Plan for the Creation of Extraordinary Conservation Intentionally Created Surplus* (ICS Plan) in accordance with Section 2.5(A) of the *Lower Colorado River Basin Intentionally Created Surplus Forbearance Agreement* (ICS Forbearance Agreement) dated December 13, 2007.

IID's ICS Plan submittal contains project components that span multiple calendar years (in particular its following program), however IID acknowledges that the terms of the ICS Forbearance Agreement require annual approval of its ICS Plan by the Secretary in consultation with the Lower Division States. Since IID's following program term does not coincide with the calendar year (IID's following program was originally designed to coincide with local field leases – based on the local cropping seasons – and runs from July 1<sup>st</sup> of one year through June 30<sup>th</sup> of the following year), assumptions envisioned under the ICS program, IID continues to request that Reclamation consider approving its ICS Plans for multiple years when approved conservation projects are materially unchanged in order to facilitate program contracting.

While IID is submitting an ICS plan to allow for the creation of up to 25,000 acre-feet of extraordinary conservation in 2013, this request will likely decrease due to IID's focus on meeting its 2013 water transfer and 2011 inadvertent overrun payback obligations. IID may modify its water order as appropriate as more information becomes available.

Should you have any questions regarding the IID 2013 ICS Plan, please contact me at (760)339-9083.

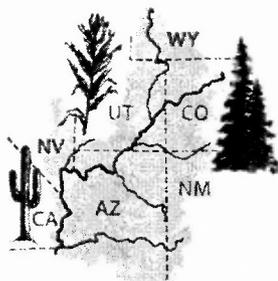
Sincerely,

David Bradshaw  
Assistant Water Department Manager  
Agricultural Water Management

encl: IID 2013 ICS Plan

cc: Chris Harris, CRB  
Bill Hasencamp, MWD  
Halla Razak, SDCWA  
Steve Robbins, CVWD





# Colorado River Basin SALINITY CONTROL FORUM

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## MEMORANDUM 2012-60

**TO: Forum Members**

**FROM: Don A. Barnett, Executive Director**

**SUBJECT: CONGRESS/LEGISLATION - 2012 Farm Bill Update**

**DATE: August 7, 2012**

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This memorandum is a continuum of prior memoranda and provides an update on the continuing saga of the 2012 Farm Bill. You might recall that in June 2012, the Senate passed its version of the 2012 Farm Bill. That version provided for ramped-up funding under EQIP to \$1.65 billion annually. In July, the House Ag Committee passed its version of the 2012 Farm Bill, which was very similar to that passed by the Senate, but ultimately included \$1.75 billion in EQIP funding. Since that time the Farm Bill has stalled, with the House Speaker unwilling to allow the bill to come to the full House floor for debate and vote.

Last week the House had a one-year Farm Bill extension legislation ready for a floor vote, and then it was pulled at the last minute. Later the Agricultural Disaster Assistance Act of 2012 (H.R. 6233) was brought forward instead of the one-year extension, and it passed the House by a vote of 223 to 197. This legislation is designed to provide \$383 million in livestock indemnity and other assistance due to the significant drought that the nation is facing. Funding for the Agricultural Disaster Assistance Act is to come through future cuts in the Environmental Quality Incentives Program and the Conservation Stewardship Program. What is unclear to me is the fact that H.R. 6233 modifies funding under EQIP showing \$1.75 billion in 2012, \$1.4 billion in 2013 and \$1.75 billion in 2014. Hence, they can show a savings of \$350 million in 2013 over what was proposed by the House Ag Committee under the 2012 Farm Bill. However, the 2012 Farm Bill is not yet law. Also, one needs to recognize that these are the authorized amounts and not the appropriated amounts. The actual funding under EQIP has been closer to the \$1.4 billion and thus, if appropriations matched the authorized amount in 2013, then EQIP would be funded at about the same level that it has in the past few years.

**Memorandum 2012-60**

**August 7, 2012**

**Page Two**

Another item to consider is whether or not placing funding caps in the Agricultural Disaster Assistance Act in essence authorizes it for funding or continuation in 2013 and 2014.

Lastly, one needs to remember that this is simply what has moved through the House, and it is unclear whether or not the Senate will be receptive to the House legislation. Congress is now on recess until the week after Labor Day and hence, there are not very many working days left in the federal fiscal year before the authorities under the Farm Bill expire.

Attached hereto are several documents which you may find of interest, including one floor statement of Chairman Frank D. Lucas relative to the Agricultural Disaster Assistance Act of 2012, a copy of H.R. 6233, which shows changes in EQIP funding amounts on pages 22 and 23, and some information provided to us by Travis which seeks to explain some of the House actions in the past week.

We will continue to monitor activities relative to the Farm Bill, but would welcome insight and perspectives from Forum members. Updates and links are provided on the Forum website.

attachments

cc: Work Group, Federal Salinity Coordinators

# **Floor Statement of Chairman Frank D. Lucas U.S. House Consideration of H.R. 6233, Agricultural Disaster Assistance Act of 2012**

*(As prepared for delivery)*

AUG 2, 2012

## **MEDIA CONTACT:**

Tamara Hinton, 202.225.0184

[tamara.hinton@mail.house.gov](mailto:tamara.hinton@mail.house.gov)

Mr. Speaker, I rise today in support of HR 6233, which provides disaster aid to livestock and other producers.

I am sure all my colleagues are keenly aware of what is happening all across this great country. A drought of epic proportions is gripping a large majority of the nation and with it is endangering vast areas of productive agriculture land.

The map behind me illustrates just how widespread and how bad this drought really is. Just yesterday in my home state of Oklahoma we had temperatures topping out at 115 degrees. Vast areas of productive pastureland are burning up and our ranchers are in dire need.

But also let's be very clear of why we are here on the floor today. In 2008 the Congress passed a farm bill that did not provide a final year of disaster assistance. I have heard people calling this "extending disaster assistance by a year."

No. What we are doing is fixing a problem.

We are backfilling a hole or fixing a deficiency. I am not here to point fingers. I was elected to fix problems. We have a drought. We don't have a disaster program. I am here to provide a solution.

Now, in past years we might just waive our hand and declare this as emergency spending, but we tend not to do that anymore. So, this bill pays for itself and not only does it pay for itself, it gives more than \$250 million to deficit reduction. To me that sounds like fixing a problem.

Amazingly, that's not the end of the story.

Some people do not like how we paid for the bill. Quite frankly, I don't either. I was the Subcommittee Chairman for conservation programs in 2002 when we gave an extra \$17 billion to

conservation programs. I am a proponent of voluntary incentive-based conservation programs, but let me give you a little history on EQIP funding.

Ten years ago, in fiscal year 2002 we authorized \$200 million in EQIP spending. In fiscal year 2009, we authorized \$1.34 billion and for fiscal year 2013 we authorized \$1.75 billion. Yes, we are cutting real dollars: \$350 million that will not go to our farmers and ranchers to help comply with the enormous regulations facing them. But, at the end of the day this will be the largest amount of money ever to be spent on the EQIP program, seven times as much as we spent in 2002.

The other offset is the CSP program, which was vastly improved in 2008. We are limiting enrollment for one year to 11 million acres. For those of you here in 2008 who voted for the farm bill, the CSP program in the House bill had zero dollars. Zero. In the just-passed Ag Committee farm bill, we limited CSP to 9 million acres. I greatly respect the conservation community, but to hear them say we are destroying conservation programs could not be farther from the truth.

You will also hear people complain that this isn't the full farm bill. My priority remains to get a five-year farm bill on the books and put those policies in place, but the most pressing business before us is to provide disaster assistance to those producers impacted by the drought conditions who are currently exposed. It is as simple as that: there is a problem out there, let's fix it.

Now let me address the farm bill that my colleagues seem to either love or hate, or love to hate, or hate to love. The bill is not perfect, no legislation is. Now we can spend our time trying to chip at the federal deficit \$1 million at a time coming down to the floor during every appropriations bill, or we can spend our time writing opinion pieces in the Wall Street Journal, or we can do something about it. The farm bill that passed out of my Committee saves over \$35 billion.

Let me repeat that: \$35 billion.

Show me another piece of legislation that has bipartisan support and a chance to pass the U.S. Senate that saves that much money.

Now my friends on my side of the aisle will say we don't cut enough, while my friends on the other side of the aisle say we cut too much. This is the perfect case of letting the perfect be the enemy of the good. I believe in the legislative process. I believe in letting the House work its will. We did it in the House Agriculture Committee and we can do it here, too.

Mr. Speaker, let me say again, I am committed to giving certainty to our farmers and I plan to work toward that goal when we get back in September, but we are here today to fix a problem.

Let's do it without the partisan bickering.

There is a disaster happening out there. Let's give the tools to our ranchers who are the most exposed. The bill is paid for, let's do what the American people sent us here to do and that's fix problems.

I urge my colleagues to join me in voting for H.R. 6233.

I yield back the balance of my time.

## UPDATES

### **One-Year Farm Bill Extension Pulled from House Docket**

Tuesday evening, House leaders pulled consideration of the proposed one-year Farm Bill extension from the Docket. The decision was made to move toward a narrower disaster aid package to address the immediate needs of drought-stricken livestock producers. The House Rules Committee had been slated to take up the extension in anticipation of floor votes on Wednesday, but shortly before the 5 PM meeting, the measure was pulled. Later that evening, a substitute measure was filed that would restore expiring livestock indemnity and forage programs.

Read more: <http://www.politico.com/news/stories/0712/79192.html#ixzz22FToSIRt>

### **Drought Relief Package Passes House**

The Agricultural Disaster Assistance Act of 2012 (H.R. 6233), the narrower disaster package put forward in lieu of a one-year Farm Bill extension, was taken up and passed by the House on August 2. The House voted 223 to 197 in favor of the legislation, which makes available \$383 million in livestock indemnity and tree assistance to producers as they combat the worst drought conditions in 50 years. The bill was considered under a closed rule, meaning that no amendments were allowed, and provided for one motion to recommit. A simple majority was required for passage.

Because the bill would affect direct spending, legislators had to identify savings to cover the costs, which they found through over \$600 million in reductions to the Environmental Quality Incentives Program and the Conservation Stewardship Program over 10 years. As a result, the congressional Budget Office (CBO) estimates that enacting the disaster legislation would reduce direct spending by \$256 million over the 2013-2022 period. The measure moves to the Senate, where it may be taken up in September, although observers are skeptical about the likelihood of passage.

### **Farm Bill**

Entering into the Farm Bill debate this week, Secretary Vilsack told Politico, "We need a five-year bill". In addition, a coalition of sixteen conservation groups on Monday sent a letter to House Speaker John Boehner (R-OH) to push for a five-year farm bill rather than a one-year extension as well.

**The House Farm Bill version, H.R. 6083, Federal Agriculture Reform and Risk Management Act of 2012, can be found**

at: <http://agriculture.house.gov/sites/republicans.agriculture.house.gov/files/documents/HR6083FARRM.pdf>

**The Senate Farm Bill version, S. 3240, the Agriculture Reform, Food and Jobs Act of 2012, can be found**

at: <http://www.gpo.gov/fdsys/pkg/BILLS-112s3240pp/pdf/BILLS-112s3240pp.pdf>

**Continuing Resolution Agreed Upon**

On July 31<sup>st</sup>, congressional leaders in both parties reached an agreement to keep the federal government funded under a stopgap continuing resolution (CR) until the end of March. Under the agreement, leaders appeared to be willing to follow the funding levels established under the Budget Control Act (\$1.047 trillion level for fiscal 2013), which is higher than Rep. Ryan's budget proposal. Lawmakers will take up the CR measure when they return in September, while debate over the full year's appropriations is not expected to occur until the new Congress arrives in January 2013.

**The Latest on the Sequester**

The White House Office of Management and Budget (OMB) is beginning discussions with federal agencies on the across-the-board spending cuts set to occur in five months. The White House has warned that the \$1.2 trillion in cuts would wreak havoc on national security and domestic programs. As the sequestration gets closer, OMB will start calculating how much each agency will have to cut its budget.

Increasingly, Congress appears to be weighing the potential effects of such deep spending cuts and that unnecessary costs would be incurred if agencies had to analyze the impact of the cuts on their programs, only to have the sequester averted by a congressional alternative. (As reported in last week's Legislative Summary, Congress sent a bill to the President's desk that requires the White House to produce a detailed report of how the cuts will affect agencies.)

3.b. - Status report for filing the Board's Executive Director position

# The Bagley-Keene Open Meeting Act 2004

## CLOSED SESSIONS

Although, as a general rule, all items placed on an agenda must be addressed in open session, the Legislature has allowed closed sessions in very limited circumstances, which will be discussed in detail below. Closed sessions may be held legally only if the body complies with certain procedural requirements. (§ 11126.3)

As part of the required general procedures, the closed session must be listed on the meeting agenda and properly noticed. (§ 11125(b).) Prior to convening into closed session, the body must publically announce those issues that will be considered in closed session. (§ 11126.3.) This can be done by a reference to the item as properly listed on the agenda. In addition, the agenda should cite the statutory authority or provision of the Act which authorizes the particular closed session. (§11125(b).) After the closed session has been completed, the body is required to reconvene in public. (§ 11126.3(f).) However, the body is required to make a report only where the body makes a decision to hire or fire an individual. (§ 11125.2.) Bodies under the Bagley-Keene Act are required to keep minutes of their closed sessions. (§ 11126.1.) Under the Act, these minutes are confidential, and are disclosable only to the board itself or to a reviewing court.

Courts have narrowly construed the Act's closed-session exceptions. For example, voting by secret ballot at an open-meeting is considered to be an improper closed session. Furthermore, closed sessions may be improperly convened if they are attended by persons other than those directly involved in the closed session as part of their official duties.

### ■ Personnel Exception

The personnel exception generally applies only to employees. (§ 11126(a) and (b).) However, a body's appointment pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution (usually the body's executive director) has been designated an employee for purposes of the personnel exception. On the other hand, under the Act, members of the body are not to be considered employees, and there exists no personnel exception or other closed session vehicle for board members to deal with issues that may arise between them. Board elections, team building exercises, and efforts to address personality problems that may arise between members of the board, cannot be handled in closed session.

Only certain categories of subject matter may be considered at a closed session authorized under the personnel exception. (§ 11126(a)(1).) The purpose of the personnel exception is to protect the privacy of the employee, and to allow the board members to speak candidly. It can be used to consider appointments, employment, evaluation of performance, discipline or dismissal, as well as to hear charges or complaints about an employee's actions. Although the personnel exception is appropriate for discussion of an employee's competence or qualifications for appointment or employment, we do not think that discussion of employee compensation may be conducted in closed

session in light of an appellate court decision interpreting a similar exception in the Brown Act, (the counterpart to the Bagley-Keene Act which is applicable to local government bodies).<sup>5</sup>

The Act requires compliance with specific procedures when the body addresses a complaint leveled against an employee by a third person or initiates a disciplinary action against an employee. Under either circumstance, the Act requires 24-hour written notice to the employee. (§ 11126(a)(2).) Failure to provide such notice voids any action taken in closed session.

Upon receiving notice, the employee has the right to insist that the matter be heard in public session. (§ 11126(a)(2).) However, the opposite is not true. Under the Act, an employee has no right to have the matter heard in closed session. If the body decides to hold an open session, the Bagley-Keene Act does not provide any other option for the employee. Considerations, such as the employee's right to privacy, are not addressed under the Bagley-Keene Act.

If an employee asserts his or her right to have the personnel matter addressed in open session, the body must present the issues and information/evidence concerning the employee's performance or conduct in the open session. However, the body is still entitled to conduct its deliberations in closed session. (§ 11126(a)(4).)

■ **Pending Litigation Exception**

The purpose of the pending litigation exception is to permit the agency to confer with its attorney in circumstances where, if that conversation were to occur in open session, it would prejudice the position of the agency in the litigation. (§ 11126(e)(1).) The term "litigation" refers to an adjudicatory proceeding that is held in either a judicial or an administrative forum. (§11126(e)(2)(c)(iii).) For purposes of the Act, litigation is "pending" in three basic situations. (§11126(e)(2).) First, where the agency is a party to existing litigation. Secondly, where under existing facts and circumstances, the agency has substantial exposure to litigation. And thirdly, where the body is meeting for the purpose of determining whether to initiate litigation. All of these situations constitute pending litigation under the exception.

For purposes of the Bagley-Keene Act, the pending litigation exception constitutes the exclusive expression of the attorney-client privilege. (§ 11126(e)(2).) In general, this means that independent statutes and case law that deal with attorney-client privilege issues do not apply to interpretations of the pending litigation provision of the Bagley-Keene Act. Accordingly, the specific language of the Act must be consulted to determine what is authorized for discussion in closed session.

Because the purpose of the closed session exception is to confer with legal counsel, the attorney must be present during the entire closed session devoted to the pending litigation. The Act's pending litigation exception covers both the receipt of advice from counsel and the making of

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<sup>5</sup>*San Diego Union v. City Council* (1983) 146 Cal.App.3d 947.