



IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P. O. BOX 937 • IMPERIAL, CALIFORNIA 92251

December 22, 2008

Ms. Lorri Gray
Bureau of Reclamation
Lower Colorado Regional Office
Attn BC00-4200
P.O. Box 61470
Boulder City, NV 89006-1470

EXTRA COPY		
DATE	INITIALS	FR
12/29/08	Ju	4222
FILE		

copy
of
BOR
4222

Subject: IID Revised Estimates of Diversion – Colorado River 2009
(Ref. BCOO-4226/WTR 4.03)

Dear Ms. Gray:

This letter is to revise the Imperial Irrigation District's previous submittal to the Bureau of Reclamation (BOR) regarding IID's 2009 expected water use. This revised estimate constitutes IID's water "order" for 2009 and should replace our November 20, 2008 letter. Please note that these changes are a result of the Secretary of the Interior's interim determination of the quantity of water conserved as a result of the All-American Canal Lining Project (AACLP) for Reach 2 and Reach 3, along with the inclusion of a preliminary estimate of the conserved water yield for Reach 1 assuming current construction schedules are maintained and the AACLP continues as anticipated. IID's order also considers (1) demand for irrigation water as a result of actual weather, crop selection, and market factors varying from long-term historical averages; (2) tentative approval of a credit of 8,957 acre-feet of II(B)(6) unused apportionment from calendar year 2006; and (3) provisional 2006 and 2007 decree accounting records. Finally, this letter utilizes the *Accounting Methodology for IID Canal Losses Key Terms of Agreement* dated October 3, 2007 between IID and BOR. Should there be any changes to this methodology, it may or may not require further revision to the 2009 water order.

This water order should be considered by the BOR in the context of the signed Quantification Settlement Agreement (QSA) and the reservation of legal positions contained in the dismissal of IID v. USA, et al. As historically recognized by BOR and the position of many other Colorado River contractors, water orders submitted in advance of the water year are merely estimates of anticipated water use that may need adjustment based on a wide variety of variables that impact water use during the course of a year. No Colorado River contractor can predict exactly what it will need the following year; it can only make an educated guess. Thus, water orders may require subsequent revision and should not be perceived as a volume limitation on the annual exercise of the water right.

Thus, IID submits this water order without limiting IID's 2009 water rights. However, IID acknowledges that the QSA itself provides an annual volume limitation. Pursuant to that agreement, IID quantified its Priority 3 consumptive use at a maximum of 3.1 million acre-feet per year during the term of the QSA. IID anticipates (but does not limit itself except by the terms of the QSA) a consumptive use need of 2,799,636 acre-feet for 2009. Pursuant to the QSA, and assuming implementation of the QSA as agreed to by all other parties without material changes or failure, IID's estimated water order for 2008 is as follows:

IID Revised 2009 Estimated Consumptive Use Table in Acre-Feet (December 22, 2008)	
Priority 3 Cap	3,100,000
Miscellaneous PPR's	(11,500)
1988 IID/MWD Agreement ¹	(105,000)
IID/SDCWA Transfer	(60,000)
Salton Sea Mitigation	(30,000)
AAC Lining ²	(59,670)
IID/CVWD Transfer	(8,000)
IOPP Payback – 2006 ^{3,4}	0
IOPP Payback – 2007 ^{4,5,6}	(1,194)
Early IOPP Payback – 2008 ^{6,7,8}	0
Estimate of Intentionally Created Surplus Water ^{8,9}	(25,000)
Colorado River Reregulation Conservation and Storage in Salton Sea	0
Total IID Revised 2009 Consumptive Use Estimate	2,799,636

- ¹ In 2007 (by agreement between IID and MWD), the annual conservation yield of the 1988 IID/MWD Agreement was fixed at 105,000 AF.
- ² The AAC Lining Project conservation yields for Reaches 2 and 3 are based on the Secretary of the Interior's Interim Determination and are 14,760 AF and 3,320 AF respectively. The partial year conservation yield for Reach 1 in 2009 is estimated to be 41,590 AF, but is subject to change based on construction progress and a final determination.
- ³ IID's 2006 IOPP payback obligation was completed in 2008 (two years ahead of schedule).
- ⁴ Subject to revision based on finalization of (a) 2006 decree accounting showing an IID estimated overrun of 18,914 acre-feet and (b) 2007 decree accounting showing an IID estimated overrun of 7,049 acre-feet, and (c) 1,263 acre feet conservation credit for early 2006 overrun payback in 2007. These estimates also include a credit of 8,957 acre-feet from II(B)(6) unused apportionment in calendar year 2006.
- ⁵ This will complete IID's 2007 IOPP payback obligation (two years ahead of schedule).
- ⁶ The truing up of all 2008 and 2009 following, main canal seepage interception, and on-farm efficiency conservation pilot program yields after year-end may require an adjustment to this volume, as would approval of any requested II(B)(6) water to reduce IID's 2007 overrun obligation or any 2008 overrun obligation.
- ⁷ Subject to revision based on IID's 2008 end-of-year consumptive use and finalization of 2008 decree accounting.
- ⁸ Final contracting of IID's 2009-2010 Following Program and a true-up of all 2009 IID following and other conservation program yields at year end will require an adjustment to this volume.
- ⁹ Pursuant to Section 3.B.9 of the Interim Guidelines for the Operation of Lake Powell and Lake Mead, IID's estimated volume of ICS water may decrease in 2009 with the appropriate notifications.

IID Revised 2009 Estimated River Diversion Table in Acre-Feet	
Total IID Revised 2009 Consumptive Use Estimate	2,799,636
2009 Estimated Consumptive Use met by LCWSP ¹⁰	(8,030)
Total IID Revised 2009 Consumptive Use at River	2,791,606
2009 Revised Calculated Return Flow Credit ¹¹	68,409
Total IID Revised 2009 Calculated River Diversion Estimate	2,860,015

This 2,799,636 AF of consumptive use would require diversions of approximately 2,860,015 AF from the Colorado River in 2009 (given a calculated return flow credit estimate of 68,409 AF and taking into account 8,030 AF of exchange water from the Lower Colorado Water Supply Project (LCWSP)).¹² Any changes to the actual 2009 LCWSP pumping will, of necessity, result in changes to IID's actual Colorado River diversion and the associated return flow credit estimate. This annual water order estimate is based upon average conditions for rainfall, salinity and likely 2009 cropping patterns, including multiple cropped acreage and normal economic conditions in crop markets. Actual diversions in 2009 will, of necessity, reflect changed circumstances as they evolve including the final contracting of the 2009-2010 Following Program and the truing up all IID following and other conservation program yields at year end.

Finally, please let this letter serve as a request by IID for any unused apportionment available to California in 2009 under Section II(B)(6) of the United States Supreme Court Decree, to be used for reducing any inadvertent Overrun of IID's in 2009. BOR has informed IID that requests for II(B)(6) water need to be made in the calendar year in which II(B)(6) water is available, however IID believes that informing BOR as early as possible of its desire for II(B)(6) water can only be helpful to BOR's administration of the Colorado River. As such, IID provides this *early* notice of its request with the understanding that, similar to its inability to exactly predict now how much IID will consumptively use in 2008 because of the number of variables that can affect IID's consumptive use, BOR cannot accurately predict how much or whether there will be any II(B)(6) water available to satisfy IID's request. We appreciate the BOR's willingness to keep IID informed about this, and IID will reiterate its request for II(B)(6) water in 2009 for BOR's convenience. On a related note, approval of IID's April 19, 2007, October 4, 2007, January 2, 2008, and/or November 18, 2008 requests for II(B)(6) water to reduce IID's 2007 and/or 2008 overrun may necessitate additional adjustments to this water order to reflect credit for the II(B)(6) water and a subsequent reduction in IID's payback obligations.

¹⁰ BOR contractor orders totaled 8,130 acre-feet, however IID estimates the maximum LCWSP yield is 8,030 AF. Actual pumped volumes and projections should be updated by BOR throughout 2009.

¹¹ Based on CY2002 Bureau of Reclamation monthly use/diversion ratios as provided by Rod Carson in an email to Tina Shields dated 11/12/03 and reconfirmed by Paul Matuska 9/22/08. IID reserves its right to dispute the return flow formula utilized by BOR, but accepts BOR's ratios solely for the purpose of making an estimate in this letter.

¹² See attachment entitled Imperial Irrigation District Estimated 2008 Water Diversion Requirements for a monthly breakdown of estimated diversions.

Ms. Lorri Gray
December 22, 2008
Page 4

With regard to the Part 417 Consultation Questionnaire, a response from IID was sent under separate cover on September 15, 2008. If you have any questions regarding these issues, please contact me at 760-339-9287.

Sincerely,


MICHAEL L. KING
Manager, Water

MLK/mn
attachment

cc: Ruth Thayer, BOR
Paul Matuska, BOR

IID Estimated 2009 Revised Water Diversion Requirements in Acre-Feet (12/22/2008)				
Month	Estimated IID Consumptive Use from CR	2002 Monthly Use Ratios (use/diversion)¹	Estimated Monthly Return Flow	Calculated Imperial Dam Diversion Estimate
January	135,347	0.97548	3,402	138,749
February	165,779	0.99151	1,420	167,198
March	260,161	0.99621	990	261,151
April	355,346	0.98758	4,469	359,815
May	303,679	0.97212	8,709	312,389
June	248,982	0.98221	4,510	253,492
July	302,734	0.98807	3,655	306,390
August	276,961	0.97402	7,387	284,348
September	242,047	0.96538	8,680	250,727
October	221,735	0.95033	11,589	233,324
November	154,633	0.96883	4,975	159,608
December	124,201	0.93508	8,623	132,824
Sub-Total	2,791,606		68,409	2,860,015

IID 2008 Consumptive Use Estimate Met by LCWSP²	8,030
---	--------------

IID 2008 Consumptive Use Estimate (CU from CR+ LCWSP)	2,799,636
--	------------------

¹ CY2002 Bureau of Reclamation monthly use/diversion ratios as provided by BOR's Rod Carson in an email to Tina Shields dated 11/12/03 and reconfirmed by Paul Matuska 9/22/08. IID reserves its right to dispute the return flow formula utilized by BOR, but accepts BOR's ratios solely for the purpose of making an estimate in this letter.

² 2009 order not yet received from LCWSP contractors. However, IID estimates that it will be requested to maximize this project's yield, which is estimated to be 8,030 acre-feet annually. Actual pumped volumes and projections should be updated by BOR throughout 2009.