

BCOO-4226
WTR-4.03

DEC 30 2008

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. George M. Caan
Executive Director
Colorado River Commission of Nevada
555 East Washington Avenue, Suite 3100
Las Vegas, NV 89101-1065

Subject: Approval of Calendar Year 2009 Diversion for the State of Nevada (State)

Dear Mr. Caan:

In accordance with Title 43, Code of Federal Regulations Part 417, this letter informs the State of the determination of the Bureau of Reclamation regarding the proposed diversion and beneficial use of Colorado River water during calendar year 2009 by the State entitlement holders. The State's cover letter notifies Reclamation of the State's intent to divert 30,000 acre-feet of Intentionally Created Surplus (ICS) during calendar year 2009 according to the December 13, 2007, ICS Delivery Agreement (Delivery Agreement).

Under its Colorado River water delivery contract with the United States, the State is entitled to divert a quantity of Colorado River water sufficient to satisfy a consumptive use of 300,000 acre-feet. The State's diversion right is shared between (1) entitlement holders whose right to divert and consume Colorado River water existed prior to the formation of the Southern Nevada Water Authority (SNWA) in 1991, and (2) SNWA and its purveyor members in accordance with the entitlements established in the SNWA contract and its subcontracts with its purveyor members.

The State is requesting approval for the diversion of 30,000 acre-feet of Tributary Conservation ICS during calendar year 2009. By letter dated December 9, 2008, Reclamation approved SNWA's plan that provides for the creation of 30,000 acre-feet of Tributary Conservation ICS in 2009. This letter approves the use of 28,500 acre-feet of ICS (reduced for a mandatory 5 percent system assessment) in 2009 pursuant to the Delivery Agreement.

Based upon review of factors relating to the estimate of diversions required by the State, Reclamation hereby approves the diversion of up to 543,769 acre-feet of Colorado River water for use by the State's entitlement holders for 2009. This approval is conditioned on Nevada's total consumptive use not exceeding 328,500 acre-feet for calendar year 2009.

Reclamation will monitor and project diversions and consumptive use of Colorado River water during calendar year 2009 in an effort to ensure that the entitlement of each authorized user is not exceeded. Beginning in February 2009, these projections will be available to water users on a daily basis on Reclamation's web site: www.usbr.gov/lc/region/g4000/hourly/forecast09.pdf. It is expected that the State's entitlement holders will use this information to adjust diversions to remain within approved annual quantities.

Thank you for the submittal of the State's diversion estimate for 2009. If you have questions, please contact Ms. Ruth Thayer at 702-293-8426.

Sincerely,



Lorri Gray
Regional Director

cc: Mr. Herb R. Guenther
Director
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cc: Continued from previous page.

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bc: Regional Director, Boulder City, NV
 Attention: LC-2000,
 Area Manager, Boulder City, NV
 Attention: BCOO-4200, BCOO-4600, BCOO-4623, BCOO-4222, BCOO-4233,
 BCOO-4230

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