September 8, 2010

Janice Staudte, Superintendent
Colorado River Agency
Bureau of Indian Affairs
12124 1st Avenue
Parker, Arizona  85344

Re: Colorado River Diversions

Dear Ms Staudte:

As requested by your office, enclosed is the Fort Mojave Indian Tribe’s best estimate of Colorado River diversions for 2011 and the completed 417 Questionnaire. These estimates are preliminary because our principal water user, the Tribe’s Avi Kwa’Ame Farms will not finalize its 2011 crop plan for several months.

As you know, in California the Tribe overran our estimated diversions in 2006, 2007 and 2009. In each year in California, the Tribe’s overruns exceed the amount of water it is entitled to divert under its decreed water rights. We made partial “payback” for our overruns in 2008 and in 2010 the Tribe is obligated to payback 4,070 acre feet. We are on schedule to meet that payback obligation.

The Tribe has calculated that it will still owe the Colorado River system 2,255 acre feet on January 1, 2011. and our estimate of our 2011 diversions include this payback amount. We understand that the Bureau of Reclamation claims that the Tribe owes more water than what we have calculated due to additional overruns in 2009, based on BOR’s reference to an “approved order.” We understand that decision was made by a technical committee whose membership is composed of state representatives. We reject BOR’s reliance on an “approved order” and dispute its technical committee’s claim that the Tribe owes more than 2,255 acre-feet to complete the Tribe’s payback for its prior years’ overruns.
The Bureau of Reclamation’s authority to approve or disapprove water orders is based upon its authority to contract with water users under the Boulder Canyon Project Act. The Tribe’s right to divert and use Colorado River water was decreed by the United States Supreme Court in *Arizona v California*; it does not have, nor does it need a contract with BOR to utilize its vested Colorado River water. In our opinion, any action by the BOR that in any way limits our ability to divert our full vested water rights is a violation of the United States’ decrees which are now fully incorporated into what is referred to as the “Consolidated Decree,” issued by the Supreme Court.

We agree that to properly manage the River, BOR needs to determine how much water will be used each year, including how much water the Tribe will use. We have and will continue to provide BOR with timely reports on our use and our projected demands. We also agree that the Tribe, as well as other water users, should be required to payback their overruns when the Tribe exceeds its decreed water rights. However, we do not believe that BOR’s calculation of the Tribe’s water use and overruns should be made by a state controlled technical committee. Proper consideration of the Tribe’s sovereign status and our government to government relationship with the BOR requires that the calculation of the Tribe’s overruns and the schedule for payback of those overruns be determined by the Tribe and BOR without interference of or evaluation by the state run technical committee.

We hope that the Bureau of Indian Affairs will assist the Tribe (and other Tribes on the River) in addressing this issue with the Bureau of Reclamation.

Sincerely,

John Algots, Director

cc

Timothy Williams, Chairman
Fort Mojave Indian Tribe

Lorri Grey-Lee, Regional Director
Lower Colorado River Region
US Bureau of Reclamation

Tod J Smith, Esq.
FORT MOJAVE INDIAN RESERVATION

2011 ESTIMATE OF DIVERSEIONS OF COLORADO RIVER WATER TO BE DIVERTED FROM THE MAINSTEM AND WELLS IN THE FLOODPLAIN

<table>
<thead>
<tr>
<th>MONTH</th>
<th>ARIZONA</th>
<th>CALIFORNIA</th>
<th>NEVADA</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY</td>
<td>2,000</td>
<td>800</td>
<td>100</td>
<td>2,900</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>3,000</td>
<td>800</td>
<td>300</td>
<td>4,100</td>
</tr>
<tr>
<td>MARCH</td>
<td>5,000</td>
<td>1,200</td>
<td>400</td>
<td>6,600</td>
</tr>
<tr>
<td>APRIL</td>
<td>6,000</td>
<td>1,800</td>
<td>500</td>
<td>8,300</td>
</tr>
<tr>
<td>MAY</td>
<td>8,000</td>
<td>1,800</td>
<td>500</td>
<td>10,300</td>
</tr>
<tr>
<td>JUNE</td>
<td>12,000</td>
<td>1,600</td>
<td>900</td>
<td>14,500</td>
</tr>
<tr>
<td>JULY</td>
<td>12,000</td>
<td>1,200</td>
<td>900</td>
<td>14,100</td>
</tr>
<tr>
<td>AUGUST</td>
<td>10,000</td>
<td>1,100</td>
<td>900</td>
<td>12,000</td>
</tr>
<tr>
<td>SEPTEMBER</td>
<td>6,000</td>
<td>1,000</td>
<td>500</td>
<td>7,500</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>5,000</td>
<td>665</td>
<td>400</td>
<td>6,065</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>4,000</td>
<td>1,400</td>
<td>300</td>
<td>5,700</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>2,000</td>
<td>1,100</td>
<td>100</td>
<td>3,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>75,000</td>
<td>14,465</td>
<td>5,800</td>
<td>95,265</td>
</tr>
</tbody>
</table>

Entitlement | 103,535 | 16,720 | 12,534 | 132,789 |
Total / Entitlement (%) | 76.3 | 86.5 | 46.3 | 71.7 |
I.O.P. Payback | 0 | 2,255 | 0 | 2,255 |

The above is the Fort Mojave Indian Tribe's best estimate of diversions in 2011. It is only an estimate and the Tribe reserves the right to divert up to full entitlement at its sole discretion.

Prepared by
FMIT Physical Resources Department
September 1, 2010
FORT MOJAVE INDIAN TRIBE
43 CFR Part 417.3 Consultation Questionnaire for 2011

AREA TO BE IRRIGATED
Have you added or reduced the number of turnouts or cultivated acres in the Tribe's service area

2010 Response
No change

2011 Response
Actual cultivated acres
Arizona- 10,502 (400 a added in 2010)
California – 3,153
Nevada- 429

CLIMATIC CONDITIONS
List weather stations used, annual mean temperature, annual rainfall and reference evapotranspiration

2010 Response
Average rainfall is 4 inches
3 inches Dec-Mar
1 inch Aug/Sep

2011 Response
AZMET- Mohave Station
Average mean temperature 67.4
Average rainfall 4.00 inches
ET0 84 inches

LOCATION
Have there been any changes in the location of the Tribe's facilities (e.g. canals, laterals, gates etc)

2010 Response
No change

2011 Response
No change

LAND CLASSIFICATION
Quantify crop acres moved between soil classifications and projected impact on water use

2010 Response
No change

2011 Response
No change
KINDS OF CROPS RAISED
List changes in crop types (e.g., more/less alfalfa than last year etc) and the projected impact on water use

Alfalfa hay—5,868 acres
Upland cotton—5,196 acres
Bermuda grass seed/hay—978 acres
Misc. hay and pasture—1,650 acres
Mixed vegetables—20 acres

429 acres in Nevada will go from cotton to alfalfa increasing water usage. 400 acres of alfalfa will be added in Arizona increasing usage

CROPPING PRACTICES
Identify changes to cropping patterns (e.g., sprinkle germination etc) and the expected impact on water use

20 Acres of flood irrigated alfalfa replaced with drip irrigated vegetables. Water usage reduced.

240 acres of center pivot irrigated alfalfa in CA planted to cotton reducing usage. 400 long fallowed acres in AZ planted to alfalfa, increasing usage

TYPE OF IRRIGATION SYSTEM IN USE
Has there been a change in irrigation methods such as more/less drip irrigation, level basin acreage etc

See CROPPING PRACTICES above

See CROPPING PRACTICES above

CONDITION OF WATER CARRIAGE AND DISTRIBUTION SYSTEMS
Amount of water delivered to customers in af

Arizona (2008) 68,698 acre feet
California (2008) 14,993 acre feet
Nevada (2008) 5,618 acre feet

Arizona (2009) 67,316 acre feet
California (2009) 18,214 acre feet
Nevada (2009) 4,855 acre feet

RECORD OF WATER ORDERS
Does the Tribe amend daily water orders with USBR more than 3 times/month

No change

The Tribe does not use daily water orders

RECORD OF REJECTION OF WATER ORDERS
Have water orders from farmers been rejected by the Tribe (e.g., for non-payment etc) that would impact your water order

No change

The Tribe does not use water orders
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL OPERATING PRACTICES /POLICIES</td>
<td>Has there been any change in operating practices? If so describe or attach the policy</td>
<td>No change</td>
</tr>
<tr>
<td>OPERATING EFFICIENCIES</td>
<td>Total water consumed divided by total diversions in percent</td>
<td>Center pivot &amp; drip 95% Flood 60-80%</td>
</tr>
<tr>
<td>METHODS OF IRRIGATION OF THE WATER USERS</td>
<td>Types/changes of irrigation management practices used (e.g. surge, cutback, etc) and the amount of acres changed</td>
<td>No change other than the 20 acres of drip installed in Arizona</td>
</tr>
<tr>
<td>AMOUNT AND RATE OF RETURN FLOW TO THE RIVER</td>
<td>Amount (cfs) and average rate (ft/sec) of return flow to the River</td>
<td>No measured return flow</td>
</tr>
<tr>
<td>PROVISIONS OF USERS WATER DELIVERY CONTRACTS</td>
<td>Have there been any changes in the water service contract</td>
<td>Not applicable to agricultural water No change in M &amp; I water</td>
</tr>
</tbody>
</table>
WATER RATES
Have there been any changes in water rates
If so, submit the changed rates

No change in agricultural or FMTUA water but the South Point Power Plant & Mojave Resort GC have dedicated diversions.

The rate schedule at Fort Mojave Tribal Utilities Authority is under review.

Number of ditch riders and areas/divisions each rider works

No change

The Tribe does not use ditch riders.

WATER CONSERVATION
How much money will be spent by the Tribe on water conservation in 2010

105 Acres of flood irrigated land in Arizona will be converted to drip. Costs are not yet available.

No change

OTHER RELEVANT FACTORS

No change

2011 Should be the last year of IOPP shortage conditions in California. This farm has largely been converted to a forage/cattle feeding operation due to water constraints but is expected to return to limited crop production in 2012.

John Algots, Director
Department of Physical Resources