



United States Department of the Interior



BUREAU OF RECLAMATION
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Boulder City, NV 89006-1470

IN REPLY REFER TO:
LCB-4200
2.2.4.23

VIA ELECTRONIC MAIL ONLY

Brenda Burman
General Manager
Central Arizona Water Conservation District
P.O. Box 43020
Phoenix, AZ 85080-3020

Subject: Approval of Revised Calendar Year (CY) 2023 Colorado River Water Order – Central Arizona Water Conservation District (CAWCD)

Dear Brenda Burman:

The Bureau of Reclamation received CAWCD's CY 2023 revised Colorado River water order, in which CAWCD notified Reclamation of its intent to divert an additional 2,033 acre-feet (AF) in CY 2023 for delivery to the Town of Queen Creek (Queen Creek) pursuant to the Reclamation Wheeling Contract No. 20-XX-30-W0691.¹ In accordance with Title 43, Code of Federal Regulations Part 417 (Part 417), this letter provides CAWCD with notice of my determination regarding CAWCD's proposed diversion and beneficial use of Colorado River water for CY 2023.

Pursuant to its Colorado River Water Delivery Contract No. 20-XX-30-W0689 dated April 28, 2023 (Contract), Queen Creek is entitled to divert and consumptively use up to 2,033.01 AF per year of Arizona fourth priority Colorado River Mainstream Water (Mainstream Water Entitlement) for domestic use within the Queen Creek Contract Service Area. As specified in the Contract, the delivery of Queen Creek's Mainstream Water Entitlement on behalf of Queen Creek will be made to the Mark Wilmer Pumping Plant on Lake Havasu for conveyance through the Central Arizona Project (CAP) System by CAWCD pursuant to the Reclamation Wheeling Contract No. 20-XX-30-W0691.

By email dated May 31, 2023, Queen Creek notified Reclamation of its request to divert, at the Mark Wilmer Pumping Plant, its entire 2,033.01 AF Mainstream Water Entitlement in CY 2023. By email dated June 22, 2023, Reclamation acknowledged Queen Creek's water order request and confirmed the full amount (2,033.01 AF) of Queen Creek's Mainstream Water Entitlement was available for diversion.

¹ Referring to the *Reclamation Wheeling Contract Between the United States and the Town of Queen Creek to Transport Non-Project Water* dated April 28, 2023.

Pursuant to Contract No. 14-06-W-245, as amended and supplemented, CAWCD is entitled to divert the balance of Arizona's 2.8 million AF basic apportionment not consumed by equal and higher priority Arizona entitlement holders.

On August 16, 2022, Reclamation released its Colorado River Basin August 2022 24-Month Study, which projected Lake Mead's January 1, 2023, operating determination elevation to be 1,047.61 feet.² In its letter dated September 14, 2022 (enclosed), Reclamation announced that, in accordance with the 2007 Interim Guidelines,³ Lake Mead and the lower Colorado River will operate in a Tier 2 Shortage Condition in CY 2023.⁴ In addition, the 2019 *Lower Basin Drought Contingency Plan Agreement* (LB DCP Agreement) will also govern the operation of Lake Mead for CY 2023. In accordance with Section XI.G.2.D.1.b of the 2007 Interim Guidelines, 2.4 million AF is apportioned for consumptive use in the state of Arizona in CY 2023 (a reduction of 400,000 AF from its 2.8 million AF basic apportionment). Additionally, in accordance with Section III.B.1.a of Exhibit 1 to the LB DCP Agreement,⁵ the state of Arizona is required to make DCP Contributions in the total amount of 192,000 AF in CY 2023.⁶

Consistent with the Arizona mainstream Colorado River water priority system, there are no reductions to the water supply available to first, second and third priority entitlement holders for CY 2023. As noted in Reclamation's September 14th letter, the Arizona fourth priority Colorado River water available supply for CY 2023 is 1,078,962 AF on a consumptive use basis, which informs approval of individual contract and subcontract water orders. Of this amount, 106,318 AF,⁷ on a diversion basis, is available for distribution among mainstream fourth priority entitlement holders for use in CY 2023 in accordance with the state of Arizona's August 6, 2009, Arizona Shortage Sharing Recommendation⁸ and the "pool" approach described by letter dated January 25, 2021.⁹ Reclamation has determined that the available Arizona mainstream fourth priority water supply is sufficient to satisfy all initial on-river mainstream water orders for CY 2023, including Queen Creek's water order. Arizona fifth priority and/or sixth priority entitlements will not be available for diversion in CY 2023.

Based upon the approved water orders of equal and higher priority Arizona entitlement holders, including Queen Creek's water order, the Shortage Condition determination, and other pertinent

² The CY 2023 operating determination elevation of 1,047.61 feet was calculated by taking Lake Mead's projected end of CY 2022 physical elevation of 1,040.78 feet, as reported in the August 2022 24-Month Study, and adding 480,000 AF of water held back in Lake Powell to Lake Mead's capacity to maintain operational neutrality. Additional information is available at: <https://www.usbr.gov/lc/region/g4000/24mo/>.

³ Referring to *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* dated December 13, 2007.

⁴ The projected operation determination elevation of 1,047.61 feet is within the Drought Contingency Plan elevation band of 1,045 and 1,050 feet and reflects what is commonly referred to a "Tier 2a" Shortage Condition.

⁵ Referring to *Lower Basin Drought Contingency Operations*. Available at: <https://www.usbr.gov/lc/region/g4000/dcpdocs/Attachment-B-Exhibit-1-LB-Drought-Operations.pdf>.

⁶ CAWCD agrees to fulfill Arizona's DCP Contributions in accordance with Section II.3.b of the *Agreement Regarding Lower Basin Drought Contingency Plan Obligations*.

⁷ The mainstream pool will receive 9.85% of the Arizona fourth priority Colorado River water available for CY 2023, calculated as 164,652 AF divided by the difference between Arizona's 2,800,000 AF basic apportionment and the average historical consumptive use by Arizona first, second, and third priority users (1,129,038 AF). The average historical consumptive use by Arizona first, second, and third priority users is based on the four highest years of consumptive use during the five-year period from 2017-2021.

⁸ Available at: https://new.azwater.gov/sites/default/files/8-6-2009_ADWR_Shortage_%20eommendation.pdf

⁹ Available at: https://new.azwater.gov/sites/default/files/01.25.21_ADWR_CAWCD_shortage_recommendationLetter.pdf.

information, I approve the diversion of up to 1,016,736 AF of Colorado River water by CAWCD during CY 2023, of which up to 2,033.01 AF may be diverted on behalf of Queen Creek pursuant to the Reclamation Wheeling Contract. I also approve CAWCD to divert any additional unused Arizona basic apportionment of Colorado River water as reflected on Reclamation’s website,¹⁰ to the extent such water becomes available during CY 2023. The table below provides the factors incorporated into CAWCD’s approved diversion for CY 2023.

| Water Budget Item | Amount (AF) |
|--|--------------------|
| Arizona Basic Apportionment | 2,800,000 |
| Reduction to Arizona Basic Apportionment for Tier 2 Shortage Condition (2007 Interim Guidelines) | (400,000) |
| Reduction to Arizona Basic Apportionment for DCP Contributions (2019 LB DCP Agreement) | (192,000) |
| Estimated Uses by Equal and Higher Priority Arizona Entitlement Holders ¹¹ | (1,245,797) |
| System Conservation Water – City of Bullhead City (City) ¹² | (500) |
| System Conservation Water – Reclamation ¹³ | (17,000) |
| Delivery of EC ICS – CAWCD | up to 70,000 |
| Approved Diversion of CAP Project Water¹⁴ | 1,014,703 |
| Approved Diversion of Non-Project Mainstream Water ¹⁵ | 2,033 |
| Total CAWCD Approved Colorado River Water Diversion at Mark Wilmer Pumping Plant | 1,016,736 |

This approval is subject to the following conditions:

1. The data on Reclamation’s website are provisional until final records are issued. Any diversions made as a result of the values on the website are at CAWCD’s own risk.
2. All available Colorado River water within Arizona has been approved for beneficial use within the state. In cases where approvals to higher priority entitlement holders are less than their Colorado River entitlements, the approvals may be increased to their full entitlements.
3. Final accounting records published by Reclamation may differ from the provisional data on the website.

¹⁰ Available at: <https://www.usbr.gov/lc/region/g4000/hourly/forecast.pdf>.

¹¹ Includes 809 AF of consumptive use by Cibola Island, R. Griffin, and Power.

¹² The estimated amount of System Conservation Water that will be created by the City pursuant to System Conservation Implementation Agreement No. 15-XX-30-W0587, as amended. This System Conservation Water will remain in Lake Mead to benefit system storage.

¹³ The estimated amount of System Conservation Water to be created by additional pumping from the 242 Well Field Expansion Project which will remain in Lake Mead to benefit system storage.

¹⁴ Amount shown includes 72,000 AF of Arizona third priority Colorado River water to be diverted by CAWCD and delivered via the CAP to fulfill water rights settlements pursuant to the Stipulated Judgment and the Stipulation for Judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled *Central Arizona Water Conservation District v. United States, et al.*, and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

¹⁵ Amount shown includes Queen Creek’s Mainstream Water Entitlement (2,033.01 AF).

4. Reclamation may at any time rescind this approval to divert unused Arizona apportionment of Colorado River water.

Reclamation would like to highlight that, in accordance with the *Inadvertent Overrun and Payback Policy*,¹⁶ **accumulations of inadvertent overruns are not permitted in CY 2023 and are suspended as long as a Shortage Condition is in effect.** To assist entitlement holders in monitoring their Colorado River water use to ensure they remain within available quantities, Reclamation will continue to project CY 2023 diversions and consumptive use of Colorado River water during CY 2023 and will make these projections available daily on Reclamation's website. Reclamation encourages Colorado River water entitlement holders to use the projections to adjust diversions to remain within their Reclamation-approved annual Colorado River water order.

Thank you for submitting CAWCD's revised diversion estimate for CY 2023. Should you have questions, please contact Jeremy Dodds, Water Accounting and Verification Group Manager, at (702) 293-8164 or jdodds@usbr.gov. Individuals in the United States, who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunication relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

Sincerely,

**JACKLYNN
GOULD** Digitally signed by
JACKLYNN GOULD
Date: 2023.06.23
09:26:20 -0700
Jacklynn L. Gould, P.E.
Regional Director

Enclosure

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¹⁶ Available at: <https://www.usbr.gov/lc/region/g4000/IOPP.pdf>.

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Bruce Gardner
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