



# United States Department of the Interior



BUREAU OF RECLAMATION  
P.O. Box 61470  
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 Ms. Burman:

The Bureau of Reclamation received CAWCD's letters dated July 27, 2023 and August 24, 2023, which revise CAWCD's Colorado River water order for CY 2023. 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 Contract No. 14-06-W-245, as amended and supplemented, CAWCD is entitled to divert the balance of Arizona's 2.8 million acre-foot (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.<sup>1</sup> In its letter dated September 14, 2022, Reclamation announced that, in accordance with the 2007 Interim Guidelines,<sup>2</sup> Lake Mead and the lower Colorado River will operate in a Tier 2 Shortage Condition in CY 2023.<sup>3</sup> 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,<sup>4</sup> the state of Arizona is required to make DCP Contributions in the total amount of 192,000 AF in CY 2023.<sup>5</sup>

<sup>1</sup> 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/>.

<sup>2</sup> Referring to *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* dated December 13, 2007.

<sup>3</sup> 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.

<sup>4</sup> 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>.

<sup>5</sup> 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*.

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INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA\*, NEVADA\*

\* PARTIAL

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 14<sup>th</sup> 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,<sup>6</sup> 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 Recommendation<sup>7</sup> and the "pool" approach described by letter dated January 25, 2021.<sup>8</sup> 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. Arizona fifth priority and/or sixth priority entitlements are not available for diversion in CY 2023.

CAWCD's revised CY 2023 water order dated July 27, 2023 reflected its intent to divert a total of 1,166,797 AF of Colorado River water in CY 2023. This planned diversion incorporated: (1) the state of Arizona's required Tier 2a Shortage Reduction of 400,000 AF and Drought Contingency Plan (DCP) Contribution of 192,000 AF; (2) 56,400 AF of System Conservation Water being conserved by parties within the state of Arizona; (3) the diversion by CAWCD of 2,033 AF for delivery to the Town of Queen Creek (Queen Creek) pursuant to Reclamation Wheeling Contract No. 20-XX-30-W0691 (Reclamation Wheeling Contract); and (4) a planned delivery of Extraordinary Conservation Intentionally Created Surplus (EC ICS) of 80,528 AF.

CAWCD's revised CY 2023 water order dated August 24, 2023 reduced CAWCD's CY 2023 planned Colorado River water diversion to 855,094 AF to incorporate the creation of additional System Conservation Water by parties within the state of Arizona and a reduction in its planned EC ICS delivery by 41,776 AF due to participation in the ICS Preservation Program.

Taking into consideration the Tier 2a Shortage Condition and required DCP Contribution for the state of Arizona, System Conservation Water being created by parties within the state of Arizona, the approved water orders of equal and higher priority Arizona entitlement holders as of October 2, 2023, and other pertinent information, I approve the diversion of up to 695,219 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,<sup>9</sup> to the extent such water becomes available during CY 2023. The table on the following page provides the factors incorporated into CAWCD's approved diversion for CY 2023.

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<sup>6</sup> 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.

<sup>7</sup> Available at: [https://new.azwater.gov/sites/default/files/8-6-2009\\_ADWR\\_Shortage\\_%20ecommendation.pdf](https://new.azwater.gov/sites/default/files/8-6-2009_ADWR_Shortage_%20ecommendation.pdf)

<sup>8</sup> Available at: [https://new.azwater.gov/sites/default/files/01.25.21\\_ADWR\\_CAWCD\\_shortage\\_recommendationLetter.pdf](https://new.azwater.gov/sites/default/files/01.25.21_ADWR_CAWCD_shortage_recommendationLetter.pdf).

<sup>9</sup> Available at: <https://www.usbr.gov/lc/region/g4000/hourly/forecast.pdf>.

<b>Water Budget Item<sup>10</sup></b>	<b>Amount (AF)</b>
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 <sup>11</sup>	(1,235,863)
System Conservation Water – City of Bullhead City (City) <sup>12</sup>	(500)
System Conservation Water – CAP Subcontractors <sup>13</sup>	(141,400)
System Conservation Water – Cathcarts <sup>14</sup>	(57)
System Conservation Water – Cibola Valley Irrigation and Drainage District (I.D.D) (CVIDD) <sup>15</sup>	(1,682)
System Conservation Water – Fort McDowell Yavapai Nation (FMYN) <sup>16</sup>	(13,933)
System Conservation Water – Gila River Indian Community (GRIC) <sup>17</sup>	(91,319)
System Conservation Water – GM Gabrych <sup>18</sup>	(3,240)
System Conservation Water – Mohave Valley I.D.D. (MVIDD) <sup>19</sup>	(12,819)
System Conservation Water – San Carlos Apache Tribe (SCAT) <sup>20</sup>	(23,804)
System Conservation Water – Reclamation <sup>21</sup>	(17,000)
System Conservation Water – Yuma Mesa I.D.D. (YMIDD) <sup>22</sup>	(23,197)
Delivery of EC ICS – CAWCD <sup>23</sup>	up to 50,000
<b>Approved Diversion of CAP Project Water<sup>24</sup></b>	<b>693,186</b>
Approved Diversion of Non-Project Mainstream Water <sup>25</sup>	2,033
<b>Total CAWCD Approved Colorado River Water Diversion at Mark Wilmer Pumping Plant</b>	<b>695,219</b>

<sup>10</sup> “System Conservation Water” is Colorado River water that is conserved pursuant to an executed System Conservation Implementation Agreement (SCIA), which will remain in Lake Mead to benefit system storage.

<sup>11</sup> Based on approved water orders as of December 4, 2023. Includes 816 AF of consumptive use by Cibola Island, Martinez Lake Cabin Sites, R. Griffin, and Power.

<sup>12</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 15-XX-30-W0587, as amended.

<sup>13</sup> The estimated amount of System Conservation Water that will be created by CAP Subcontractors pursuant to executed SCIA's. Value shown does not include pending SCIA with Spanish Trail Water Company.

<sup>14</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0776.

<sup>15</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0771.

<sup>16</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0750.

<sup>17</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0760.

<sup>18</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0774.

<sup>19</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0770.

<sup>20</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0765, as amended.

<sup>21</sup> The estimated amount of System Conservation Water to be created by additional pumping from the 242 Well Field Expansion Project.

<sup>22</sup> The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0769.

<sup>23</sup> Value shown is **maximum** approved EC ICS delivery amount. Actual amount of EC ICS delivered will be based on final accounting records.

<sup>24</sup> 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.

<sup>25</sup> Amount shown includes Queen Creek’s Mainstream Water Entitlement (2,033.01 AF).

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.
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*,<sup>26</sup> **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](mailto:jdodds@usbr.gov). Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunication relay services.

Sincerely,

**JACKLYNN  
GOULD** Digitally signed by  
JACKLYNN GOULD  
Date: 2023.12.22  
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<sup>26</sup> Available at: <https://www.usbr.gov/lc/region/g4000/IOPP.pdf>.