



United States Department of the Interior



BUREAU OF RECLAMATION
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:

LCB-4225
2.2.4.23

VIA ELECTRONIC MAIL ONLY

Jessie Durham
Acting Regional Director
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue
Phoenix, AZ 85004

Subject: Bureau of Indian Affairs' (BIA) Approval of Calendar Year (CY) 2023 Tribal Colorado River Water Diversions

Dear Acting Regional Director Durham:

The Bureau of Reclamation received BIA's memorandum dated December 2, 2022, through which BIA provided its formal determination of CY 2023 Colorado River water diversions for the Fort Mojave, Colorado River, Cocopah, Chemehuevi, and Fort Yuma (Quechan) Indian Tribes (Tribes). In accordance with Title 43, Code of Federal Regulations Part 417, this letter provides BIA with notice that Reclamation has no comments or objections to BIA's determination. The diversion amounts for each tribe as approved per the determination made by BIA are reflected in the enclosed Table 1.

On August 16, 2022, Reclamation released its Colorado River Basin August 2022 24-Month Study, which projects Lake Mead's January 1, 2023, operating determination elevation to be 1,047.61 feet.¹ In its letter dated September 14, 2022, Reclamation announced that, in accordance with the 2007 Interim Guidelines,² Lake Mead and the lower Colorado River will operate in a Tier 2 Shortage Condition in CY 2023.³ In addition, the 2019 *Lower Basin Drought Contingency Plan Agreement* (LB DCP Agreement) will also govern the operation of Lake Mead for CY 2023. The CY 2023 Shortage Condition and DCP Contributions required by the LB DCP Agreement do not impact the available Colorado River water supply for the Tribes.

¹ 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 acre-feet 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/>.

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

³ 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.

Reclamation would like to highlight that, in accordance with the *Inadvertent Overrun and Payback Policy*,⁴ **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 project CY 2023 diversions and consumptive use of Colorado River water during CY 2023 and will make these projections available daily on Reclamation's website⁵ beginning in January 2023. 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.

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.

Sincerely,

JACKLYNN
GOULD

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JACKLYNN GOULD
Date: 2022.12.21 10:19:36
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Jacklynn L. Gould, P.E.
Regional Director

Enclosure

cc: Christopher S. Harris
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2600 North Central Avenue
Phoenix, AZ 85004

Continued on next page.

⁴ Available at: <https://www.usbr.gov/lc/region/g4000/IOPP.pdf>.

⁵ Available at: <https://www.usbr.gov/lc/region/g4000/hourly/forecast.pdf>.

cc: Continued from previous page.

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(w/ encl to each)

John Entsminger
General Manager
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1001 South Valley View Boulevard, MS 480
Las Vegas, NV 89153

Table 1. Approved Colorado River Water Diversions, Calendar Year 2023.

	Tribe	CY 2023 Approved Diversion (Acre-Feet)	Annual Diversion Entitlement (Acre-Feet)
Arizona	Fort Mojave	82,000	103,535
	Colorado River	662,402	662,402
	Cocopah	2,812 ¹	11,518 ²
	Fort Yuma (Quechan)	4,804	6,350
California	Fort Mojave	16,720	16,720
	Colorado River	7,258	56,846
	Chemehuevi	11,340	11,340
	Fort Yuma (Quechan)	51,616	71,616 ³
Nevada	Fort Mojave	6,900	12,534

¹ Includes surface water diverted from Imperial Dam via the All-American Canal, as well as an estimated groundwater pumping rate of 2,582 acre-feet.

² The Cocopah Indian Tribe's diversion entitlement shown above includes an estimated entitlement for use on the Cocopah Indian Tribe's Fee land parcel located within a portion of the area described in Present Perfected Right No. 7. The amount of this entitlement is currently under review.

³ The Consolidated Decree entered March 27, 2006, in *Arizona v. California et al.* allocates 71,616 acre-feet for lands within the boundaries of the Fort Yuma Indian Reservation in the State of California. In accordance with the settlement agreement executed on February 14, 2005 among the Quechan Indian Tribe (Tribe), the United States, The Metropolitan Water District of Southern California (MWD), the Coachella Valley Water District, and the State of California: (1) only 64,616 acre-feet are immediately available to the Tribe; (2) the full 71,616 acre-feet will become available to the Tribe in Year 2035; and (3) 13,000 acre-feet immediately available to the Tribe are available for diversion by MWD through Year 2035 contingent upon conditions set forth in the 2005 settlement agreement and a forbearance agreement between the parties. Under the settlement agreement, beginning in 2035 certain other conditions may occur between MWD and the Tribe affecting the use of the Tribe's decree entitlement by MWD.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Western Regional Office
2600 North Central Avenue
4th Floor Mailroom
Phoenix, Arizona 85004

IN REPLY REFER TO:
DIVISION OF NATURAL RESOURCES

Honorable Timothy Williams
Chairman, Fort Mojave Tribal Council
500 Merriman Avenue
Needles, California 92363

Dear Chairman Williams:

On October 25, 2022, a meeting attended by Timothy Kellett (General Manager, Fort Mojave Tribal Utilities Authority), Andrew Harter (General Manger, Avi Kwa Ame Farms), Jonathan Cody (Irrigation Engineer, Bureau of Indian Affairs [BIA]), and representatives of the Bureau of Reclamation was held. The purpose of the meeting was to engage in a 43 CFR, Part 417 (Part 417) consultation with the Ft. Mojave Indian Tribe (Tribe). During this consultation meeting the Tribe's 2023 Colorado River water usage requirements and plans were discussed.

With consideration given to discussion held during the aforementioned consultation meeting and in fulfillment of responsibilities described in Part 417, the Acting Regional Director, Western Regional Office, BIA has formally determined the Tribe's 2023 Colorado River water order. This water order is provided in the table below. The Arizona and California figures match the estimated diversions for agriculture previously provided by Mr. Harter. The BIA has added a total of 3,000 acre-feet to Mr. Harter's Nevada agriculture diversion estimates to account for the Tribe's municipal water requirements in Nevada. A copy of the agricultural diversion estimates, along with the Tribe's completed consultation questionnaire, is enclosed.

The Tribe's 2023 water order is (all quantities in acre-feet):

Month	Arizona	California	Nevada
JAN	4,500	650	88
FEB	5,500	1,000	354
MAR	7,000	1,350	531
APR	9,000	1,700	885
MAY	9,000	2,000	885
JUN	9,500	2,000	885
JUL	9,000	2,000	885
AUG	8,000	2,000	885
SEP	7,000	1,500	795
OCT	6,000	1,200	442
NOV	4,000	1,000	177
DEC	3,500	320	88
TOTAL	82,000	16,720	6,900
ENTITLEMENT	103,535	16,720	12,534

This water order shown in the table below is being submitted to the Bureau of Reclamation for Colorado River water regulation and accounting purposes.

Please direct any questions to Mr. Jonathan Cody, Irrigation Engineer at (380) 235-3848.

Sincerely,

DEBORAH SHIRLEY

Digitally signed by DEBORAH

SHIRLEY

Date: 2022.11.22 16:41:30 -07'00'

FOR: Jessie Durham

Acting Regional Director

Enclosures:

cc: Andrew Harter
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Regional Director
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Bureau of Reclamation

Chief, Boulder Canyon Operations Office
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