



# 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

Nicholas Bahr  
General Manager  
Bard Water District  
1473 Ross Road  
Winterhaven, CA 92283

Subject: Approval of Revised Calendar Year (CY) 2023 Colorado River Water Order –  
Bard Water District (BWD)

Dear Nicholas Bahr:

The Bureau of Reclamation received BWD's letter dated April 26, 2023, revising BWD's Colorado River water diversion estimate for CY 2023. In accordance with Title 43, Code of Federal Regulations Part 417, this letter provides BWD with notice of my determination regarding BWD's revised diversion and beneficial use of Colorado River water for CY 2023.

BWD's revised diversion request incorporates a reduction of 5,048 acre-feet (AF), from 51,500 AF to 46,452 AF, to its CY 2023 Colorado River water diversions for purposes of implementing a Seasonal Land Fallowing Program (Fallowing Program), in which BWD has agreed to fallow a total of 2,656.92 acres for the period April 1, 2023 through July 31, 2023. BWD is implementing its Fallowing Program in accordance with the *First Amended Agreement for Implementation of a Seasonal Land Fallowing Program*, dated May 26, 2020 between BWD and The Metropolitan Water District of Southern California.

Water rights for lands within BWD are based on water right certificates that provide for delivery of the quantity of water which can be beneficially used for irrigation of individual lands covered by the separate water right certificates.

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.<sup>1</sup> In its letter dated September 14, 2022, Reclamation announced that, in accordance

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<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/>.

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* will also govern the operation of Lake Mead for CY 2023. The CY 2023 lower Colorado River Shortage Condition does not reduce the volume of Colorado River water available to the state of California in CY 2023. Additionally, no Drought Contingency Plan Contributions are required by California in CY 2023.

Based upon a review of the revised CY 2023 diversion estimate provided by BWD, I approve the diversion of up to 46,452 AF of Colorado River water during CY 2023 for use in BWD's service area. This approved diversion results in an estimated consumptive use of 22,447 AF.

Reclamation would like to highlight that, in accordance with the *Inadvertent Overrun and Payback Policy*,<sup>4</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.<sup>5</sup> 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 BWD'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 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 L. Gould, P.E.  
Regional Director

cc: See next page.

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

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

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