



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 L. Gould, P.E.
Regional Director

Enclosure

cc: Christopher S. Harris
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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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1473 Ross Road
Winterhaven, CA 92283
(w/ encl to each)

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 Jordan D. Joaquin
President
Quechan Tribal Council
P.O. Box 1899
Yuma, Arizona 85366

Dear President Joaquin:

On October 19, 2022, a meeting attended by several representatives of the Quechan Tribe, the Bureau of Indian Affairs (BIA), and 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 Quechan Indian Tribe (Tribe) in an effort to assess the 2023 Colorado River water requirements of the Tribe. Part 417 obligates the BIA to confirm that diversions of Colorado River water by tribal entities do not exceed those reasonably required for beneficial use. During this consultation meeting the planned 2023 Colorado River water requirements of the Tribe were discussed.

With consideration given to consultation discussions and in fulfillment of responsibilities described in Part 417, the Acting Regional Director, BIA Western Regional Office has formally determined the Tribe's 2023 Colorado River water order. This water order is provided in Table 1 (enclosed) and corresponds with the diversion schedule previously submitted by the Tribe to the BIA. This water order is being submitted to the Bureau of Reclamation for Colorado River water regulation and accounting purposes. A copy of the diversion schedule submitted by the Tribe, along with the Tribe's completed Part 417 Consultation Questionnaire, is also enclosed.

Please direct any questions to Mr. Jonathan Cody, Irrigation Engineer at (480) 235-3848.

Sincerely,

DEBORAH SHIRLEY

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SHIRLEY
Date: 2022.11.22 16:44:50 -07'00'

FOR Jessie Durham
Acting Regional Director

Enclosures:

cc: Regional Director
Lower Colorado Regional Office
Bureau of Reclamation

Chief, Boulder Canyon Operations Office
Bureau of Reclamation

Superintendent
Ft. Yuma Agency
Bureau of Indian Affairs

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

Table 1: Quechan Tribe Diversion Estimates by Month - Calendar Year 2023 (All quantities in acre-feet)																	
Month	Arizona					California											
	Ranch 5	Domestic	Cha Cha Farms	Yuma East Wetlands	Total AZ	Indian Unit (Other than Ranches)	Domestic	Ranch 1	Ranch 2, Parcel 3	Ranch 3	Ranch 4	Ranch 5	Ranch 7	Ranch 15	Ranch 17	Total CA	MWD Forbearance
Jan	149	3	4	38	194	1,938	38	14	11	0	38	99	0	25	0	2,163	1,083
Feb	129	2	7	31	169	2,801	42	18	14	0	47	123	0	31	0	3,076	1,083
Mar	368	2	4	130	504	5,637	58	24	19	0	64	323	0	42	0	6,168	1,083
Apr	326	3	7	135	471	7,750	56	26	21	0	69	244	0	46	0	8,212	1,083
May	334	3	8	121	466	5,725	70	32	25	0	85	152	0	56	0	6,145	1,083
Jun	435	3	7	188	633	3,249	87	39	31	0	103	261	0	68	0	3,837	1,083
Jul	215	4	14	197	430	2,414	96	43	33	0	112	94	0	74	0	2,866	1,083
Aug	137	2	9	207	355	3,976	90	41	32	0	108	82	0	71	0	4,400	1,083
Sep	267	2	8	201	478	2,569	72	32	25	0	85	214	0	56	0	3,054	1,083
Oct	441	2	8	131	582	4,333	58	27	21	0	71	279	0	47	0	4,836	1,083
Nov	283	2	6	70	361	3,762	45	19	15	0	51	194	0	33	0	4,119	1,083
Dec	133	2	4	22	161	2,489	43	18	14	0	48	95	0	32	0	2,740	1,087
Total	3,217	30	86	1,471	4,804	46,643	755	334	262	0	883	2,160	0	579	0	51,616	13,000
Entitlement	6,350					71,616 [†]											

[†]The Consolidated Decree entered March 27, 2006, in Arizona v. California allocates 71,616 acre-feet for lands within the boundaries of the Fort Yuma Indian Reservation in the State of California. By settlement agreement executed February 14, 2005, by the United States, the State of California, and several Colorado River water users; including the Quechan Tribe (Tribe) and the Metropolitan Water District (MWD): (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 to the 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 supplemental decree entitlement by MWD.