



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

Eric P. Witkoski
Executive Director
Colorado River Commission of Nevada
555 East Washington Avenue, Suite 3100
Las Vegas, NV 89101

Subject: Approval of Calendar Year (CY) 2023 Colorado River Water Diversion – State of Nevada (State)

Dear Eric P. Witkoski:

The Bureau of Reclamation received the State's CY 2023 Colorado River water diversion estimate in which the State requests approval to divert up to 522,000 acre-feet (AF) and to consumptively use up to 283,000 AF in CY 2023. In accordance with Title 43, Code of Federal Regulations Part 417 (Part 417), this letter provides the State with notice of my determination regarding the State's proposed diversion and beneficial use of Colorado River water for CY 2023.

The State is entitled to divert a quantity of Colorado River water sufficient to satisfy a consumptive use of 300,000 AF per year, plus any surplus water determined to be available by the Secretary of the Interior. The State's diversion right is shared among (1) entitlement holders whose right to divert and consume Colorado River water existed prior to the formation of the Southern Nevada Water Authority (SNWA) in 1991, and (2) SNWA and its member agencies in accordance with the entitlements established in the SNWA contract and its subcontracts with purveyor members.

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

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 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/>.

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.

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.

In accordance with Section XI.G.2.D.1.b of the 2007 Interim Guidelines, 283,000 AF is apportioned for consumptive use in the State in CY 2023 (a reduction of 17,000 AF from its 300,000 AF basic apportionment). Additionally, in accordance with Section III.B.2.a of Exhibit 1 to the LB DCP Agreement,⁴ the State is required to make DCP Contributions in the total amount of 8,000 AF in CY 2023. As documented in the State's diversion estimate, SNWA agreed to make the State's CY 2023 DCP Contributions using one or more of the methods defined in Section II of LBOps. In accordance with Section III.D.1 of LBOps, the Colorado River Commission of Nevada, SNWA, and Reclamation will meet and confer at least quarterly during CY 2023 regarding the status and source of the State's DCP Contribution.

Based upon the Shortage Condition determination, a review of the CY 2023 diversion estimate provided by the State, and the information gathered during Reclamation's Part 417 consultation, I approve the diversion of up to 522,000 AF of Colorado River water during CY 2023 for use by the State's Colorado River water entitlement holders. This approval is conditioned on the State's total consumptive use not exceeding 283,000 AF.

Reclamation acknowledges SNWA's plan to create up to 44,000 AF of Tributary Conservation Intentionally Created Surplus (ICS) and up to 100,000 AF of Extraordinary Conservation ICS during CY 2023, and to store the full amount created, less the one-time system assessment, in Lake Mead. The actual amount of ICS created by SNWA in CY 2023 is subject to verification by Reclamation and the limits set forth in Section IV.B and Section IV.C of LBOps.

Reclamation would like to highlight that, in accordance with the *Inadvertent Overrun and Payback Policy*,⁵ **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 website⁶ 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.

³ The projected operation determination elevation of 1,047.61 feet is within the Drought Contingency Plan (DCP) elevation band of 1,045 and 1,050 feet and reflects what is commonly referred to a "Tier 2a" Shortage Condition.

⁴ Referring to *Lower Basin Drought Contingency Operations* (LBOps). Available at: <https://www.usbr.gov/lc/region/g4000/dcpdocs/Attachment-B-Exhibit-1-LB-Drought-Operations.pdf>

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

⁶ Available at: <https://www.usbr.gov/lc/region/g4000/hourly/forecast.pdf>.

Thank you for submitting the State's 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
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