



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

Brenda Burman
General Manager
Central Arizona Water Conservation District
P.O. Box 43020
Phoenix, AZ 85080-3020

Subject: Approval of Calendar Year (CY) 2024 Colorado River Water Diversion – Central Arizona Water Conservation District (CAWCD)

Dear Ms. Burman:

The Bureau of Reclamation received CAWCD's CY 2024 Colorado River water diversion estimate, in which CAWCD requests approval to divert up to 915,579 acre-feet (AF) in CY 2024. CAWCD's diversion request incorporates the diversion of 2,033 for delivery to the Town of Queen Creek (Queen Creek) pursuant to Reclamation Wheeling Contract No. 20-XX-30-W0691 (Reclamation Wheeling Contract); and CAWCD's request for delivery of 30,980 AF of its Extraordinary Conservation Intentionally Created Surplus (EC ICS). 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 2024.

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 AF basic apportionment not consumed by equal and higher priority Arizona entitlement holders.

On August 15, 2023, Reclamation released its Colorado River Basin August 2023 24-Month Study,¹ which projects Lake Mead's most probable elevation on January 1, 2024, to be 1,065.27 feet. In its letter dated August 24, 2023, Reclamation announced that, in accordance with the 2007 Interim Guidelines,² Lake Mead and the lower Colorado River will operate in a Tier 1 Shortage Condition in CY 2024. In addition, the 2019 *Lower Basin Drought Contingency Plan Agreement* (LB DCP Agreement) will also govern the operation of Lake Mead for CY 2024. In accordance with Section XI.G.2.D.1.a of the 2007 Interim Guidelines, 2.48 million AF is apportioned for consumptive use in the state of Arizona in CY 2024 (a reduction of 320,000 AF from its 2.8 million AF basic apportionment). Additionally, in

¹ 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.

accordance with Section III.B.1.a of Exhibit 1 to the LB DCP Agreement,³ the state of Arizona will be required to make DCP Contributions in the total amount of 192,000 AF in CY 2024.⁴

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 2024. As noted in Reclamation's August 24th letter, the Arizona fourth priority Colorado River water available supply for CY 2024 is 1,149,934 AF on a consumptive use basis, which informs approval of individual contract and subcontract water orders. Of this amount, 113,927 AF,⁵ on a diversion basis, is available for distribution among mainstream fourth priority entitlement holders for use in CY 2024 in accordance with the state of Arizona's August 6, 2009, Arizona Shortage Sharing Recommendation⁶ and the "pool" approach described by letter dated January 25, 2021.⁷ 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 2024. However, given the limited available supply, requests for modifications to increase approved water order amounts will be evaluated on a case-by-case basis to ensure approved volumes do not collectively exceed the 113,927 AF of available supply. Arizona fifth priority and/or sixth priority entitlements will not be available for diversion in CY 2024.

Based upon the approved water orders of equal and higher priority Arizona entitlement holders, the Shortage Condition determination, a review of the CY 2024 diversion estimate provided by CAWCD, the information gathered during Reclamation's Part 417 consultation, and other pertinent information, I approve the diversion of up to 793,546 AF of Colorado River water by CAWCD during CY 2024, of which up to 2,033 AF may be diverted on behalf of Queen Creek pursuant to the Reclamation Wheeling Contract. This approval includes the delivery of up to 30,980 AF of CAWCD's EC ICS. I also approve CAWCD to divert any additional unused Arizona basic apportionment of Colorado River water as reflected on Reclamation's website,⁸ to the extent such water becomes available during CY 2024.

The table on the following page provides the factors used to develop CAWCD's approved diversion for CY 2024.

³ 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>.

⁴ 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*. CAWCD anticipates that the DCP Contribution will be made through a range of actions consistent with the LB DCP Agreement including the simultaneous creation and conversion of EC ICS to DCP ICS.

⁵ The mainstream pool will receive 9.91% of the Arizona fourth priority Colorado River water available for CY 2024, 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 (1,149,934 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 2018-2022.

⁶ Available at: https://new.azwater.gov/sites/default/files/8-6-2009_ADWR_Shortage_%20ecommendation.pdf

⁷ Available at: https://new.azwater.gov/sites/default/files/01.25.21_ADWR_CAWCD_shortage_recommendationLetter.pdf.

⁸ Available at: <https://www.usbr.gov/lc/region/g4000/hourly/forecast.pdf>.

Water Budget Item	Amount (AF)
Arizona Basic Apportionment	2,800,000
Reduction to Arizona Basic Apportionment for Tier 1 Shortage Condition (2007 Interim Guidelines)	(320,000)
Reduction to Arizona Basic Apportionment for DCP Contributions (2019 LB DCP Agreement)	(192,000)
Estimated Uses by Equal and Higher Priority Arizona Entitlement Holders ⁹	(1,190,131)
System Conservation Water – City of Bullhead City ¹⁰	(400)
System Conservation Water – CAP Subcontractors ¹¹	(129,400)
System Conservation Water – Cathcarts ¹²	(61)
System Conservation Water – Cibola Valley Irrigation and Drainage District (I.D.D) ¹³	(2,007)
System Conservation Water – Fort McDowell Yavapai Nation ¹⁴	(13,933)
System Conservation Water – GM Gabrych ¹⁵	(3,240)
System Conservation Water – Gila River Indian Community ¹⁶	(125,000)
System Conservation Water – Hopi ¹⁷	(3,059)
System Conservation Water – Mohave Valley I.D.D. ¹⁸	(13,441)
System Conservation Water – Reclamation ¹⁹	(25,000)
System Conservation Water – Yuma Mesa I.D.D. ²⁰	(21,795)
Delivery of EC ICS – CAWCD ²¹	30,980
Approved Diversion of CAP Project Water²²	791,513
Approved Diversion of Non-Project Mainstream Water ²³	2,033
Total CAWCD Approved Colorado River Water Diversion at Mark Wilmer Pumping Plant	793,546

⁹ Includes 870 AF of consumptive use by Cibola Island, Martinez Lake Cabin Sites, R. Griffin, and Power.

¹⁰ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 15-XX-30-W0587, as amended.

¹¹ The estimated amount of System Conservation Water that will be created by CAP Subcontractors pursuant to executed SCIA's.

¹² The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0776.

¹³ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0771.

¹⁴ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0750.

¹⁵ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0774.

¹⁶ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0760.

¹⁷ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0779.

¹⁸ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0770.

¹⁹ The estimated amount of System Conservation Water to be created by additional pumping from the 242 Well Field Expansion Project.

²⁰ The estimated amount of System Conservation Water that will be created pursuant to SCIA No. 23-XX-30-W0769.

²¹ Value shown is maximum approved EC ICS delivery amount. Actual amount of EC ICS delivered will be based on final accounting records.

²² 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.

²³ 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*,²⁴ **accumulations of inadvertent overruns are not permitted in CY 2024 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 2024 diversions and consumptive use of Colorado River water during CY 2024 and will make these projections available daily on Reclamation's website beginning in January 2024. 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 diversion estimate for CY 2024. Should you have questions, please contact Jeremy Dodds, Water Accounting and Verification Group Manager, at (702) 293-8164 or 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
07:37:07 -08'00'

Jacklynn L. Gould, P.E.
Regional Director

cc: See next page.

²⁴ Available at: <https://www.usbr.gov/lc/region/g4000/IOPP.pdf>.

cc: Christopher S. Harris
Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, CA 91203

Thomas Buschatzke
Director
Arizona Department of Water Resources
1802 W. Jackson Street, Box 79
Phoenix, AZ 85007

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

John Entsminger
General Manager
Southern Nevada Water Authority
1001 S. Valley View Boulevard, MS 480
Las Vegas, NV 89153