



United States Department of the Interior



BUREAU OF RECLAMATION
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VIA ELECTRONIC MAIL ONLY

Amy Lueders
Regional Director
United States Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

Subject: Approval of Calendar Year (CY) 2024 Colorado River Water Diversion – U.S. Fish and Wildlife Service (Service)

Dear Ms. Lueders:

The Bureau of Reclamation received the Service's Colorado River water diversion estimate for CY 2024 in which the Service requests approval to divert up to 25,122 acre-feet (AF) for the Cibola National Wildlife Refuge (NWR); up to 7,610 AF for the Imperial NWR; and up to 41,835 AF for the Havasu NWR (for a total diversion request of up to 74,567 AF) in CY 2024. In accordance with Title 43, Code of Federal Regulations Part 417 (Part 417), this letter provides the Service with notice of my determination regarding the Service's proposed diversion and beneficial use of Colorado River water for CY 2024.

As provided in Article II(D)(7) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California et.al.*, 547 U.S. 150 (2006) (Consolidated Decree), the Havasu NWR is entitled to divert up to 41,839 AF per year, or consumptively use up to 37,399 AF per year, whichever is less, of Arizona second priority Colorado River water to fulfill the purposes of the refuge.

As provided in Article II(D)(8) of the Consolidated Decree, the Imperial NWR is entitled to divert up to 28,000 AF per year, or consumptively use up to 23,000 AF per year, whichever is less, of Arizona second priority Colorado River water to fulfill the purposes of the refuge.

As provided in the Secretarial Reservation, published in the *Federal Register* at 47 Fed. Reg. 55430 (December 9, 1982), the Cibola NWR is entitled to divert up to 34,500 AF per year, or consumptively use up to 16,793 AF per year, whichever is less, of Arizona second priority Colorado River water with a priority date of August 21, 1964, to fulfill the purposes of the refuge.

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 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.

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. Of this amount, 113,927 AF,⁴ 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 Recommendation⁵ and the “pool” approach described by letter dated January 25, 2021.⁶ 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 Shortage Condition determination, a review of the CY 2024 diversion estimates provided by the Service, and the information gathered during Reclamation’s Part 417 consultation, I approve a total diversion of up to 74,567 AF of Colorado River water during CY 2024 for use on the Service’s refuges within the state of Arizona. This approved diversion results in an estimated total consumptive use of 23,856 AF.

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.

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 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.

⁵ Available at: https://new.azwater.gov/sites/default/files/8-6-2009_ADWR_Shortage_%20ecommendation.pdf.

⁶ Available at: https://new.azwater.gov/sites/default/files/01.25.21_ADWR_CAWCD_shortage_recommendationLetter.pdf.

Diversions to each refuge are limited to the “Approved Diversion” amounts listed in the table below. The estimated consumptive use associated with each of these diversions is within the consumptive use limitations noted above.

	Diversion Entitlement (AF)	Requested Diversion (AF)	Approved Diversion (AF)	Estimated Consumptive Use (AF)
Havasu NWR	41,839	41,835	41,835	3,564
Imperial NWR	28,000	7,610	7,610	4,717
Cibola NWR	34,500	25,122	25,122	15,575
Total	104,339	74,567	74,567	23,856

Reclamation would like to highlight that, in accordance with the *Inadvertent Overrun and Payback Policy*,⁷ **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 website⁸ 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 the Service'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 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 Digitally signed by JACKLYNN GOULD
Date: 2023.12.26 08:13:33 -08'00'

Jacklynn L. Gould, P.E.
Regional Director

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

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⁷ Available at: <https://www.usbr.gov/lc/region/g4000/IOPP.pdf>.

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

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

Kirsty Bramlett
Chief, Division of Water Resources
U.S. Fish and Wildlife Service
Region 2, NWRS-DNR,
Branch of Water Resources
P.O. Box 1306
Albuquerque, NM 87103-1306

Annalily Lopez
Wildlife Refuge Specialist
U.S. Fish and Wildlife Service
Imperial National Wildlife Refuge
P.O. Box 72217
Yuma, AZ 85365-2217

Joseph Barnett
Refuge Manager
U.S. Fish and Wildlife Service
Havasu National Wildlife Refuge
317 Mesquite Avenue
Needles, CA 92363

Richard Meyers
Project Leader
Lake Havasu NWR Complex
U.S. Fish and Wildlife Service
60911 Highway 95
Parker, AZ 85344

Maximiliano Trujillo
Hydrologist
Division of Water Resources
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

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

Amanda McAdams
Regional Chief, NWRS
U.S. Fish and Wildlife Service
Southwest Region
P.O. Box 1306
Albuquerque, NM 87103-1306

Edwin Sparks
Deputy Refuge Manager
U.S. Fish and Wildlife Service
Havasu National Wildlife Refuge
317 Mesquite Avenue
Needles, CA 92363

Jeremy Welch
Refuge Manager
U.S. Fish and Wildlife Service
Cibola National Wildlife Refuge
66600 Cibola Lake Road
Cibola, AZ, 85328

Chris Lohrengel
Acting Project Leader
Southwest Arizona Refuge Complex
U.S. Fish and Wildlife Service
9300 East 28th Street
Yuma, AZ 85365

Kimberlee Arce
Biological Technician
U.S. Fish and Wildlife Service
Cibola National Wildlife Refuge
66600 Cibola Lake Road
Cibola, AZ, 85328