



# United States Department of the Interior

BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470



IN REPLY REFER TO:

BCOO-4200  
WTR-1.00

**DEC 21 2005**

Interested Parties (See Enclosed List)

Subject: Revisions to Approved Annual Water Orders

Dear Ladies and Gentlemen:

Various entitlement holders have requested that the Bureau of Reclamation describe the manner in which we will apply the Federal regulations set forth in 43 Code of Federal Regulations, Part 417 (Part 417), and the Inadvertent Overrun and Payback Policy (IOPP) adopted by the Secretary in October of 2003 to future requests from entitlement holders to modify approved Colorado River water orders for calendar year 2006. Our goal is to apply Part 417 regulations and the IOPP in a manner which best protects interests of both senior and junior entitlement holders. Reclamation will use the following procedures for water orders relating to calendar year 2006.

Reclamation will review initial water orders for calendar year 2006, as it has in the past, by applying the standards set forth in Part 417.3. We will do so "to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use," as Part 417.2 requires.

Circumstances occasionally change, and Federal regulations provide that an approved water order for calendar year 2006 may be increased or reduced pursuant to Part 417.4 (non-Indian) or Part 417.5(b) (Indian). These regulations permit modification of previously approved water orders due to "changed conditions, emergency, or hardship."

Reclamation anticipates that a request for additional water within entitlement will be granted under Part 417.4 because of "changed conditions, emergency, or hardship" if the request is reasonable in light of the factors set forth in Part 417.3. A request for a modification of a previously approved water order for calendar year 2006 should (1) reflect that there is an increase in demand by an entitlement holder, or an entitlement holder's water user, or that an entitlement holder underestimated the demand, (2) indicate the increase is for a beneficial use which may be served under the entitlement, and (3) indicate what, if any, change there has been with respect to the factors in Part 417.3. We will provide a prompt review of any such requests.

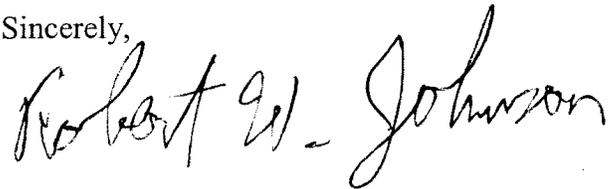
Reclamation interprets Part 417.4 broadly to cover a wide variety of circumstances. Examples of what Reclamation would consider to be a "changed condition" that warrants a revision to an approved water order are an entitlement holder's desire, or an entitlement holder's water user's desire, to plant additional crops, to bank or store additional water, or to adjust their operations due to a change in anticipated weather patterns.

When Reclamation approves a senior priority holder's request for additional water as described above, we will, after consultation as required under Part 417.4, reduce the approved water orders for junior priority holders within that State to keep the State within its apportionment for the year the approval is applicable. The extent to which the junior priority holder exceeds its reduced water order will be considered an inadvertent overrun by the junior priority holder and Reclamation will apply the IOPP to that overrun.

Reclamation's interpretation of Part 417.4 is intended to ensure that initial water orders reflect realistic needs of various water users and do not entail waste. The approach outlined above will permit water not needed by senior priority holders at the time of their initial water orders to be made available to junior priority holders, rather than being held "in reserve." This approach also provides flexibility to entitlement holders to modify their water orders and to request additional water in any quantity and for any type of use which would have been permissible had it been included in the initial water order.

If you have questions, please contact Ms. Ruth Thayer at 702-293-8426.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Johnson". The signature is written in a cursive style with a large, prominent "R" and "J".

Robert W. Johnson  
Regional Director

Enclosure

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