



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:

LC-4000

ADM-1.10

OCT 14 2010

Mr. Brian Brady
General Manager
Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

Dear Mr. Brady:

We have received Imperial Irrigation District's (IID) letter dated September 20, 2010. IID's letter proposes to put 41,250 acre-feet of Colorado River water in the Salton Sea in 2010. IID describes this action as meeting certain future mitigation obligations related to transfers of water from IID to San Diego. These ag-urban water transfers are authorized under the Colorado River Water Delivery Agreement (CRWDA) dated October 10, 2003, and permit the State of California to live within its Colorado River apportionment, a matter of vital interest to all of the Colorado River Basin states. The Bureau of Reclamation notes that the current elevation of Lake Mead and the potential for shortages as early as 2012, have caused other entities to express concerns with this action.

IID proposes that the water put in the Salton Sea be accounted for by Reclamation as a consumptive use in calendar year 2010 of a portion of IID's entitlement to the use of Colorado River water, with the water to be applied by IID to fulfill in whole or in part IID's mitigation obligations in 2011 and 2012 arising from the water transfers. The IID letter addresses the implications of the proposal, including legal, policy, economic, and hydrologic implications.

Reclamation implements the CRWDA on behalf of the Secretary of the Interior (Secretary) and accounts for the use of Colorado River water under the CRWDA in the annual report provided to the United States Supreme Court. The CRWDA sets forth IID's mitigation obligation for the transfers in Exhibit B, Column 7, which in turn is modified by footnotes 5 and 6. In evaluating IID's proposal, Reclamation notes that the proposal on its face appears to be inconsistent with the express language of footnote 5, which reads as follows: "5. Any amount identified in Exhibit B for mitigation purposes will only be from non-Colorado River sources and these amounts may be provided by exchange for Colorado River water [emphasis added]." The provisions of this footnote were the subject of detailed discussion and negotiation among all of the CRWDA parties and were an essential element in the Department of the Interior's ultimate approval of the CRWDA. Therefore, Reclamation does not believe it is appropriate to account for Colorado River water in the manner proposed by IID.

The CRWDA was a collaborative effort. It is a complex multi-party agreement that was the hard fought result of multi-year negotiations among the parties to the CRWDA: the Secretary, IID, The Metropolitan Water District of Southern California, Coachella Valley Water District, and San Diego County Water Authority. For this reason, Reclamation believes it essential to have a full exploration of the extent to which, if at all, the IID proposal may be implemented consistent with the terms of the CRWDA and consistent with other Federal law, contracts, and policy through appropriate mechanisms. To that end, Reclamation proposes to bring together the parties to the CRWDA to discuss the IID proposal in an effort to reach a result which all the CRWDA parties may support. As the Commissioner has stated in recent Congressional hearings, Reclamation supports the CRWDA and fully intends to continue to implement the terms of this far-reaching agreement.

Sincerely,



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Regional Director

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