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2. Reclamation's letter to GRIC dated August 13, 2019, approving GRIC's Extraordinary Conservation ICS Plan of Creation for Calendar Year 2019.
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## GILA RIVER INDIAN COMMUNITY ICS PLAN OF CREATION 2019

The Gila River Indian Community (Community) proposes creating Intentionally Created Surplus (ISC) pursuant to Exhibit T and this Plan of Creation (Plan).

### I. Project Description.

The Community is entitled to 311,800 acre-feet per year (AFY) of CAP Water, consisting of Colorado River Water and other Project Water as defined in the Repayment Stipulation<sup>1</sup>, which is delivered through the Central Arizona Project (CAP Water). During calendar year 2019 the Community will reduce the quantity of CAP Water requested for delivery. The Community will conserve water by forgoing opportunities to deliver CAP Water to Groundwater Savings Facilities (GSF) and Underground Storage Facilities (USF) where the Community would have otherwise stored CAP Water for the purpose of creating long-term storage credits, the future sale of which would have generated revenue.

Specifically, under its initial 2019 CAP Water Delivery Schedule the Community scheduled delivery of all 311,800 acre-feet of its annual entitlement to CAP Water as shown in the second column below:

<u>Location of Deliveries/Conservation</u>	<u>Oct. 1, 2018 Initial Schedule</u>	<u>May 6, 2019 Amended Schedule</u>
<b>Off-Reservation Deliveries:</b>		
<b>3rd Party Use</b>		
Lease	57,000	57,000
Exchange	17,102	17,102
<b>Off-Reservation Deliveries:</b>		
<b>Storage</b>		
USF	23,286	18,605
GSF	93,028	64,000
<b>On-Reservation Deliveries</b>		
Irrigation	101,384	18,093
USF	20,000	20,000
<b>Conservation</b>		
ICS	-	117,000
System Conservation	-	-
<b>Total 2019 Colorado River/CAP Water Order</b>	<b>311,800</b>	<b>311,800</b>

<sup>1</sup> Repayment Stipulation means the Stipulated Judgement and the Stipulation for Judgement entered on November 21, 2007, in the United States District Court for the District of Arizona in Central Arizona Water Conservation District v. United States, et. al., and numbered CIV 95-625-TUC-WBD (EHC) and CIV 95-1720-PHX-EHC.

With respect to the 101,384 acre-feet of CAP Water the Community initially scheduled for delivery to its Reservation for irrigation, it originally intended to schedule a significant portion of this water for delivery to GSFs/USFs, but has not scheduled this water for delivery to GSFs/USFs in order to have the ability to use some of this supply for ICS creation pending the approval of the Drought Contingency Plan. At the time of the initial schedule the Community also intended to reduce a portion of its deliveries for off-Reservation storage in order to have the ability to use some of this supply for ICS creation.

As shown in the last column in the table above, pursuant to this Plan the Community amended its 2019 CAP Water Delivery Schedule on May 6, 2019 to forgo delivery of up to 117,000 acre-feet of its CAP Water entitlement for calendar year 2019 that would have been delivered to GSFs/USFS and instead create ICS.

The Community will not participate in another conservation program (e.g., system conservation) in calendar year 2019.

**II. Term of the Activity.**

The Community will begin its ICS creation plan on or about January 1, 2019, and continue through December 31, 2019.

**III. Estimated Amount of ICS.**

The Community estimates that it will conserve up to 117,000 acre-feet of water.

**IV. Historic of Use of CAP Water.**

As set forth in Exhibit T, the Community’s historic use of CAP Water is the average of the highest four out of the rolling five-year deliveries, not including the immediate, preceding year. As shown in the table below, between years 2013 to 2017, the average of the highest four years of CAP Water deliveries for the Community’s use during this period is 242,411 acre-feet.

Year	Off-Reservation Storage	On-Reservation Use & Storage (or Conservation)	Total Use
2013	189,652	58,569	248,221
2014	178,592	56,843	235,435
2015	166,018	31,988	198,006
2016	174,170	68,093 <sup>2</sup>	242,263

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<sup>2</sup> This amount includes 10,000 acre-feet of system conservation water the Community left in Lake Mead in 2016, but would have otherwise used to create Storage Credits.

2017	148,765	94,960 <sup>3</sup>	243,725
Average of Highest Four Years	172,795	69,616	<b>242,411</b>

The highest four-year average volume of off-Reservation GSF/USF delivery is 172,795 acre-feet during this period. The highest four-year average volume of on-Reservation irrigation, on-Reservation USF delivery, and system conservation is 69,616 acre-feet during this period. The Community’s highest four-year average total use during this period is 242,411 acre-feet (Total Use Baseline).

**V. Methodology for Verification of the Amount of Conserved Water.**

The Community proposes the following process for Reclamation’s verification of the amount of water conserved to create ICS.

**A. Schedule ICS:** Subject to the limitation expressed in Paragraph V. B. below, the Community will schedule up to 117,000 acre-feet of its CAP Water to be left in Lake Mead for ICS as described in Paragraph I. The CAP Water that the Community intends to leave in Lake Mead to create ICS under this Plan was scheduled and/or intended to be used for off-Reservation storage as set forth in the table in Paragraph I. Pursuant to this Plan the Community has amended its 2019 CAP Water Delivery Schedule to forgo delivery of up to 117,000 acre-feet of its CAP Water entitlement for calendar year 2019 to create ICS, which would reduce the volume of water scheduled and/or intended to be used for off-Reservation storage by up to 117,000 acre-feet.

**B. Total Volume of CAP Water Available for ICS:** In 2019 the Community may request ICS in an amount equal to the lesser of the amount of CAP Water conserved under this Plan up to 117,000 acre-feet, or the Total Baseline less:

1. CAP Water used on-Reservation in 2019;
2. CAP Water delivered to off-Reservation GSFs in 2019; and
3. CAP Water delivered to off-Reservation USFs in 2019.

**C. Verification of Ability to Use Colorado River Water in 2019:** By February 28, 2020, the Community will provide Reclamation with a Certification Report containing the following Documentation:

1. The Community’s written amended 2019 CAP Water Delivery Schedule referred to in Paragraph V. A. above.

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<sup>3</sup> This amount includes 80,000 acre-feet of system conservation water that the Community left in Lake Mead in 2017, but would have otherwise used to create Storage Credits.

2. The Community's letter submitted to CAWCD and Reclamation in which the Community provides documentation demonstrating that (i) the amount of conserved water used to create ICS, (ii) GSFs/USFs were physically capable of accepting delivery of CAP Water, (iii) the Community is forgoing storage in 2019, and (iv) the Community intended, absent ICS, to utilize the available capacity for storage in 2019.
3. Documentation, attached to the Community's letter described in Paragraph C.2. above that will demonstrate that the Community could have had CAP Water delivered to GSFs/USFs in 2019, shall include letters from GSFs/USFs identified in the Community's certification letter that indicate GSFs'/USFs':
  - a. Total permitted storage capacity;
  - b. Total available storage capacity; and
  - c. Desire to take delivery of the Community's CAP Water in 2019.
4. A letter agreement from CAWCD to amend its 2019 CAP Water order with Reclamation to reduce CAWCD's diversion by 117,000 acre-feet to ensure that the water intended to create ICS remains in Lake Mead.

**D. Verification of Community's 311,800 AFY Entitlement Maximum Is Not Exceeded:** By February 28, 2020, the Community will provide Reclamation with a Certification Report containing documentation that the sum of CAP Water (i) delivered to the Community's Reservation in 2019, (ii) delivered to off-Reservation GSFs/USFs in 2019, (iii) delivered to third-parties pursuant to leases and/or exchanges in 2019, and (iv) used to create EC ICS pursuant to Exhibit T does not exceed 311,800 acre-feet.

**VI. Documentation Regarding Necessary Permits.**

The Community will provide Reclamation with the Community Water Storage Permits for all USFs/GSFs where the Community intends to store water in 2019, absent ICS.



# 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-4220  
2.2.4.23

AUG 13 2019

CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Stephen Roe Lewis  
Governor  
Gila River Indian Community  
P.O. Box 97  
Sacaton, AZ 85147-0097

Subject: Approval of the Gila River Indian Community's (Community) Calendar Year (CY) 2019  
Extraordinary Conservation (EC) Intentionally Created Surplus (ICS) Plan of Creation

Dear Governor Lewis:

The Bureau of Reclamation has received the Community's *Intentionally Created Surplus Plan of Creation, Calendar Year 2019* (ICS Plan), originally submitted by Arizona Department of Water Resources' letter dated June 12, 2019, and subsequently revised by email dated July 8, 2019. The Community's ICS Plan was submitted in fulfillment of the requirements set forth in Section XI.G.3.B of the 2007 Record of Decision for *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* (2007 Interim Guidelines) regarding the requirements for the creation of ICS.

As outlined in the ICS Plan, the Community will conserve up to 117,000 acre-feet (AF) of Colorado River water in CY 2019 by forgoing opportunities to deliver a portion of its Central Arizona Project water entitlement to Groundwater Savings Facilities and Underground Storage Facilities. The Community's EC ICS project is described in and incorporated as *Lower Basin Drought Contingency Operations* (LBOps) Exhibit T. Consistent with the terms of the *Framework Agreement Among the United States, the State of Arizona, and the Central Arizona Water Conservation District for an Arizona ICS Program*, and as documented in its letter dated June 20, 2019, the Central Arizona Water Conservation District (CAWCD) has agreed to forgo its right to divert the EC ICS created by the Community in CY 2019.

Reclamation has reviewed the Community's ICS Plan and confirms that it contains all necessary information required by Section XI.G.3.B of the 2007 Interim Guidelines. In accordance with Section XI.G.7.B.5 of the 2007 Interim Guidelines, Reclamation has consulted with the Basin States regarding the Community's ICS Plan.

Based upon Reclamation's review of the Community's ICS Plan and completion of the consultation process, I approve the Community's CY 2019 ICS Plan for the creation of up to 117,000 AF of EC ICS for storage in the Community's Lake Mead ICS account.

Reclamation notes that the total amount of EC ICS approved for creation in the state of Arizona is approximately 150,000 AF.<sup>1</sup> Pursuant to Section IV.B of LBOps, and as authorized by this office on behalf of the Secretary of the Interior,<sup>2</sup> the Southern Nevada Water Authority has committed to provide 50,000 AF of ICS creation capacity in CY 2019 for ICS creators in the state of Arizona. The actual amount of EC ICS creation capacity utilized by ICS creators in the state of Arizona (not to exceed 150,000 AF) will be determined based on final accounting records. In accordance with Section XI.G.3.B.4 of the 2007 Interim Guidelines, the maximum total amount of EC ICS that may be created by the Lower Division States during any year will continue to be limited to 625,000 AF.

Section XI.G.3.B.1 of the 2007 Interim Guidelines provides that, subject to approval by Reclamation, the Community may modify its approved ICS Plan during the year of creation. In accordance with Section XI.G.3.D.1 of the 2007 Interim Guidelines, the Community is required to submit a Certification Report to the Regional Director demonstrating the amount of EC ICS created and that the method of creation was consistent with the Community's approved ICS Plan.

If you have questions, please contact Mr. Jeremy Dodds, Water Accounting and Verification Group Manager, at 702-293-8164 or [jdodds@usbr.gov](mailto:jdodds@usbr.gov).

Sincerely,



Terrance J. Fulp, Ph.D.  
Regional Director

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

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

Mr. Thomas Buschatzke  
Director  
Arizona Department of Water Resources  
P.O. Box 36020  
Phoenix, AZ 85067-6020

Ms. Rebecca Mitchell  
Director  
Colorado Water Conservation Board  
1313 Sherman Street, Room 718  
Denver, CO 80203

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<sup>1</sup>In addition to the 117,000 AF approved for the Community, the Colorado River Indian Tribes has been approved to create 6,274 AF and CAWCD has been approved to create 26,146 AF of EC ICS in CY 2019.

<sup>2</sup>By joint letter from the Arizona Department of Water Resources, Southern Nevada Water Authority, and The Metropolitan Water District of Southern California, dated June 17, 2019; countersigned by Reclamation's Lower Colorado Regional Director on July 9, 2019.

cc: Continued from previous page.

Mr. Eric Millis  
Water Resources Director  
Utah Division of Water Resources  
P.O. Box 146201  
Salt Lake City, UT 84114-6201

John R. D'Antonio Jr., P.E.  
New Mexico State Engineer  
Office of the State Engineer  
State of New Mexico  
P.O. Box 25102  
Santa Fe, NM 87504-5012

Mr. Theodore C. Cooke  
General Manager  
Central Arizona Water Conservation District  
P.O. Box 43050  
Phoenix, AZ 85080-3020

Mr. Charles B. Sherrill, Jr.  
Chairman  
Mohave Valley Irrigation  
and Drainage District  
1460 East Commercial Street  
Mohave Valley, AZ 86440

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

Mr. William Hasencamp  
Manager, Colorado River Resources  
The Metropolitan Water District  
of Southern California  
P.O. Box 54153  
Los Angeles, CA 90054-0153

Ms. Amy I. Haas  
Executive Director/Secretary  
Upper Colorado River Commission  
355 South 400 East  
Salt Lake City, UT 84111

Mr. Rick Deuell  
Wyoming State Engineer  
Wyoming State Engineer's Office  
Herschler Building, 2nd Floor West  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82001

Tina Anderholt Shields, P.E.  
Water Department Manager  
Imperial Irrigation District  
P.O. Box 937  
Imperial, CA 92251-0937

Mr. Elston K. Grubaugh  
Manager/Secretary  
Wellton-Mohawk Irrigation  
and Drainage District  
30570 Wellton-Mohawk Drive  
Wellton, AZ 85356

Honorable Dennis Patch  
Tribal Chairman  
Colorado River Indian Tribes  
26600 Mohave Road  
Parker, AZ 85344