

COLORADO RIVER INTERIM GUIDELINES FOR LOWER BASIN SHORTAGES
AND COORDINATED OPERATIONS FOR LAKE POWELL AND LAKE MEAD

- - - - -

KEY ASPECTS OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING

Q&A SESSION

Phoenix, Arizona
April 4, 2007
11:20 a.m.

REPORTED BY:
RABIN' MONROE, RMR, CR
CERTIFIED REPORTER
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PREPARED FOR:
BUREAU OF RECLAMATION

(ORIGINAL)



3030 North Central Avenue
Suite 1102
Phoenix, Arizona 85012

T 602.264.2230
888.529.9990
F 602.264.2245

www.griffinreporters.com

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING

BE IT REMEMBERED that the Central Arizona Project Tribal Consultation Meeting was taken before RABIN' MONROE, RMR, CRR, Certified Reporter #50653, in and for the County of Maricopa, State of Arizona, on Wednesday, April 4, 2007, commencing at 11:20 a.m., at 2 ARIZONA CENTER, 400 North 5th Street, Phoenix, Arizona.

A P P E A R A N C E S

BUREAU OF RECLAMATION:

TERRY FULP
NAN YODER
JOHN JAMROG
DEBBY SAINT
STEVE HVINDEN
JAYNE HARKINS
RANDY CHANDLER
CAROL ERWIN
BRUCE ELLIS
DAVE JOHNSON
AMBER CUNNINGHAM
BRIAN PARRY

TRIBAL REPRESENTATIVES:

JOHN PETERSEN, Tohono O'odham Nation
VERNON J. SMITH, Tohono O'odham Nation
JONATHAN JANTZEN, Tohono O'odham Nation
GLORIA THOMAS, Sif Oidak, Tohono O'odham Nation
ALEX BLAINE, Sif Oidak, Tohono O'odham Nation
TERRY O. ENOS, Ak-Chin Indian Community
ROBERT PALMQUIST, Ak-Chin Indian Community
ALLEN GOOKIN, Gila River Indian Community
ANN MARIE CHISCHILLY, Gila River Indian Community
GARY PARKER, GRIC Irrigation and Drainage District
MARGARET VICK, ITCA
DR. CAROLE KLOPATEK, Fort McDowell Yavapai Nation
AMY HUESLEIN, BIA

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

P R O C E E D I N G S

(Presentation by Terry Fulp.)

GARY PARKER: Excuse me. I'm sorry. My name is Gary Parker. I'm with the Gila River Indian Irrigation and Drainage District.

This comes up a lot, so I'm going to go ahead and ask it now and hopefully it'll help later on.

In regard to interstate agreements and storage -- excuse me. Not storage -- but conservation agreements that are already in place, have those been addressed and are they being accounted for as part of the conservation agreements that -- that you're talking about?

Because it reads like it's future, but there's already quite a few agreements that are in place that could have a major impact on the different alternatives.

So are those existing agreements in the model or -- well, how are they considered?

TERRY FULP: Sure. Let me give you a couple of examples, and then maybe if there's others you want to ask us specifically, please feel free to.

For instance, those transfer agreements that were a part of the QSA that were really the QSA between IID San Diego. Those are all in the -- the model. It assumes those are in place based on that Exhibit B it was called in

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 the Water Delivery Agreement. So all of those are in place.

2 GARY PARKER: Right.

3 TERRY FULP: We've got a couple of demonstration
4 programs where some water's exchanging hands. Those are
5 in -- they're just two-year periods. They're in place.

6 With regard to, like, interstate-banking type
7 arrangements, the model assumes that -- that all the Lower
8 Division States take their full entitlements each year,
9 their apportionment.

10 So there is an -- an assumption that Nevada, for
11 instance, puts 10,000 acre-feet of water in Arizona's bank
12 for future delivery. That's -- we just assume it's come out
13 of the system that -- in that year and Nevada took their
14 full apportionment.

15 That's some examples. Are there others you'd like
16 to ask specifically about?

17 GARY PARKER: No. If -- if they're all -- if --
18 so they're all being addressed equally?

19 TERRY FULP: Yeah, they're pretty much all being
20 addressed. And the only caveat is that interstate banking,
21 which has -- tends to be unused apportionment in a given
22 year that gets put in the bank, and we just assume that
23 everyone's used their full apportionment. That's the only
24 caveat, I'd say. Otherwise, I think they're all in that
25 we're aware of that are currently in place.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 GARY PARKER: Okay. Okay.

2 TERRY FULP: Okay. Yes?

3 ANN MARIE CHISCHILLY: I'm Ann Marie Chiscilly,
4 C-H-I-S-C-H-I-L-L-Y. I'm from the Gila River Indian
5 Community, as well.

6 My question is -- he was speaking of past
7 agreements. With the Basin States Agreement, there's a
8 forbearance agreement that's coming in.

9 Has that been considered, as well?

10 TERRY FULP: It has, and let me maybe explain in
11 the -- in the way it's considered.

12 ANN MARIE CHISCHILLY: Okay.

13 TERRY FULP: If an entity were to conserve water
14 and store it in Lake Mead and then take delivery of it at a
15 later date, that extra delivery under the Basin States
16 Proposal would be called intentionally created surplus.

17 ANN MARIE CHISCHILLY: Oh.

18 TERRY FULP: And the forbearance agreement is
19 really an agreement saying other folks who have a u- --
20 rightful use to surplus water would agree to forebear their
21 right to take that entity's conserved water as a surplus.
22 That's really the gist of it.

23 So that was quite easy for us to put in. We just
24 assume if you created the ICS, you'd get the ICS.

25 ANN MARIE CHISCHILLY: Okay.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 TERRY FULP: Okay? Any other questions? All
2 right.

3 (Presentation by Terry Fulp resumed.)

4 TERRY FULP: Carole, maybe this is part of my
5 understanding of your question. And so what we did is we
6 posed year-to-year sequences assuming 53 would hit in 2008.
7 And so the model does track it year to year and sees Mead go
8 really -- fairly low; right? And that's one out of 99
9 scenarios.

10 Does that take -- does that help us communicate
11 maybe a bit?

12 DR. CAROLE KLOPATEK: Yeah, it --

13 TERRY FULP: Yeah, another scenario is let's
14 assume this is trace 20 -- let me add that up real quick.
15 So that would be about 1927. If we assume 1927's sequence
16 hit in 2008, here's what would happen. There's the period
17 of low flows of the '30s. Make sense? So we do that 99
18 times.

19 Yes.

20 ALLEN GOOKIN: Allen Gookin, Gila River Indian
21 Community. Spelled G-O-O-K-I-N.

22 Then I think the confusion is that
23 tenth-percentile line, for example, does not represent any
24 future sequence; it merely represents the worst or the --
25 the tenth percentile in each of the varying sequences, which

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 kind of as a user limits its applicability to understand
2 what's really going on.

3 Like trace 47 I can look at and say, "Okay. I
4 understand that, that during the drought we really get hurt,
5 and then once we get some wetness, our problems go away."

6 TERRY FULP: Uh-huh.

7 ALLEN GOOKIN: Is it possible to get those traces
8 either on disk or --

9 TERRY FULP: Oh, yes. Yes. We would love to send
10 'em to you, actually. No, we actually do have disks already
11 prepared that include all this modeling output with the
12 individual traces in a spreadsheet Excel format.

13 And we have a little add-in tool that's very
14 simple for you, if you've ever used an Excel add-in. You
15 can add it in and you can look at these to your heart's
16 content.

17 ALLEN GOOKIN: Bless you.

18 TERRY FULP: Yes, we'd be glad to take that down
19 and ...

20 NAN YODER: We have a set with us today.

21 TERRY FULP: We have one set with us. You win.

22 ALLEN GOOKIN: I asked first.

23 TERRY FULP: But no, we would really absolutely
24 welcome if any of you would like to look at these lovely
25 detail, it is available.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 So you -- you raise good questions. And maybe now
2 I'm understanding, Carole, your question before is that
3 the -- the issue is -- these are good things to look at,
4 don't get us wrong, but in terms of getting this massive
5 data crunched down enough to move it down through all the
6 resource areas, we aggregate the 99 runs.

7 And there's lots of ways we could aggregate them,
8 or -- one is, as you point out, you could sample and just
9 take one. You could take the median of all of 'em. That's
10 what we call the 50th percentile. You can take the 10th,
11 the 90th. You do average standard dev- -- you know, you
12 can do all the standard statistical manipulations on the
13 data.

14 Our purpose for picking 10, 50, 90 is, number one,
15 to crunch it down to facilitate the comparison between the
16 alternatives and no action. Because if you look at too many
17 traces, it just gets too overwhelming.

18 And then the second thing is to give some idea of
19 what the chances are of Mead getting to certain levels.
20 Does that kind of make sense?

21 So some people might say median is a
22 representation of the most likely scenario. The way I would
23 really like to describe it is in any given year, 2020, you
24 know that Mead is about 50 percent likely to be above 1100.

25 Now, what's that mean? There's a chance it's

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 gonna be above or below; right? We don't mean to say
2 there's no chance of being in either side.

3 So let's take a different one. Let's take ten
4 percent, 2020, it's about 1042. So what we'd say is there's
5 about a ten percent chance in 2020 that Lake Mead would be
6 at or below 1042. There's a 90 percent chance it's at or
7 above 1042.

8 See, it -- it's tough because you got this such
9 big uncertainty, and our goal here is to quantify it and
10 facilitate a comparison.

11 A single trace analysis is absolutely a valid
12 analysis, don't get us wrong, but this tends to be the
13 analysis that's been taken on the system and people are
14 fairly used to.

15 Did that help explain it? Sounds like --

16 ALLEN GOOKIN: Quite a bit.

17 TERRY FULP: Okay. Any questions? I know that's
18 a lot of hydrologic speak coupled with statistics, so ...

19 (Presentation by Terry Fulp resumed.)

20 ALLEN GOOKIN: Allen Gookin, Gila River Indian
21 Community.

22 TERRY FULP: Thank you.

23 ALLEN GOOKIN: Is that in the report? And if so,
24 where?

25 TERRY FULP: It is. It would be section 4.3.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 ALLEN GOOKIN: Because I have looked and looked --

2 TERRY FULP: I can probably find the page number
3 for you. Steve brought his. I know there's lots of graphs
4 and it's tough to find 'em all, but I think I can find this
5 one for you.

6 Oh, and it's actually 4.4. Sorry.

7 NAN YODER: While Terry is looking for that, I'm
8 gonna point out that one of the things we did do in the
9 document was list all our tables and figures in -- in the
10 table of contents. And so if you went and looked for the
11 probability of Lower Basin shortages in the table of
12 contents, it's gonna get you to that, as well. But we'll
13 find the page at the moment.

14 TERRY FULP: So I believe -- thanks. I could have
15 been smart and looked up in the index. Appreciate that,
16 Nan.

17 But in any event, I think on page 4, dash, 94
18 there is the plot, the probability of involuntary and
19 voluntary Lower Basin shortages.

20 Do you see that plot?

21 ALLEN GOOKIN: Yes, I do. Thank you.

22 TERRY FULP: Yes. You're welcome.

23 (Presentation by Terry Fulp resumed.)

24 TERRY FULP: And that's it. Okay. Any other
25 questions here? At this point, then, I'm gonna turn it over

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 to Steve. I really appreciate your --

2 Yes.

3 GARY PARKER: I'm sorry. I do have one question.
4 Gary Parker from Gila River.

5 One of the things that you identified right up
6 front is that there is not a preferred alternative. What
7 the probability of everything that you're presenting -- I
8 don't -- I don't really know how to ask this.

9 With all of the probability that goes into this,
10 if you have the Upper Basin and the Lower Basin and you
11 don't have a preferred alternative that's going to be
12 identified as to how you operate and how -- I guess you
13 sequence the model not only through 2020 thousand -- or
14 2027, but then further into the future, who's going to
15 decide and how are you going to decide what that preferred
16 alternative is?

17 Because I guess in my mind that affects the
18 probability of everything that you're doing here if -- if
19 you don't have some kind of a baseline that you're -- you're
20 starting with because probability then just goes everywhere.
21 It's a -- you know, it's a scatter.

22 And -- and I don't -- I didn't see that anywhere
23 in the document. I don't see anything that leads you
24 towards that assumption. It's only, "If this is
25 considered."

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 Well, we as individuals and/or we as groups, we
2 can't make very many decisions based on that because there's
3 too many other factors that are going to affect that and
4 it's going to change probability considerably.

5 TERRY FULP: Okay. Yes, that's a good question.
6 Let me -- let me give a couple of hopefully pertinent
7 statements and maybe I can address it exactly.

8 Our view here was that we didn't believe we knew
9 enough about people's in- -- had enough people -- public
10 input to really say one of these is really the best
11 alternative. So our -- the way it's gonna work is we
12 appreciate your comments over this 60-day period telling us
13 what you think a preferred alternative should look like. So
14 not only do you -- you tell us many other things, I'm sure,
15 but that's one of the things for sure we want to hear.

16 Give you an example. Let's say the shortage
17 strategy under the Basin States Alternative starting at
18 2075, as we mentioned, at 400,000 is an acceptable shortage
19 strategy, but perhaps the assumption with regard to the
20 conservation element ought to be bigger.

21 And so that's a comment we would absolutely listen
22 to if with heard that, that, "Hey, you take this element
23 out, this alternative, match it with this element and that
24 alternative and formulate a preferred alternative in that
25 way."

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 And so that's what we're allowing in our process,
2 is to hear from you all so that we then can sit down, digest
3 all of that input, and come up with what we think is the
4 most reasonable preferred alternative.

5 Yes.

6 ALLEN GOOKIN: Allen Gookin, Gila River Indian
7 Community.

8 If we go through -- or if you go through and you
9 come up with a hybrid alternative, will there be a new draft
10 EIS put out for comment, or will you just go to the final?

11 TERRY FULP: We're planning to go to the final.
12 Now, what we will do, though, is we'll disclose that
13 preferred alternative to you. We won't wait till the final.
14 We'll disclose it, and we can certainly have additional
15 consultations to -- if there's questions or explanation as
16 needed.

17 So our plan right now is we'd take essentially the
18 month of May to digest the comments and come up with a
19 preferred alternative, and then we'd publish it. That's our
20 current plan.

21 Now, in the final, then, what you would see is
22 pa- -- I think this is the way it'll work out. I mean, I --
23 I'm not 100 percent sure. But I think you'd see these
24 alternatives with the preferred alternative if it's
25 different from one of these five, or if it's different from

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 one of the four action alternatives. You'll actually see a
2 new alternative that's the combination, mix and match, so
3 it's really clear what it -- what it -- its impacts are.

4 Does that at least make sense? I'm not asking you
5 to agree, but it makes sense --

6 ALLEN GOOKIN: No, I understand.

7 TERRY FULP: -- what we're up to? Yeah. Okay.

8 So we really very much welcome your -- your
9 comments about each of these alternatives, and particularly
10 what they've assumed with regard to each of the four
11 elements. Okay? All right.

12 Well, I'm gonna turn it over to Steve, then.

13 NAN YODER: Okay. And I'm gonna do a few process
14 things with you again while Steve's getting all hooked up.

15 Has everyone signed the sign-in sheet? Yeah?
16 We're gonna avail upon Amy to make copies so you can walk
17 away with it; all right?

18 The other thing is we talked about several
19 documents that were available -- and we do have a winner
20 here -- but I -- I can get these to you very quickly. If
21 anyone else is interested in the modeling data, the
22 allocation modeling data, what Steve will be talking about
23 shortly, or the Colorado River Simulation Model, we can have
24 that overnight mailed to you. All I'm gonna need is your
25 name, address, and a street mailing address for it; okay?

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 So don't leave without giving that to myself or to
2 Amber -- can you stand up a second, Amber? Either one of us
3 before you leave, make sure we get your name and address,
4 and we'll make sure it's mailed to you overnight mail so you
5 have it this week; okay?

6 Yes, sir.

7 JONATHAN JANTZEN: What about a paper copy of the
8 draft EIS?

9 NAN YODER: You want something to hold down that
10 desk, we will oblige. And again, if you can just give us
11 your name and address, or if you want to point it out on the
12 sign-in sheet. We just -- we need to have a street address,
13 so if you give me a PO Box, it might be a little hard to get
14 it to you; okay? But we'll make sure that you have it by
15 the end of the week; okay?

16 Anyone else?

17 MARGARET VICK: John, check with Cathy Wilson.
18 She has them.

19 NAN YODER: Okay. But we will get it to you this
20 week, so it's not like you'll be waiting two weeks for it.

21 In the information that was sitting on the table
22 up front when you walked in -- hopefully you picked this
23 up -- this is our fact sheet. We update it periodically.
24 This is the current one. You'll notice here that it gives a
25 lot of information about how to submit your comment, by

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 when, April 30th, and we also have our e-mail account
2 where you can communicate with us.

3 If -- if you walked away today and said, "Oh, I
4 forgot to give Amber and Nan my business card and I wanted
5 something," if you send us an e-mail, we open those e-mails
6 every day. If you talk to me on Saturday, I'm gonna read
7 'em. Okay. And we'll get you the information.

8 So if you send us an e-mail asking something,
9 we'll get back to you as soon as we can; okay? So that
10 information's on this fact sheet.

11 Yes, ma'am.

12 DR. CAROLE KLOPATEK: What's going to happen this
13 evening as opposed to what's happening today?

14 NAN YODER: This evening is the official public
15 hearing on the draft EIS. Again, we'll have a court
16 reporter present, we'll do an introduction on the project
17 and some background, and then we open it up to submitting
18 verbal comments on the draft EIS that are recorded for the
19 record.

20 A verbal comment or a written comment have the
21 same weight in our process. We're just coming to people,
22 giving them the opportunity to express something to us
23 verbally. If you send us the same comment in writing, we
24 also take that into account.

25 Tonight's a public hearing at which we're taking

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 your comments, and we're doing that here today, as well,
2 because this is now on the transcript and will go into our
3 record, and as a draft EIS is issued, all your comments are
4 addressed in that, so you will find your comment in our
5 document when it's issued this September.

6 Did I answer your question?

7 DR. CAROLE KLOPATEK: Well, when will you have the
8 record for the public comment this evening available?

9 NAN YODER: When will I have the record of the
10 public comments?

11 DR. CAROLE KLOPATEK: Yeah. This evening.

12 NAN YODER: This evening?

13 DR. CAROLE KLOPATEK: This evening's meeting.

14 NAN YODER: Okay. All the comments that we
15 receive by April 30th will be up and available on our
16 project Web site by May 4th. Okay? Those are comments.
17 Just the comments. How we address them, that will be
18 available in September. Okay?

19 DR. CAROLE KLOPATEK: Is there any way of getting
20 this evening's comments earlier than that, prior to the
21 30th cutoff deadline?

22 NAN YODER: No. Sorry. I -- sorry. It won't be
23 possible. But we will have them up -- all comments up and
24 posted by May 4th; okay? The comment period closes
25 April 30th. If we were to start putting comments up

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 piecemeal, it would become very confusing for people as to
2 what's been posted, so ...

3 DR. CAROLE KLOPATEK: Just a transcript of the
4 evening's -- can't even get that?

5 NAN YODER: It'll be available on our project Web
6 site May 4th. It's a comment.

7 Today's transcript, as soon as we talk with the
8 court reporter, we'll -- we can make that available to you
9 as soon as we can.

10 DR. CAROLE KLOPATEK: Why the difference?

11 NAN YODER: This is a Tribal Consultation Meeting,
12 and so we're feeding back to you what we've heard today;
13 okay? You'll have comments in here that become part of the
14 record. But this is specifically a meeting held for the
15 Tribes. And so we will feed back the transcript to you as
16 soon as we have it.

17 DR. CAROLE KLOPATEK: Okay.

18 NAN YODER: Are there any other questions? Okay.

19 I'm sorry, Steve.

20 (Presentation by Steve Hvinden commenced.)

21 ALLEN GOOKIN: Allen Gookin, Gila River Indian
22 Community.

23 In the Mexico Treaty is there a provision that
24 makes them accept a pro-rata share of shortages? I was --
25 I'd been unaware of that. I'm not denying it; I'm just not

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 aware of it.

2 STEVE HVINDEN: We have made a -- a modeling
3 assumption here that Mexico shares one-sixth in the shortage
4 in the Lower Basin, and that's based simply on the ratio of
5 1.5 million for Mexico over the total Lower Basin
6 entitlements of nine million acre-feet.

7 ALLEN GOOKIN: Does -- do you know does Mexico
8 agree with this assumption?

9 MR. FULP: No, they do not.

10 ALLEN GOOKIN: What happens --

11 JAYNE HARKINS: But they do agree -- they do agree
12 that this treaty does say we share in the shortages, and you
13 need to define "extraordinary drought" and the pro-rata
14 share. And they do agree that they need to take some
15 portion of shortages.

16 Now, as to percentages or what you do or how you
17 calculate it, there's no agreement yet.

18 NAN YODER: Jayne Harkins, H-A-R-K-I-N-S. Sorry.

19 And we have another question over here.

20 MARGARET VICK: Margaret Vick.

21 It's my understanding that it's Basin-wide, not
22 just so Lower Basin, for the calculation of shortages to
23 Mexico. The extraordinary drought is throughout the entire
24 Basin, so there has to be a reduction in Upper Basin use as
25 well as Lower Basin use before the reduction can go to

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 Mexico. That's just my understanding of the treaty.

2 TERRY FULP: I think we might add -- that's
3 certainly one interpretation of it.

4 MARGARET VICK: Yeah.

5 MR. FULP: The issue here in -- in some sense is,
6 again, this large amount of storage which is the benefit to
7 the system. And so for instance, if you looked Basin-wide,
8 we've been under a fairly severe drought in seven years.
9 But because of the -- we walked into the drought with full
10 reservoirs and we've got so much storage, we've been able to
11 continue to meet the delivery requirements in the
12 Lower Basin, including to Mexico.

13 You could argue that it was a Basin-wide pretty
14 severe drought, maybe even extraordinary, and certainly some
15 of the Upper Basin users have incurred shortages during this
16 period of time, primarily because they're up high in the
17 system and they don't have the benefit of large amounts of
18 storage above them.

19 So one interpretation could be, yes, if it's
20 Basin-wide, then Mexico might in fact be -- have to share
21 when those Upper Basin users get shorted, even though
22 Lake Mead is not in a Lower Division State shortage. You
23 can see kind of the complicated issues that can evolve out
24 of -- out of that.

25 And we might want to just add that obviously this

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 is a U.S. action only. Secretary of the Interior is -- will
2 take an action here that will apply to the seven Basin
3 States, you know. I mean, the -- and water users within
4 those states. It does not include Mexico.

5 There's a parallel process through the
6 State Department that will -- that is ongoing, albeit a bit
7 slowly, perhaps, but it's ongoing, and that would be the
8 process that a Mexico shortage -- water-delivery-reduction
9 decision would be made.

10 And again, we could have assumed other modeling
11 assumptions. These happen to be the ones we -- we chose.
12 And they are consistent between all the alternatives.

13 STEVE HVINDEN: Okay. So the way to think of a
14 stage-one shortage, that essentially is a shortage where
15 California is not participating yet in the shortage because
16 there's still post '68 water in -- in Arizona that hasn't
17 been totally shorted out.

18 And the model then incorporates these ratios that
19 are -- and this is shown in I think Appendix G, pages six
20 and seven, the calculation of this.

21 But Nevada's consumptive use would be reduced by
22 3.33 percent; Mexico by 16-and-two-thirds, and Arizona by 80
23 percent.

24 (Presentation by Steve Hvinden resumed.)

25 MR. FULP: Steve, should we add there that this is

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 clearly one of the modeling assumptions and that's all it
2 is. We have to assume something for future use, and these
3 are the schedules that ADWR provided us.

4 I think the rationality behind this -- and please
5 anyone that wants to add on this -- is essentially this
6 would in some sense show a worse case to Priority Four. And
7 we're trying to analyze it in that kind of a worse-case
8 sense so people such as yourself can get an idea of -- of it
9 in terms of that.

10 By no means are we saying this is exactly how it's
11 gonna pan out in the future. It's just another one of the
12 modeling assumptions, and we took the opinion of ADWR on
13 this one.

14 STEVE HVINDEN: The model does rely on buildup
15 schedules for all the users, including the Tribes, so I
16 would encourage you to look in the back of Appendix G.
17 There is buildup schedules for everyone, including the
18 Tribes. Take a look at your buildup schedule, see if you're
19 comfortable with it. It -- welcome your comment on that.

20 (Presentation by Steve Hvinden resumed.)

21 JONATHAN JANTZEN: I have a question. My name's
22 John Jantzen.

23 Where does the word "entitlement" come from? How
24 are you using the term here?

25 STEVE HVINDEN: We use the word "entitlement" to

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 refer to -- to three mechanisms for someone to -- to be --
2 be allowed to take Colorado River water.

3 We have -- first of all, the first form of water
4 entitlement is a Section Five Water Delivery Contract with
5 the Secretary of Interior.

6 The second form of an entitlement is a decreed
7 right, such as the five Tribes located along the lower
8 Colorado River. Their right is decreed in the Supreme Court
9 Decree of Arizona/California.

10 And then there's a third class of what we call a
11 Secretarial Reservation, where the Secretary has -- has
12 reserved the water for, for example, Davis Dam. Or there's
13 I think a hundred-foot allocation for uses at the dam that
14 has -- isn't used a lot. But there are some small
15 quantities of water where the Secretary has essentially
16 instead of contracting with himself has -- has essentially
17 reserved water for use in Federal facilities.

18 JONATHAN JANTZEN: Okay.

19 STEVE HVINDEN: Yes.

20 DR. CAROLE KLOPATEK: Carole Klopatek,
21 Fort McDowell Yavapai Nation.

22 Could you just -- I'm trying to remember. Going
23 through priority and what percentage of water is the
24 allocation next to that based on the priority? I see take
25 one, two, three, and four, it -- that's approximately, what,

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 20 percent? Is that about right?

2 STEVE HVINDEN: I'll take a stab at it. I don't
3 have my cheat sheet with me here. But for example,
4 Priority Four, that is all of CAP, which has approximately
5 1.5 million-acre-feet, plus 165,000 acre-feet of contracts
6 with folks along the river.

7 Priority One, I know that the Tribes in total for
8 all three states have about close to a million acre-feet
9 of -- of -- of entitlement, and I believe most of that is
10 in -- most of that is in Arizona.

11 The -- for example, the -- the Colorado River
12 Indian Tribe, I believe their allocation is
13 662,000 acre-feet for that one Tribe.

14 So generally speaking in Arizona, you know, it's
15 1.5 million acre-feet up here in Priority Four, and then 1.3
16 for the -- for the pre-1968 Rights.

17 And if we -- we have tables. I believe they're in
18 the Appendix G. They may not be summed up by priority.
19 We'd be happy -- we have a listing back in the office of --
20 of all the entitlements by priority, and we'd be happy to
21 get that to you.

22 DR. CAROLE KLOPATEK: Thanks. I was just trying
23 to remember.

24 STEVE HVINDEN: Yeah.

25 JONATHAN JANTZEN: Did you say that all of CAP was

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 a Priority Four?

2 STEVE HVINDEN: Well, there is one -- yeah, with
3 one exception. There are -- and I'll get to that a little
4 bit later.

5 There's -- as part of the Ak-Chin Settlement and
6 as part of the Salt River Settlement, the Secretary went
7 down to the Yuma area and acquired rights to Priority Three
8 water for those settlements, and that is part of the -- what
9 we consider to be the overall CAP supply.

10 JONATHAN JANTZEN: Okay

11 (Presentation by Steve Hvinden resumed.)

12 STEVE HVINDEN: Any questions? Yes, sir.

13 ALEX BLAINE: Alex Blaine, Tohono O'odham Nation.

14 Could you explain that 8,000 acre-feet shortage
15 again? Or kind of how you said? I didn't catch that.
16 Between Gila River and Tohono O'odham.

17 STEVE HVINDEN: Okay. In this particular block of
18 water, the -- that is shared on the basis of 800 acre-feet
19 by the Tohono Nation, and the balance of approximately
20 32,000 -- slightly less than 32,000 is -- is absorbed by the
21 Gila River Indian Community.

22 And -- and this stems from the fact that I believe
23 it's the Chuichu portion of the -- of the nation had an
24 allocation to 8,000 acre-feet of irrigation water, and ten
25 percent of that was -- was subject to an earlier reduction.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 So ten percent of 8,000 equals the 800 acre-feet.

2 ALEX BLAINE: Okay. Yeah, 'cause I -- I -- the
3 reason I ask that is because that is our area and kind of
4 pertains to our area, so I wanted to know about it. Thank
5 you.

6 STEVE HVINDEN: So you aren't being asked to make
7 the more than an 800-acre-foot reduction. You're taking a
8 little bit sooner than you would have otherwise absent this
9 settlement.

10 ALEX BLAINE: Okay.

11 DEBBY SAINT: Steve, if you don't mind, maybe I'll
12 just explain that dispute. I'm Debby Saint, Bureau of
13 Reclamation.

14 In the 1980 CAP contracts, and I might get the
15 numbers wrong, it defines the time of shortages when M&I
16 water is 510,000 acre-feet and Indian water is at
17 343,000 acre-feet. And I might be slightly off on the
18 numbers, but I think I'm right.

19 Anyway. And so the 343,000 acre-feet was the full
20 amount of the Indian contracts. The Indian contracts that
21 were for -- that the allocations were for irrigation water,
22 which is the Sif Oidak area of Tohono and Gila River Indian
23 Community, Salt River Indian Community, and Ak-Chin.

24 All of those contracts said those -- those
25 irrigation waters get reduced before those -- those

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 amount -- those contracts get reduced about ten -- by ten
2 percent before it's shared equally among all the Tribes. So
3 that water goes off the top first, that ten percent in -- in
4 the Sif Oidak area. For Gila River Indian Community it was
5 25 percent, but ...

6 But the cities thought, and they had some good
7 reasons for thinking, that that ten percent was the first
8 water that went away before the cities took any shortages.
9 The -- we thought the United States' position was that
10 the cities were reduced from 640,000 acre-feet down to
11 510,000 before the -- the Tribes took any shortage. And so
12 there was a -- a long dispute over that.

13 And what the compromise that was agreed to was is
14 that the -- that piece, that ten percent, and the
15 130,000 acre-feet of M&I water would go down at the same
16 rate so that those two would go down and then you'd share
17 shortages. And so that was kind of the basis of the
18 compromise.

19 STEVE HVINDEN: I have a slide coming up that
20 might help, but ... illustrate that a little better.

21 (Presentation by Steve Hvinden resumed.)

22 STEVE HVINDEN: Under the Cliff Dam Replacement
23 Water Arrangement, several of the Phoenix area cities
24 presently obtain the right to take as non-Indian
25 agricultural priority water 47,103 acre-feet of water as

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 having that NIA priority. In the year 2044 they have the
2 right, and everyone expects them to exercise that right, to
3 convert that 47,103 acre-feet from NIA priority water to M&I
4 priority water.

5 So what you see here in 2044 is that 47,103
6 shifted from here (indicating) from these NIA, down to NIA
7 priority.

8 So there's more -- more water in this Priority Two
9 block or CAP Two block after 2044. And if that affects
10 the -- you'll see when we get to how the share of Indian
11 water is defined in the project. It's set up
12 pre-2044/post-2044 under a formula that's in the -- the
13 Arizona Water Settlement Act.

14 (Presentation by Steve Hvinden resumed.)

15 STEVE HVINDEN: And in effect, this is where the
16 compromise occurred. The Feds were successful essentially
17 in negotiating where this 36 percent here (indicating) was
18 extended through this particular point (indicating) from --

19 So as you go from 801 to 853, that 36 percent
20 still holds. Then essentially between here and
21 here (indicating), and I might say right here (indicating),
22 the Tribes get 310,000 acre-feet of the 343,000 acre-feet.

23 So essentially this line (indicating) was plotted
24 between there, and essentially the full block of water for
25 Tribes and the cities of 982,000 acre-feet.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 And a mathematical equation was -- or linear
2 relationship was ascribed to that. And for those of you who
3 have looked at the Settlement Act, it's a fairly complicated
4 mathematical formula in here. But this line here
5 (indicating) is really what -- what is being defined in
6 the -- in the Settlement Agreement.

7 (Presentation by Steve Hvinden resumed.)

8 MARGARET VICK: Steve, I have -- I have a question
9 back on that -- Margaret Vick -- under that last slide.

10 Under the doomsday scenario where there --

11 STEVE HVINDEN: I shouldn't have used that word.

12 MARGARET VICK: I know. It's catchy.

13 Would -- where there's still water available to --
14 higher-priority water for Ak-Chin and Salt River down at the
15 very bottom --

16 STEVE HVINDEN: Mm-hmm.

17 MARGARET VICK: -- is there going to be sufficient
18 water in the canal to get that delivered?

19 STEVE HVINDEN: I am gonna defer that question to
20 our operators, cause I have -- I have to say I've wondered
21 about that myself, and Randy --

22 RANDY CHANDLER: God only knows. I -- I don't
23 know how that would really work. I mean, that would be
24 difficult to move that small amount of water in a canal.

25 MARGARET VICK: Yeah.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 RANDY CHANDLER: But ... so I don't know how that
2 would play out in reality.

3 MARGARET VICK: Okay.

4 RANDY CHANDLER: I'm assuming at that point there
5 would be water-bank water coming back into the canal, other
6 ways of getting water back in the canal to where that could
7 be done.

8 Assume the water bank is -- is firming some of the
9 M&I water, you know, there would be ways to get water back
10 in the system that would be a mixture of that small amount
11 of water. So I think it could be practical.

12 MARGARET VICK: Okay. On some kind of a exchange
13 basis so it might come out of the bank or something or --

14 RANDY CHANDLER: No, it would come from the
15 Colorado River.

16 MARGARET VICK: It would come all the way from the
17 Colorado River to Ak-CHin?

18 STEVE HVINDEN: Sure.

19 RANDY CHANDLER: Sure.

20 MARGARET VICK: Okay. And the bank water would,
21 as well?

22 RANDY CHANDLER: I'm just saying they might
23 recover some water out of ground-water bank in Arizona to
24 put back in the canal where the canal was more functioning
25 like a full canal. That would be my idea.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 (Presentation by Steve Hvinden resumed.)

2 STEVE HVINDEN: Part of your handouts include two
3 sets of tables; one that shows that various shortage volumes
4 and various years. It shows the -- the overall magnitude of
5 shortages on kind of an aggregate basis between Mexico and
6 each of the Lower Division States.

7 And then there's a second set of tables that is
8 particular to the Tribes. And you can similarly look at
9 those tables and see what the model is -- output of the
10 model for reductions in deliveries to the Tribes under
11 various levels of shortages and -- and years.

12 I'm not going to go through that. I invite you to
13 look at those numbers and -- and, you know, send us comments
14 if you -- something looks not right to you or look at your
15 buildup schedules.

16 I want to say that we still have some refinements
17 to make to our -- our model. We'll be doing those along
18 with the comments we receive from -- from the public, but --

19 For example, a -- upon the Ak-Chin Indian
20 Community, they -- the Community has a three-tiered
21 entitlement, if I can use that terminology. What we have in
22 the model right now is 75,000 acre-feet for the Community.
23 We -- we -- we know of course that under some conditions the
24 Community has a right to 85,000 acre-feet of water, and
25 under a shortage condition under the Settlement it's

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 required delivery of 72,000 acre-feet.

2 So we have to refine the model to include the
3 72,000 and 85,000 additions, so ... adjustments like that
4 that we will do here in the next month.

5 Yes, sir.

6 TERRY ENOS: Terry Enos. Ak-Chin.

7 I guess that's what you were talking about here
8 briefly as a possible amend to that CAP contract?

9 DEBBY SAINT: Right. As part of the Arizona Water
10 Settlement Act we will be offering contract amendments to
11 all of the CAP Tribes, and -- and we'll be -- we'll have a
12 longer detailed meeting to explain that, and -- and -- maybe
13 on an individual basis, because we'll actually --

14 TERRY ENOS: Right.

15 DEBBY SAINT: -- for most of them have the
16 contract amendments, and we'd like to probably meet with you
17 and -- and talk about the complications that are associated
18 with your CAP contract.

19 TERRY ENOS: I just wanted to bring that up
20 because it's for the record that's what we --

21 DEBBY SAINT: Right.

22 TERRY ENOS: -- briefly discussed over there on
23 the side.

24 DEBBY SAINT: Right. Yeah. Yeah.

25 TERRY ENOS: Thank you.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 DEBBY SAINT: So -- but that's -- it's kind of
2 related to this process, but it's separate from this
3 process. So we'll be -- we'll be doing that. But I saw
4 you, and I just wanted to not have you be surprised when you
5 got the letter.

6 STEVE HVINDEN: And when you say "all," it's --
7 it's all but the -- the Gila River Indian Community and
8 Tohono. It's the other Indian Communities --

9 DEBBY SAINT: Yeah, there's seven. There's seven
10 Tribes.

11 STEVE HVINDEN: Okay. Well, that finishes my part
12 of the presentation. Terry has a couple of closing slides
13 on processes/schedule, and take more questions now or --

14 Yes, sir.

15 ROBERT PALMQUIST: Steve, Bob Palmquist,
16 Strickland and Strickland for Ak-Chin.

17 Did I understand you correctly that you are going
18 to make additional refinements or changes to the model
19 reflecting Ak-Chin's slightly different entitlement
20 situation?

21 STEVE HVINDEN: Yes.

22 ROBERT PALMQUIST: Okay. When could we anticipate
23 seeing those changes coming in?

24 STEVE HVINDEN: As soon as we -- I guess the day
25 after the public comment period we will gather up the

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 comments, we'll look at all of the comments we got about the
2 model as well as this particular elements, and -- Amber and
3 I will be working probably around the clock for a couple of
4 weeks to -- to -- to, you know, consider the changes and --
5 and -- and make those that we feel are warranted.

6 But our goal is to try to as close as we can
7 reflect the -- the contractual arrangements; the terms and
8 conditions of the Water Rights Settlements.

9 It was simply a -- in this case we -- we -- we --
10 we had the 75,000 acre-foot model in kind of a normal-year
11 condition, but we hadn't -- we -- we -- we didn't have
12 the -- we just ran out of time in our process to -- to
13 incorporate the 10,000 acre-foot additional water in the --
14 and the -- and the shortage condition where the entitlement
15 is 72,000.

16 ROBERT PALMQUIST: Thank you.

17 STEVE HVINDEN: Yes.

18 ALLEN GOOKIN: In the output -- Allen Gookin.
19 Gila River Indian Community.

20 In the output on the Hoover Dam annual releases in
21 particular, I didn't understand -- you show a very smooth
22 curve for the -- the releases. Obviously the very left-hand
23 side is flood releases and the right-hand side is the
24 extreme shortages. And I would have expected to see
25 stairsteps of 400,000/600,000 under the various shortage

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 alternatives.

2 Where am I going wrong? I'm talking about page 4,
3 dash, 58.

4 TERRY FULP: So what that is, they're in there,
5 but they're kind of washed out. This is one of those --
6 it's a -- what we call a accumulative distribution, so we've
7 taken all of the 99 possible runs for each of the years over
8 the 53-year period and thrown them all in a bin --

9 ALLEN GOOKIN: Right.

10 TERRY FULP: -- and ranked 'em.

11 ALLEN GOOKIN: But I would have expected --
12 I'm sorry.

13 TERRY FULP: No, and so it -- I think if we were
14 to expand this out for you, I think you would actually see
15 some --

16 ALLEN GOOKIN: I would have expected, then, that
17 if you did that you would see the flood releases or
18 high-flow releases, so forth, and then you would see a large
19 portion of we're releasing the Mexico, CAP, the Fourth
20 Priority releases, that would be very flat, and then
21 suddenly you should see a drop under, say, the Basin
22 Alternative of 400,000 with a probability associated with it
23 and 400,000 should show up.

24 TERRY FULP: I think the other complicating factor
25 here is this has got the mechanism, the put and take, we

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 call it, when we had to assume certain entities would create
2 conservation and then take the conservation out later;
3 right? In order to model that component. That's also
4 buried into this plot.

5 So I think it's -- there are certainly other plots
6 I think that would show exactly what you see or -- or are
7 looking to see, like a quantified probability plots of
8 shortages, you'll see it clearly a staircase. There's also
9 in water deliveries to entities, you can see it -- like in
10 the Arizona water delivery, you'll see the stairsteps real
11 clearly in the shortages.

12 So my answer is it's in there, but it's just
13 getting washed out by all of the other things going on.
14 We'd be glad to -- again, when you see the data, we're gonna
15 give you the data, you'd be able to look in there and see
16 that.

17 ALLEN GOOKIN: And I'm looking forward to it.
18 Thank you.

19 TERRY FULP: Very good. That's what -- always
20 good questions about the plots, and we appreciate that.

21 NAN YODER: And again, I'll add, if you have
22 questions like that where you're trying to understand the
23 information portrayed, you know, please, you know, send us
24 an e-mail or give us a call --

25 TERRY FULP: Yeah.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 NAN YODER: -- and we'll help you understand
2 what's in front of you; okay?

3 ALLEN GOOKIN: Thank you.

4 TERRY FULP: And we always appreciate those kinds
5 of questions, because sometimes it helps us understand it
6 even better.

7 Okay. Thanks, Steve.

8 We've sure appreciated all the attentiveness and
9 the questions. I might just add one last thing, a couple
10 things, maybe.

11 Bob, in answer to your question, a little further
12 on, as soon as we get these modifications and changes made
13 and -- we'd obviously be very willing to share them with any
14 and all of you.

15 ROBERT PALMQUIST: Great.

16 TERRY FULP: I'm gonna guess it's more in the
17 Juneish time frame than -- I agree Steve's probably -- and
18 Amber are probably gonna work really hard in May, but I
19 think it would be more like mid-June or so by the time we'd
20 really be ready to -- to come to you. Maybe even late June.
21 So we don't want to overpromise time, but we'll absolutely
22 commit to doing that to meet that need.

23 The last thing I might add is how do these two
24 talks kind of fit together -- and we appreciate your
25 attentiveness to both -- it's really through the probability

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 of shortage; all right?

2 So again, this model takes particular years and
3 particular volumes of shortages and says under these
4 assumptions, here's how it would be allocated. And the way
5 to then look at risk would be go look at -- in chapters 4.4,
6 same section, 4.4, there's detailed tables that list the
7 probability of incurring shortages of these magnitudes.

8 So that's kind of the way it couples up to look at
9 what your risk is. So hopefully that makes sense to you.

10 All right. Just a couple things on scheduling
11 again and we'll let you out. So we're here (indicating).
12 Public comment period we remind you again closes
13 April 30th. We really appreciate your comments during
14 that period of time.

15 We're on target to publish the final EIS in
16 September and still to reach a record of decision by
17 December of this year. So our goal is the 2008 operating
18 year would use these guidelines, whatever they end up being.

19 We might throw out just some dates. You do not
20 need to make this decision today, but for further
21 consultation, we already have that suggestion about detailed
22 modeling. Certainly we would offer a consultation prior to
23 the publication of the final EIS. We would offer you a
24 consultation once we've published the preferred alternative,
25 for instance, if that makes sense. We've mentioned that.

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

1 And certainly again these modeling details, as soon as those
2 get cleared up.

3 So what we would ask you to do is think those over
4 and just let us know what makes sense for you and what kind
5 of time you want to use for yourselves, and we will make
6 ourselves available this summer to hopefully meet that --
7 meet those needs.

8 Yes.

9 ALLEN GOOKIN: Allen Gookin for the Gila River
10 Indian Community.

11 At least the Community would like to request
12 consultation after the preferred alternative is released.

13 TERRY FULP: Okay. Okay.

14 ALLEN GOOKIN: Thank you.

15 TERRY FULP: You're very welcome.

16 Well, with that, any final comments or questions?

17 If not, then, I think that closes our meeting and
18 our consultation with you for this -- this go-round. We
19 appreciate, again, you all being here. Thanks for all the
20 questions and input. We look forward to your comments.

21 (Whereupon the presentation and meeting was
22 concluded at 1:10 p.m.)

23

24

25

CENTRAL ARIZONA PROJECT TRIBAL CONSULTATION MEETING - 4/4/07

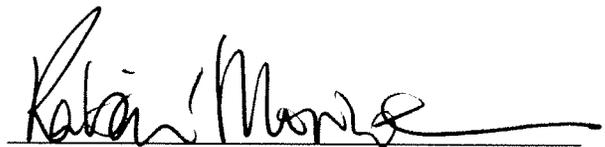
1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)

4 BE IT KNOWN that the foregoing Central Arizona
5 Project Tribal Consultation Meeting was taken before me,
6 RABIN' MONROE, RMR, CRR, a Certified Reporter, No. 50653, in
7 and for the County of Maricopa, State of Arizona; that the
8 proceedings were taken down by me in machine shorthand and
9 thereafter transcribed by computer-aided transcription under
10 my supervision and direction; that the foregoing pages,
11 numbered from 1 to 39, inclusive, constitute a true and
12 accurate excerpt of all the proceedings had upon the taking
13 of said meeting, all done to the best of my skill and
14 ability.

15 I FURTHER CERTIFY that I am in no way related to
16 any of the parties hereto, nor am I in any way interested in
17 the outcome hereof.

18 DATED in Phoenix, Arizona, this 10th day of April,
19 2007.

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23
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25



RABIN' MONROE, RMR, CRR
CR #50653