

From: "Jerry Zimmerman"
To:

Date: 10/2/07 2:42PM
Subject: California's Comments on the Guidelines

Attached for your reference are California's comments on the draft Guidelines.

If you have any questions, please contact me.

Thanks,

Jerry

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Comments on U.S. Bureau of Reclamation's
November 16, 2007 Draft Interim Guidelines for the Operation of Lake Powell and Lake Mead

Page 3, 2nd full paragraph, line 4—Revise the sentences to read as follows: “The Secretary will require forbearance by the State of Arizona, the Palo Verde Irrigation District, the Imperial Irrigation District, the Coachella Valley Water District, The Metropolitan Water District of Southern California, the City of Needles ~~Colorado River Board of California~~, and the Colorado River Commission of Nevada for implementation of this element of these Guidelines (regarding ICS). If, in the opinion of the Secretary, the State of Arizona or the Palo Verde Irrigation District, the Imperial Irrigation District, the Coachella Valley Water District, he Metropolitan Water District of Southern California, the City of Needles ~~Colorado River Board of California~~ or the Colorado River Commission of Nevada, unreasonably withhold forbearance, the Secretary may, after consultation with the Basin States, modify these Guidelines.

Page 4, 3rd full paragraph—Revise the paragraph to read as follows: “To ensure the requirements of Section 5 of the Boulder Canyon Project Act and Article II(B)(5) of the Consolidated Decree are complied with, and to reduce the possibility of ambiguity, the Secretary anticipates entering into delivery agreementseontracts with any person or persons intending to create ICS or DSS. Such agreementseontracts are expected to address the requirements set forth in the Guidelines for the approval of ICS or DSS plans, the certification and verification of the ICS or DSS created under the plans, the ordering and delivery of ICS or DSS, the accounting for ICS or DSS in the annual report filed with the United States Supreme Court in accordance with Article V of the Consolidated Decree, and such other matters as may bear on the delivery of the ICS or DSS, as for example the point of delivery and place of use, if not already provided for under existing contracts.”

Page 5, 2nd full paragraph, line 1—Revise the sentence to read as follows: “The maximum quantities of Extraordinary Conservation ICS that may be accumulated in all ICS Accounts, at any time, upon the effective date of these Guidelines is limited to the amounts provided in Section 3.B.5. of these Guidelines.”

Page 6, point 8—Revise the first sentence of the point to read as follows: “constitute an interpretation or application of the 1944 Treaty between the United States and Mexico Relating to the Utilization of the Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Treaty) or to represent current United States policy or a determination of future United States policy regarding deliveries to Mexico.”

Page 10, subsection B, line 1—Revise the clause to read as follows: “Before making a determination of a Surplus Condition under these Guidelines, or upon the request of a Contractor, the Secretary will determine the quantity of apportioned but unused water excluding ICS created in that Year from the basic apportionments under Article II(B)(6), and will allocate such water in the following order of priority:”

Page 16, subsection 3, line 6—After the sentence which ends with the word acronym “ICS”, insert the following sentence: “Should a Contractor elect to participate in a project following the

Secretary making an amount of water available to a contributing Contractor as System Efficiency ICS, the Secretary shall reduce the amount of water in the contributing Contractor's System Efficiency ICS account and credit the electing Contractor's System Efficiency ICS account in an equal amount in accordance with the terms of the Secretary's agreement for the funding of the system efficiency project."

Page 23, subsection C, point 3—Revise the point to read as follows: “Delivery of DSS shall not cause the total deliveries within the Lower Division states to reach or exceed 7.5 maf in any Year. If the volume of DSS requested to be released in any Year would cause the total deliveries within the Lower Division states to reach or exceed 7.5 maf for that Year, the Secretary shall consult with all Contractors requesting the release of DSS and release so much thereof as will not cause total deliveries in the Lower Division states to reach or exceed 7.5 maf in that Year.”