

Update for the Green River Basin Advisory Group

November 4, 2003

Pinedale, Wyoming

by

John W. Shields, Interstate Streams Engineer

Wyoming State Engineer's Office



Fireworks exploding over Hoover Dam on June 17, 2002 during the Bureau of Reclamation's Centennial Celebration.



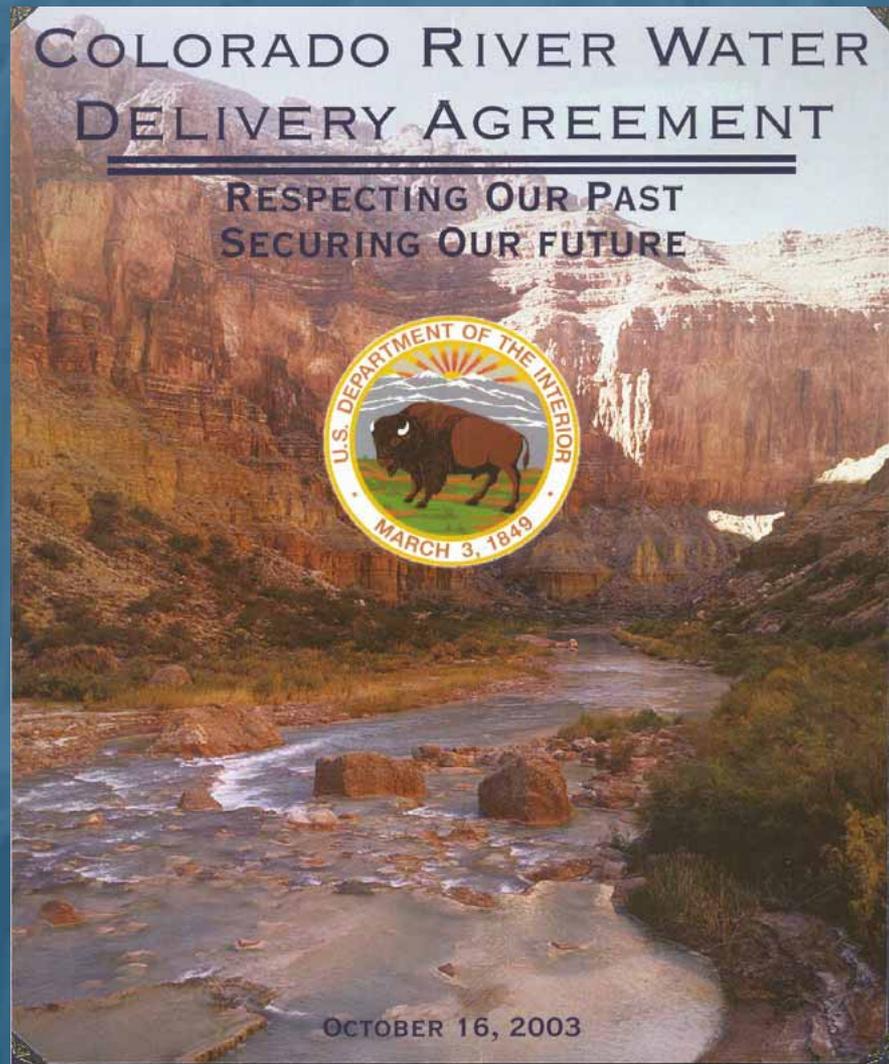
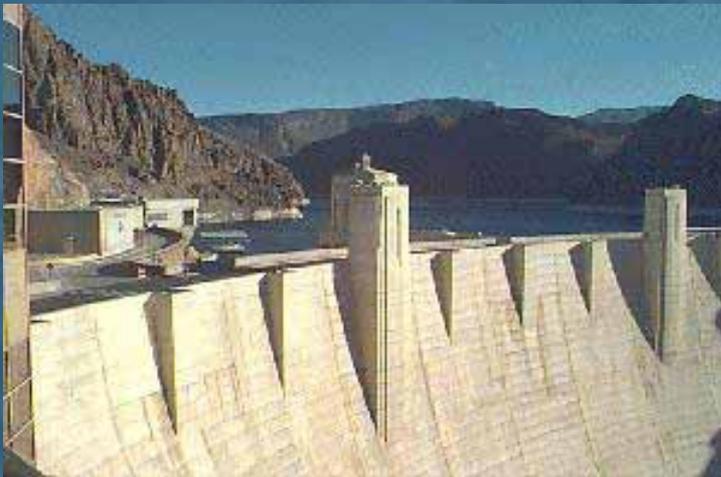
An Update on Colorado River Programs and Issues

- Implementing California's Colorado River Water Use Plan – Signing Ceremony for the *Colorado River Water Delivery Agreement*
- Colorado River Basin Salinity Control Program
- Upper Colorado River Endangered Fish Recovery Program
 - Yampa River Cooperative Agreement
- Upcoming Events And Miscellaneous - FYI

Deal signed to share Colorado River resources

BOULDER CITY, Nev. (AP) -- U.S. Interior Secretary Gale Norton signed a historic deal Thursday to end years of bickering over the Colorado River and fulfill a promise that California made 70 years ago to limit its use of the river it shares with six other states.

The agreement signed during a ceremony at the edge of the Hoover Dam secures the water future for fast-growing Southern California through the nation's biggest transfer of water from farms to cities.





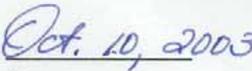
THE SECRETARY OF THE INTERIOR
WASHINGTON

**Colorado River Water Delivery Agreement:
Federal Quantification Settlement Agreement**
for purposes of Section 5(B) of
Interim Surplus Guidelines

Approved:



Gale A. Norton
Secretary of the Interior



Date

Quantification of the water rights associated with CA's first three agricultural priorities

Negotiated agreement which quantifies Colorado River agricultural entitlements to assure that conserved water can be transferred from agricultural entities to urban water agencies.



THE WHITE HOUSE
WASHINGTON

October 16, 2003

I send greetings to those gathered at the Hoover Dam to celebrate the signing of the Colorado River Water Delivery Agreement. This is a historic Agreement that settles longstanding disputes and improves the lives of citizens in the Western United States.

Through a creative solution that involves water marketing, conservation, and technology, this Agreement allows the Colorado River to meet emerging water needs and provides certainty for the people of the Basin States. I commend all those involved for your commitment to finalizing this Agreement.

A handwritten signature in black ink, appearing to read "George W. Bush".



THE SECRETARY OF THE INTERIOR
WASHINGTON

October 16, 2003

To: Governors of the Colorado River Basin States

From: Gale A. Norton
Secretary of the Interior

Re: Colorado River Water Delivery Agreement

It is with great pleasure that I write to inform you that the Colorado River Water Delivery Agreement has been signed and is in effect. This Agreement quantifies Colorado River entitlements within California and resolves longstanding disputes regarding the priority, use and transferability of Colorado River water. In addition, resolution of these issues provides a basis for formal reinstatement of the permissive determinations authorized under the Interim Surplus Guidelines.

The Agreement was developed in close consultation with each of the Basin States and responds to the call from the Basin States that California develop *and implement* a strategy to limit its use of Colorado River water to its legal annual allocation of 4.4 million acre-feet per year. Without this historic agreement, California's overuse of the Colorado River was in conflict with the states' allocations under the Law of the River.

This consensual agreement among California's major agricultural and municipal users of the Colorado represents a rational approach towards achieving a timely and lasting reduction of California's use of the Colorado River. In the absence of this Agreement, it is clear that alternative approaches would have entailed provisions unacceptable to one or more of the parties. In fact, the differences among the parties have plagued efforts to resolve conflicts between California water users since 1931. This Agreement gives California time to gradually eliminate its overuse of the Colorado River, thereby ensuring that the other Basin States have access to their authorized shares to meet current and future needs.

As President Bush stated today, "this Agreement allows the Colorado River to meet emerging water needs and provides certainty for the people of the Basin States." As Secretary, I pledge to continue to work with each of you to implement this Agreement for the benefit of all citizens of the Basin.



GOVERNOR GRAY DAVIS

October 16, 2003

The Honorable Gale A. Norton
Secretary
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Norton:

I appreciate your invitation for California to join with the federal government and the other Basin States to celebrate a new chapter for the Colorado River. The mighty Colorado, that has so often served to divide those who shared its resources, now serves to unify us. It has become a river of cooperation.

The QSA is truly an historic achievement. This agreement not only completes unfinished business from the past -- allocating Colorado River water within California -- it also looks to the future. It improves reliable water supplies for cities by establishing voluntary water transfers. It also establishes State policy that secures a future for the Salton Sea and the many fish and wildlife resources there that depend upon it.

By executing the QSA, California and its local water agencies are moving from a time of uncertainty and litigation on the Colorado River to a time of peace on the river. We could not have come this far were it not for the patience, understanding and support that you and your office have shown California not only throughout this past year, but also from the latter 1990s to the present. I also commend our sister Basin States, and especially our neighbors Arizona and Nevada, for the cooperation they extended to California in its development of the QSA, even under the recent and very trying drought conditions.

This support and cooperation is, I believe, an encouraging sign for the future. The new chapter we open today will be one of mutual concern and equitable sharing of scarce resources.

I am sure that everyone involved with the Colorado River looks forward to enjoying the many benefits that peace on this river will bring.

Sincerely,


GRAY DAVIS



OFFICE OF THE GOVERNOR

KENNY C. GUINN
Governor

October 15, 2003

Honorable Secretary Gale Norton
Secretary of the Interior
1849 C Street, NW
Washington, DC 20242

Re: Execution of the Colorado River Water Delivery Agreement and Reinstatement of Surplus Determination under the Interim Surplus Guidelines or the Lower Division of the Colorado River.

Dear Secretary Norton:

It is with great satisfaction that I extend my congratulations to you and your staff and especially Assistant Secretary Bennett Raley, the board of Directors and staff of the Imperial Irrigation District, San Diego County Water Authority, Metropolitan Water District of Southern California, Coachella Valley Water District and the staff of Governor Davis of California. Their collective efforts have facilitated the compromise and successful conclusion on the Colorado River Water Delivery Agreement that took place on October 10, 2003. As you know, this agreement is particularly significant to the citizens of southern Nevada because it reaffirms your previous water use determinations for our communities.

Specifically, I would like to thank you for your statement of support, at the Colorado River Water Users' convention in Las Vegas in December 2002. Your involvement was essential in ensuring that the Las Vegas' municipal water supply was secure, and further solidified our valley's protection in the unfortunate event that a universal agreement among the California water agencies would fail. Commissioner Keys and Assistant Secretary Raley remained steadfast to your goal and the goal of our Silver State in providing for our unique water situation throughout the impending years.

Lastly, I would like to convey my appreciation for the hard work and dedication that Pat Mulroy and Richard Bunker have contributed to this outstanding venture. The importance of this endeavor cannot be understated and their tireless efforts to bring this agreement to fruition will be appreciated by generations to come. It is my firm belief that the Colorado River Water Delivery Agreement and the Interim Surplus Guidelines are the foundation for a relationship of goodwill and cooperation among the river's water users.

Secretary Norton, thank you again for your leadership and guidance in bringing these two vital entities to reality. Best wishes.

Sincerely,

KENNY C. GUINN
Governor

kac



State of New Mexico

Office of the Governor

Bill Richardson
Governor

October 16, 2003

The Honorable Gale A. Norton
Secretary, Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Norton:

On behalf of the State of New Mexico, I write to commend you for your leadership in settling the long-standing dispute among the Colorado River Basin States regarding the implementation of the Colorado River Compact.

The Colorado River Water Delivery Agreement is a great accomplishment. The Agreement gives the State of New Mexico the assurance that it will receive its authorized share of water to meet its future needs.

We all face burdens when it comes to water given the arid climate that we live in. This historic Agreement ensures that we all share those burdens equally. The State of New Mexico thanks you for your commitment to resolving the difficult water issues of the West.

Sincerely,

A handwritten signature in black ink that reads "Bill Richardson".

Bill Richardson
Governor

lc:ht



STATE OF UTAH

OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

October 15, 2003

Gale A. Norton
Secretary of the Interior
U. S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Gale:

As Governor of Utah, I would like to congratulate the Department of the Interior and the Coachella Valley Water District, the Imperial Irrigation District, the Metropolitan Water District of Southern California, the San Diego County Water Authority, the San Luis Rey Indian Water Settlement Parties, and the State of California for reaching an historic agreement. The Quantification Settlement Agreements and the Colorado River Water Delivery Agreements settle some longstanding water use issues among the Seven Colorado River Basin States with Colorado River water use in California.

Utah commends the parties involved for continuing the lengthy process in the face of numerous setbacks over the past decade. In large measure, the success of this endeavor may be attributed to the willingness of the Federal Government and the other Six Colorado River Basin States to cooperate with the parties in California and to provide a forum for the negotiations amongst California parties. This forum acted as a safe haven for the exploration of solutions without the rancor of direct confrontation. The levels of trust and comity amongst the Colorado River Basin States, the California Agencies, and the Federal Government were tried and strengthened during this arduous process.

I am confident the surety of Utah's apportioned Colorado River Water is enhanced by this historic agreement. I trust that future discussions and resolution of conflict between parties on the Colorado River will follow similar processes and levels of comity and trust that led to the success of this agreement.

Sincerely,

A handwritten signature in black ink that reads "Michael O. Leavitt".

Michael O. Leavitt
Governor

cc: Seven Colorado River Basin States
California Signatory Agencies

DAVE FREUDENTHAL
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

October 15, 2003

The Honorable Gayle Norton
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Gray Davis
Governor
State of California
State Capitol Building
Sacramento, CA 95814

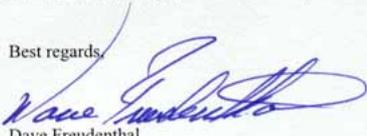
Dear Secretary Norton and Governor Davis:

On behalf of the State of Wyoming, we write to congratulate the Imperial Irrigation District, Coachella Valley Water District, San Diego County Water Authority, the Metropolitan Water District of Southern California and the San Luis Rey Indian Water Settlement Parties on the execution of the Quantification Settlement Agreement. Further, we send this note to congratulate and acknowledge the critical and important role of the Department of the Interior and the Governor's Office of the State of California in accomplishing this important milestone. This new, additional element of the "Law of the River," has been years in the making and is now in place due to the great cooperation, collaboration and dogged persistence exhibited by all parties, including each of the Colorado River Basin States. As we all recognize, the water issues that have accompanied the settlement, development and management of the public resources of the West have continued to increase in both number and complexity over time. Collaborative multi-party efforts remain the most effective means to address the many accompanying challenges. The California Quantification Settlement Agreement and the Colorado River Water Delivery Agreement are visible demonstrations that these processes can bear enormous benefits for all involved, including "peace on the river" where it has not previously existed.

We look forward to working with your offices, the Colorado River Board of California and directly with the entities that share California's apportionment of Colorado River water to implement the terms of this historic agreement. The Colorado River Water Delivery Agreement is a very important step in implementing California's Colorado River Water Use Plan, which, when in place, will ensure that California's annual demand on the Colorado River, during years of normal water supply, is limited to 4.4 million acre-feet. In our estimation, accomplishing this important task provides the important certainty and, ultimate "peace on the river," from its headwaters in Wyoming and Colorado to the Northerly International Boundary with Mexico, that all seven Basin States and their water users seek.

Once again, please accept our heartfelt congratulations as you sign, and begin to implement, the Colorado River Water Delivery Agreement.

Best regards,



Dave Freudenthal
Governor

DF:bw

cc: Governors of the States of Arizona, Colorado, Nevada, New Mexico and Utah; Wyoming Congressional Delegation; Imperial Irrigation District; Coachella Valley Water District; San Diego County Water Authority; Metropolitan Water District of Southern California; Seven Basin States' Representatives for the Governors of the Colorado River Basin States

Colorado River Basin Salinity Control Program

- Forum, Advisory Council and Work Group meeting held in Santa Fe, New Mexico on October 27-29th
 - ✓ Federal agencies presented accomplishment reports for Fiscal Year 2003
 - ✓ BLM will be submitting its report to Congress by mid-March 2004
 - ✓ Advisory Council will draft its report by the end of 2003, will recommend: \$17.5 Million in appropriations for USBR, \$5.2 Million for BLM and 2.5 % of EQIP appropriation but not less than \$15.2 Million for the USDA.
 - ✓ USBR has issued a Request for Proposals (RFP) for competitive, cost-effective salinity control projects under its basin-wide program. This RFP can be found on the CRSCP website.
 - ✓ USDA announced reorganization of NRCS Regional and Washington offices – consolidation of existing six regional offices into three Assistant Directors for regional operations.

Colorado River Basin Salinity Control Program - continued

- The next Colorado River Basin Salinity Control Forum meeting will be held in early June 2004 in Rock Springs, Wyoming.
 - ✓ Will include a tour of the Big Sandy Salinity Control Project.
 - ✓ GRBAG members are both welcome and encouraged to attend.
 - ✓ We will be sharing additional details in re: meeting location and tour logistics in advance of the meeting (next GRBAG meeting).
- Will begin working on its 2005 triennial review (required [pursuant to Section 202(d) of the Clean Water Act] every three-year review of water quality standards) report.

Colorado River Basin Salinity Control Program - continued

- The Forum's Selenium Committee presented its report and the Forum approved the report and resolved to continue with its current practice of partnering with projects where selenium removal can be accomplished
 - But the Forum will not undertake selenium-only control or reduction projects
 - Believe to do so would weaken the overall program and lead to a dilution of efforts.

Upper Colorado River Endangered Fish Recovery Program – Update:

- Non-native fish management policy authorized by the Implementation Committee at its September 6th meeting in Denver.
 - Set forth a clear policy that is understood and supported “up and down the chain” within each office of the Colorado Division of Wildlife and the Utah Division of Wildlife Resources.
 - Non-native fish management is critical element of the Recovery Program; it is not just the big, bad federal government that is engaged in non-native fish management efforts throughout the Basin in Colorado and Utah, but rather, a coordinated, essential effort fully supported by all of the Program’s participants.
- Next Management Committee meeting on December 9th in Denver.

Yampa River Basin Endangered Fish Recovery and Water Management Plan

- Existing projects include those projects already consulted on, whether or not constructed.
- New depletions (ie., not previously consulted on) should include a detailed description of location, magnitude and timing of depletions.

Purpose of Yampa River Basin Programmatic Biological Opinion (PBO):

- To address impacts of water depletions throughout the Yampa River Basin on the endangered fish species
- To evaluate the benefits of the Recovery Program's actions for the endangered fish
- To serve as an “umbrella” consultation for existing human water use and an increment of future water depletions

Why is a PBO appropriate for the Yampa River Basin?

- Provides regulatory certainty for water users in the Yampa River Basin
- **Streamlines project by project ESA compliance**
 - This will facilitate additional development in the Green River Basin in Wyoming, as it will “lower the bar” relative to offsetting water project depletion impacts on end. species.
 - **PROVIDING THE REASONABLE AND PRUDENT ALTERNATIVES THAT AVOID END. JEOPARDY ARE/BECOME A RECOVERY PROGRAM RESPONSIBILITY.**

Why is a PBO appropriate for the Yampa River Basin- continued:

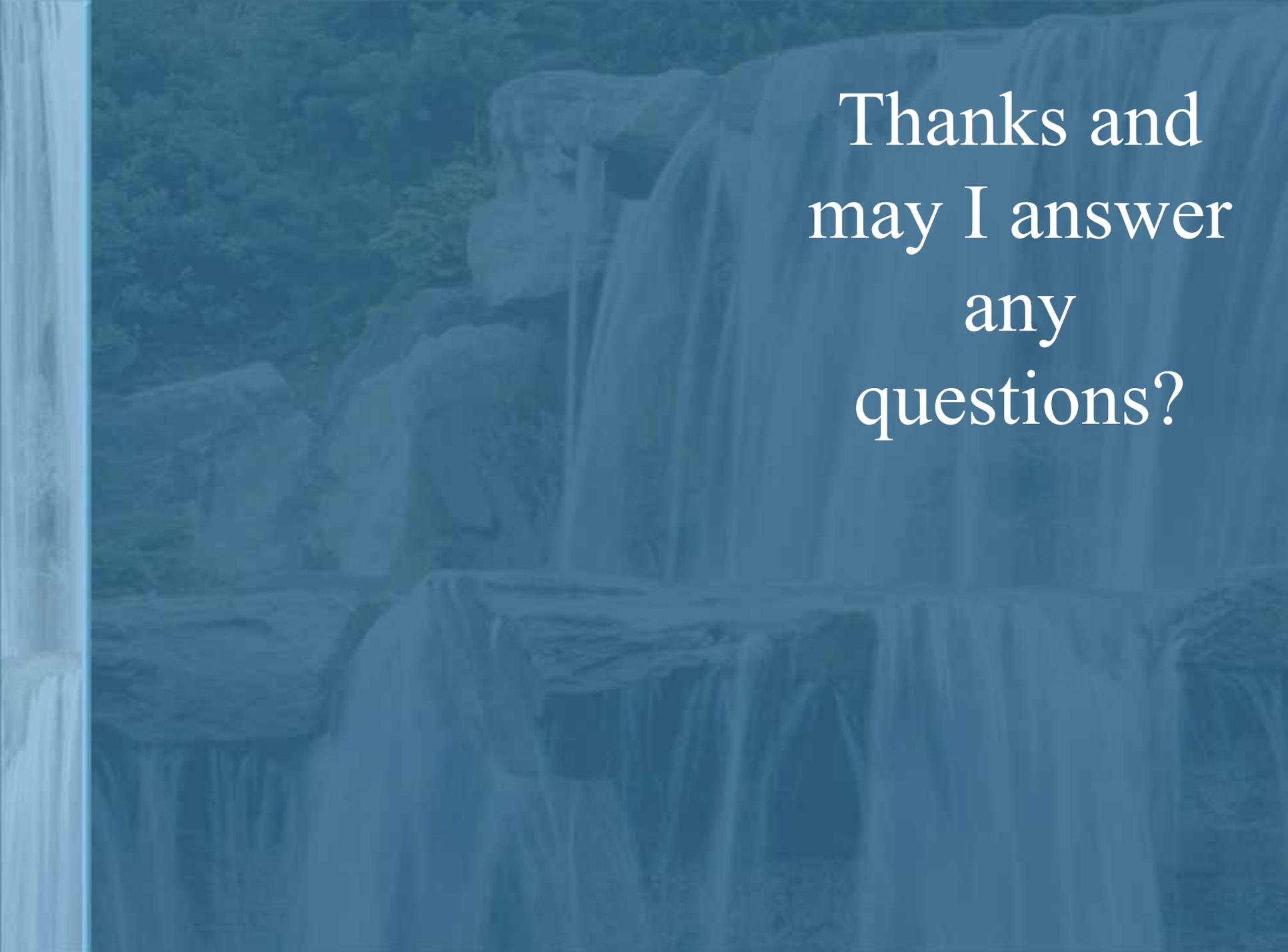
- *Serves as a framework to address existing water use and a block of future water depletions basin-wide:*
 - the block is not a cap, but an increment of depletions to allow time to measure the response of the end. fish to Recovery Program activities.
 - Treats depletion effects and recovery actions holistically.
 - Actions of the Recovery Program will comply with ESA requirements with regard to these depletions.

Yampa River Basin Cooperative Agreement

- *Does not require the same level of specificity as the Plan nor need to reiterate the Plan.*
- *Simple legal document wherein parties agree to implement the Plan.*
- *Is the federal action (allowing) necessitating ESA Section 7 consultation (PBO).*

Upcoming Events – FYI

- Colorado River Water Users Association annual meeting in Las Vegas, NV – December 10-12th
- Wyoming Water Association Winter Board Meeting and Legislative Review Session on February 11th in Cheyenne
- Colorado River Basin Salinity Control Forum meeting in Rock Springs, WY in early June, 2004
- Green River Basin Advisory Group – NEXT MEETING ON MARCH 23, 2004 IN ROCK SPRINGS.



Thanks and
may I answer
any
questions?