

COLORADO RIVER COMMISSION PRESENTATION



EXHIBIT D - WATER
Document consists of 17 pages.
Entire exhibit provided.
Meeting Date: 4-22-16

2016 Legislative Commission Subcommittee to Study Water
JAYNE HARKINS, P.E., CRC EXECUTIVE DIRECTOR



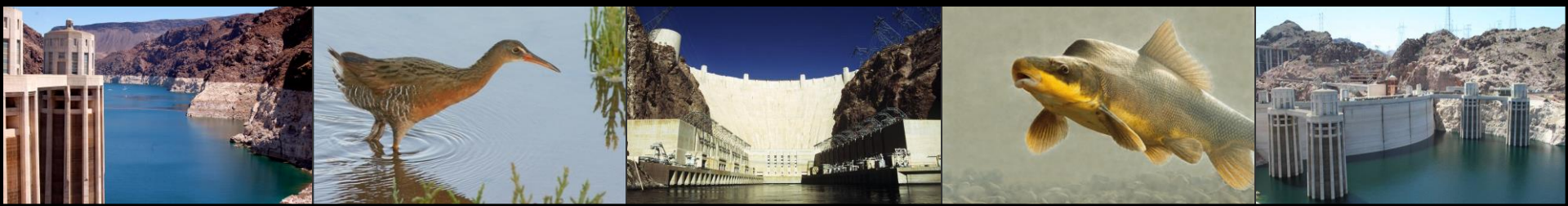
OUTLINE OF PRESENTATION

- Colorado River Commission
- Law of the Colorado River
- Lower Basin Water Use
- Colorado River Drought
- Drought Response
- Questions



The Colorado River Commission of Nevada

- Created in 1935 (NRS 538.041-538.251)
- Seven member board
- Partner with SNWA on Colorado River issues
- Protects Colorado River water and power resources
- Represents Nevada in projects and programs regarding Colorado River water, power and environmental resources
- Receives no state general funds; funding provided by CRC'S power and water customers



Law of the Colorado River

- **Prior Appropriation Doctrine**
 - Common law system in Western U.S.
 - First user to put water to beneficial use acquires a vested right to use, and that amount is protected against subsequent users
- **Colorado River Compact (1922)**
 - Ratified by Nevada NRS 528.010



Law of the Colorado River

- Boulder Canyon Project Act (1928)
 - Ratified Compact
 - Authorized construction of Hoover Dam
 - Apportioned the Lower Basin allocations [4.4 maf California; 2.8 maf Arizona; 0.3 maf Nevada]
 - Authorized Secretary of Interior to serve as Watermaster
- *Arizona v. California* (1963)
 - Affirmed Lower Basin apportionments
 - If a State didn't use its allocation, it could be allocated to another user
- Mexico Water Treaty (1948)
 - Allocates 1.5 maf annually to Mexico



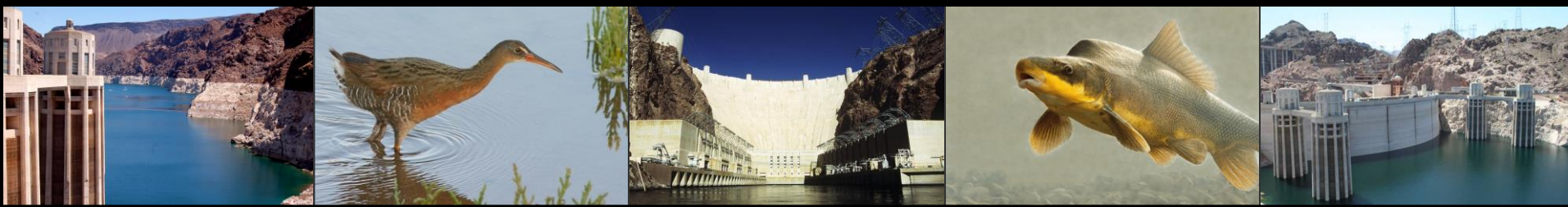
Lower Basin Water Use

- Colorado River – Beneficial Use
 - Interior created beneficial use requirements through regulations
 - Reclamation annually conducts consultations with Colorado River contractors and makes annual determinations of each contractor's water requirements to ensure they will not exceed amounts reasonably necessary for beneficial use
 - 1999 Offstream Storage regulations did recognize, as a beneficial use, the storage of unused Colorado River allocation in other States
 - 2007 Interim Guidelines established conservation and storage of water in Lake Mead as beneficial use



Lower Basin Water Use

- Offstream Storage Regulations
 - Regulations by the Secretary to administer agreements among lower basin states
 - Provides for storage and subsequent delivery of a lower basin states' unused Colorado River apportionment
 - Nevada has 2 existing water banking agreements
 - Arizona – Began in 2001
 - » NV stored volume, 601,041 acre-feet
 - California – Began in 2004
 - » NV stored volume, 330,225 acre-feet

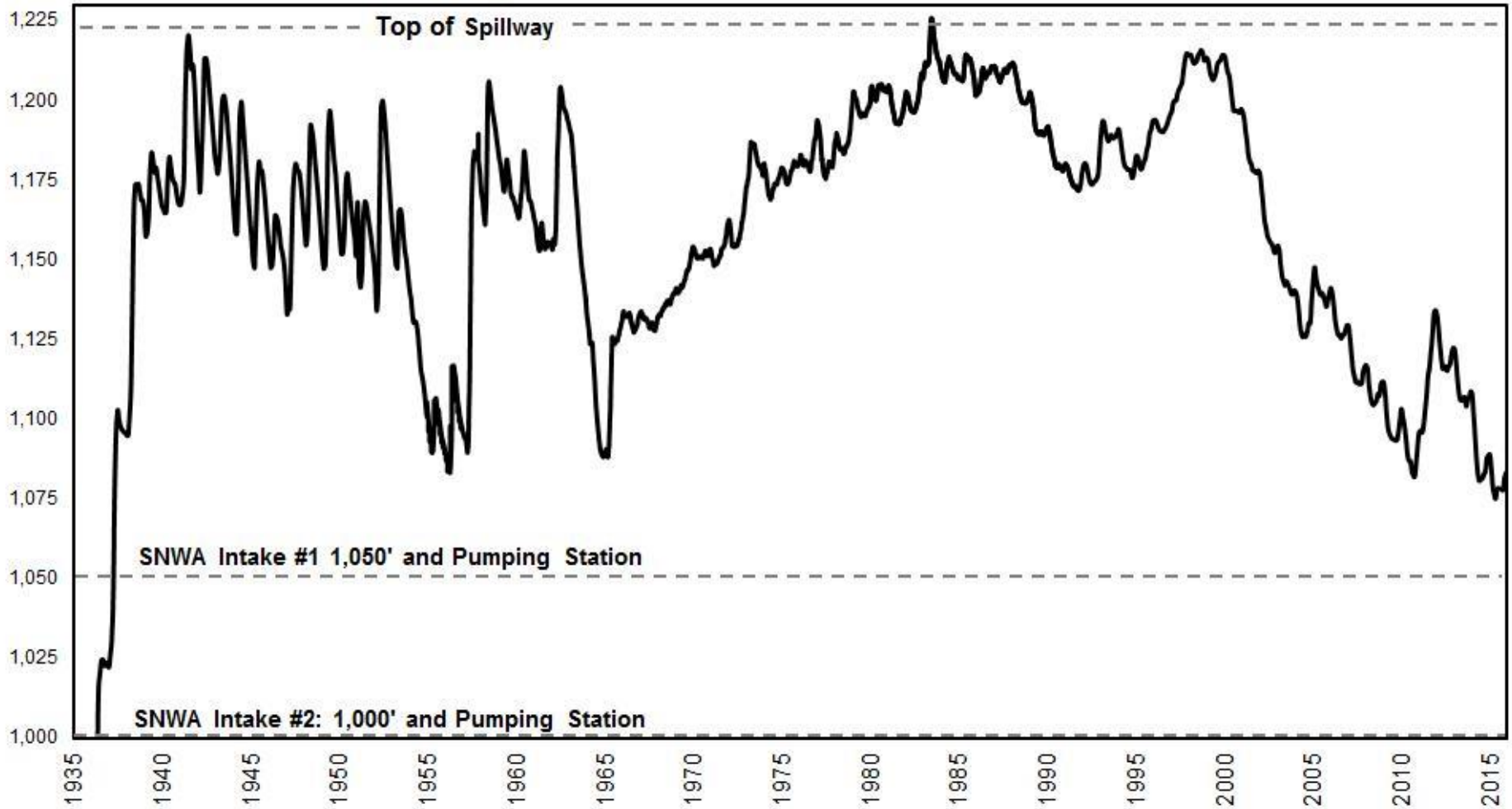


Colorado River Drought

- Water levels in Lake Mead have been on the decline for the past 16 years
- Current elevation of Lake Mead is 1079 feet
- Mead is 38% full
- Total system contents is 48%
- Shortage determinations likely in the near future

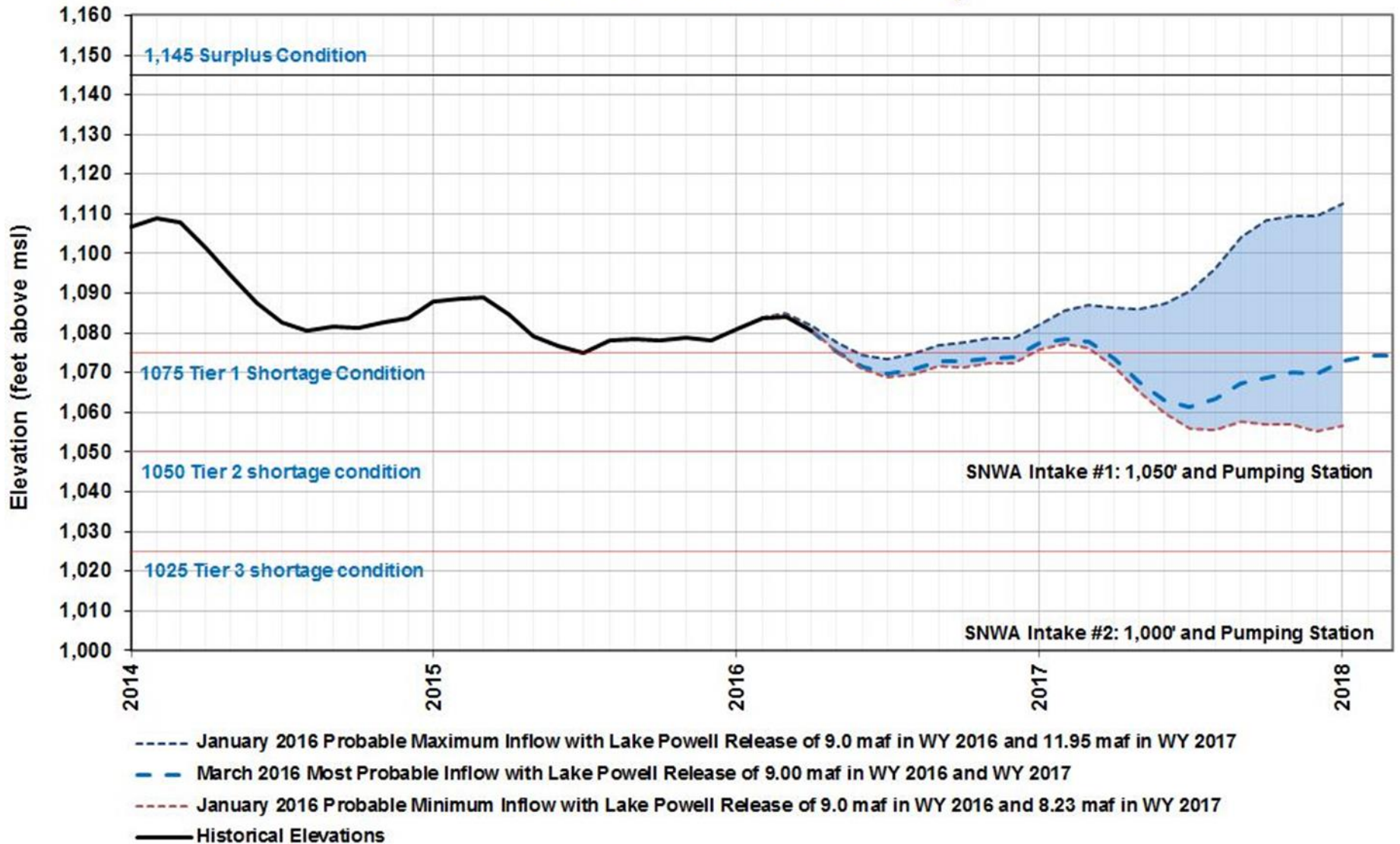


Lake Mead Historical Elevation



Lake Mead Projections

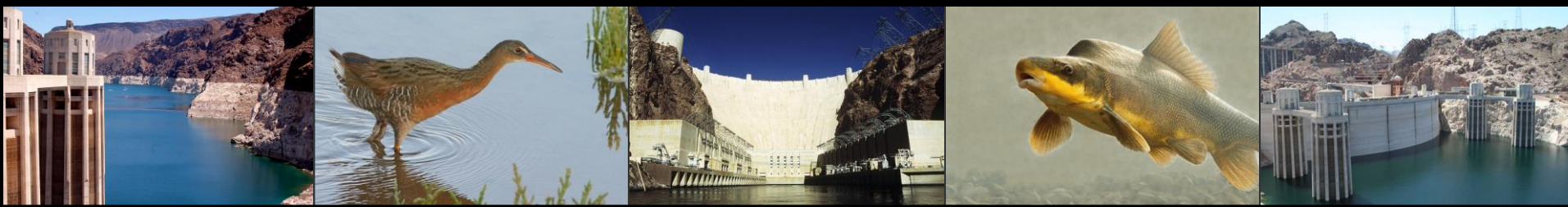
Reclamation's March 24-Month Study



Drought Response

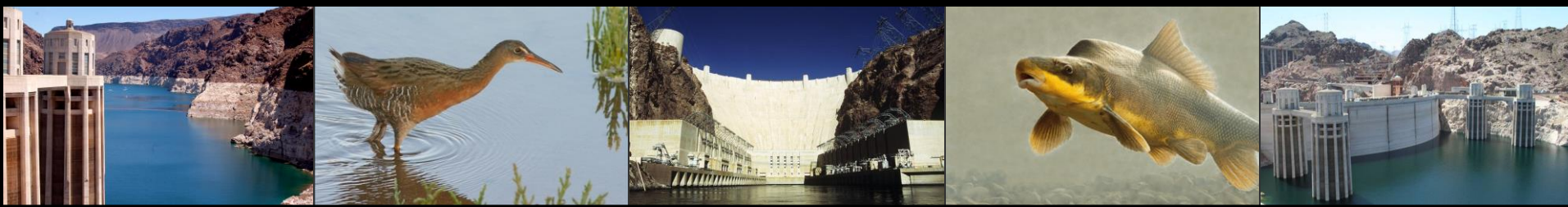
- 2007 Interim Guidelines

- Establishes surplus and shortage triggers for high and low reservoir conditions
 - Additional water or surplus when water levels are high
 - Reductions in water or shortages when water levels are low
- Provide for coordinated operation of Lake Powell and Lake Mead
- Provides for banking of water in Lake Mead. Water banked from year to year without losing right of use to another contractor. This is called Intentionally Created Surplus (ICS)



Drought Response

- Minute 319 to the 1944 Treaty with Mexico
 - 5-year Agreement (2012-2017)
 - Addresses Colorado River shortages
 - Provides for water sharing at high reservoir elevations
 - Provides for shortage sharing at low reservoir elevations
 - Allows Mexico to store unused water in Lake Mead
 - ICS total for Mexico through 2014 is 237,658 acre-feet



Drought Response

- Banked water in Lake Mead through 2014
 - Nevada - 564,765 acre-feet
 - California - 169,085 acre-feet
 - Arizona - 103,050 acre-feet
 - Mexico - 237,658 acre-feet
- Total – 1,074,558 acre-feet which is 12.6 feet on Lake Mead



Drought Response

- Lower Basin Memorandum of Understanding
 - Executed in 2014 to recognize commitment to further address drought conditions
 - Initiated in response to drought conditions
 - Signatories are Arizona, California, Nevada, SNWA, CAP, MWD and Reclamation
 - Goal is to address declining elevation of Lake Mead
 - Voluntary reductions in water use beyond 2007 Interim Guidelines
 - U.S. to conserve up to 100,000 acre-feet of system water annually to contribute to conserved supplies in Lake Mead



Conclusions

- Prior appropriations doctrine created need for the Compact
- Beneficial use requirements for Colorado River water use
- Banked and stored water considered beneficial use
- Drought planning continuing



QUESTIONS



Colorado River Commission of NV



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