

# Drought Contingency Planning Process Workshop IV

*December 6, 2018*



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# Technical Errors

**Amendment ¶5.C** – This amendment limits IID’s access to its stored water in Lake Mead to 25% of California’s EC and DCP ICS delivery capacity in any given year. (LB DCP Exhibit 1, ¶F.1, which references **Section XI.G.3.C.4 of the 2007 Interim Guidelines that allows 300,000 acre-feet per year.**) Hence, IID would only be able to retrieve up to 100,000 acre-feet per year unless MWD allows them to use part of their delivery capacity. If the provisions of the LB

## 2007 Interim Guidelines, Section XI.G.C.4

**“A limitation on the total amount of Extraordinary Conservation ICS that may be delivered in any Year is as follows:**

- a. 400,000 AF for California Contractors;**
- b. 300,000 AF for Nevada Contractors; and**
- c. 300,000 AF for Arizona Contractors”**



# Technical Errors

Exhibit 1, III.D.2 Delivery Schedule Adjustments – This provision permits the Secretary of Interior to cut the delivery of water to IID over the course of the year at his own discretion if there is a danger of IID overrunning its scheduled delivery. This authority would allow the Secretary to deny water during the year when needed due to unique weather conditions after fields have already been planted.

## Draft Exhibit 1 to the Lower Basin DCP Agreement (LB Ops Agreement) III.D.2

“The Secretary shall adjust as necessary any scheduled deliveries of Colorado River water in a manner that **ensures each state’s DCP Contributions are within 25,000 acre-feet** of the amounts set forth in Section III.B by the end of the Year in which such DCP Contributions are required. **Such adjustments shall be in accordance with any Intra-State DCP Agreements.**”

## Draft Amendment No. 3 to the CA ICS Agreement, Section 8

“The Parties agree that provided IID has met its obligations for IID’s DCP Contribution Limit ... **an adjustment of IID’s deliveries would not be in accordance with the ... the LB DCP.**”



# Technical Errors

This draconian provision usurps the protection currently provided under the 2003 Inadvertent Overrun Payback Program (“IOPP”) that allows IID to exceed its entitlement and pay it back in subsequent years. Contrary to the erroneous statement made repeatedly by IID’s water department manager that the IOPP provisions are suspended during a shortage, the IOPP remains in place during shortage conditions allowing IID to repay its overuse in the calendar year immediately following the release date of the final Decree Accounting Record. i.e., the second calendar year after the overrun occurred. (See, Record of Decision, Colorado River Water Delivery Agreement IX.A.2.6.)

*Colorado River Water Delivery Agreement ROD, Section IX.A.2.6.e (page 18/34)*

**“For any year in which the Secretary declares a shortage under the Decree, the total account must be paid back in full that calendar year, and further accumulation of inadvertent overruns will be suspended as long as shortage conditions prevail.”**



# Intra-California DCP Agreements

- ***Intra-California Implementation Agreements*** - defines the distribution between agencies of California's DCP contributions in years in which the projected January 1<sup>st</sup> Lake Mead elevation is below 1,045' and other inter-agency provisions.
  - *PVID/MWD Agreement – provides for up to 28,000 AFY of PVID DCP contributions when Lake Mead is projected to be below 1,045' (8% of California's contribution using the MWD/PVID existing following program)*
  - *CVWD/MWD Agreement – provides for up to 24,500 AFY of CVWD DCP contributions when Lake Mead is projected to be below 1,045' (7% of California's contribution)*
  - *IID/MWD Agreement – provides for up to 250,000 AF of IID DCP contributions (cumulative cap), up to 297,500 AFY of MWD DCP contributions, the transfer of IID's MWD storage water to Lake Mead and 100,000 AF of additional IID ICS capacity*





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# Intra-California DCP Agreements

## ***Amendment No. 2 to the California Agreement for the Creation and Delivery of Extraordinary Conservation ICS – PVID, IID, CVWD, MWD and the City of Needles***

- *Extends the term of the Amendment No. 1 to the CA ICS Agreement, which allowed IID to store excess conservation (including on-farm efficiency conservation) in MWD's system, through calendar year 2018 up to an additional 100,000 acre-feet.*



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# Intra-California DCP Agreements

## ***Amendment No. 3 to the California Agreement for the Creation and Delivery of Extraordinary Conservation ICS – PVID, IID, CVWD, MWD and the City of Needles***

*Outlines MWD, CVWD and IID's creation, accumulation and delivery limits for EC and DCP ICS authorized by the DCP and pursuant to the 2007 Interim Guidelines*

- Eliminates IID's 12,000 AF cap on ICS created from seepage recovery projects
- Increases IID's ICS creation limit up to 50,000 AFY and its accumulation limit up to 350,000 AF; CVWD still cannot accumulate EC ICS
- IID may call for priority delivery of up to 25 percent of CA's delivery limit (up to 100,000 AFY) but must repay any of the first 250,000 AF of ICS the next year and cannot take delivery of any of the next 100,000 AF EC ICS in a year in which CA is required to make a DCP Contribution
- Under certain conditions MWD may temporarily borrow IID's ICS with return provisions
- Each agency is responsible for its own impacts and litigation costs
- Each agency agrees not to divert any other agencies' ICS created under this amendment



# IID Storage Summary

(volumes in acre-feet)

	Total Annual ICS Created	Lake Mead ICS <sup>1</sup> (Following & Efficiency)	Lake Mead ICS (Minute 319)	MWD ECICS (Efficiency)	Lake Mead EOY Balance	MWD EOY Balance <sup>2</sup>	EOY Total Storage Balance <sup>2</sup>
2014	37,735	18,867	-	18,868	17,924	16,981	34,985
2015	45,477	0	-	45,477	17,386	58,934	76,320
2016	70,077	13,845	-	56,232	30,017	111,244	141,261
2017 <sup>3</sup>	80,937	21,983	23,750	58,954	73,750	165,965	239,715
2018 <sup>4</sup>	<i>Up to 113k</i>	<i>2,000</i>	<i>0</i>	<i>50k - 111k</i>	<i>73,750</i>	<i>216k - 277k</i>	<i>290k - 351k</i>

<sup>1</sup> Lake Mead ICS capped at 50,000 AF cumulative total for extraordinary conservation created from following, limited seepage recovery volumes and TRS.

<sup>2</sup> Estimated losses; MWD will confirm updated balances via letter.

<sup>3</sup> Provisional values pending final certification.

<sup>4</sup> Estimated, totals subject to Reclamation true-up and MWD storage approval, EOY Balances are net conservation estimates (adjusted for potential overrun)





