

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO:	Colorado Water Conservation Board Members	John W. Hickenlooper Governor
FROM:	Ted Kowalski, Chief, Interstate, Federal & Water Information Section	Mike King DNR Executive Director
DATE:	November 5, 2011	Jennifer L. Gimbel CWCB Director
SUBJECT:	Agenda Item 12b, November 13-14, 2012 Board Meeting Interstate, Federal, & Water Information Section – U.S.-Mexico Bi-National Negotiations Update	

Background

For several years now, the Board has received numerous updates from Staff, Director Gimbel, and the Colorado Office of the Attorney General about the bi-national negotiations between the United States and Mexico regarding opportunities involving Colorado River water management and operations that could provide benefits to both countries. Given the fact that the Colorado River Basin States hold the water allocations for the Colorado River, the Basin States have been kept informed throughout these negotiations, and have been integral to exploring the opportunities considered during negotiations. Presently, the U.S. and Mexico are finalizing discussions on drafting and signing Minute 319.

The Draft of Minute 319 is for a possible five year term, and could include: voluntary shortages; and surplus opportunities; water conservation demonstration projects; salinity management; opportunity to create and release Intentionally Created Mexican Allocation; the ability to conduct a one-time pulse flow to the Delta; and a commitment to explore longer term projects for the future. . The timing associated with these negotiations is sensitive as Mexico will have a new administration on December 1, 2012, and the United States has an election occurring within a day of the writing of this memo. Besides the Draft of Minute 319, there are a number of domestic documents that would have to be agreed to by various states and parties to implement the Minute within the United States. Some of the documents that must be agreed to include: 1) a memorandum of agreement among the Federal and non-Federal parties; 2) an Interim Operating Agreement; 3) a Cooperative Funding Agreement; 4) a Delivery Agreement; and 5) a Forbearance Agreement. The States and parties are at various stages in reviewing and endorsing these agreements. The CWCB has been intimately familiar with these negotiations, through Director Gimbel, First Assistant Attorney General Karen Kwon, and Staff. Though the Board has received regular updates in executive session, a public forum for comment is appropriate.

Staff Recommendation

The Staff will provide a presentation on the draft Minute and agreements, and will seek the Board's input on these negotiations.