

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
Phone: (303) 866-3441
Fax: (303) 866-4474
www.cwcb.state.co.us



TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Ted Kowalski

Mike King
DNR Executive Director

DATE: March 6, 2014

James Eklund
CWCB Director

SUBJECT: **Agenda Item 11, March 18-19, 2014 Board Meeting
Interstate, Federal and Water Information Section – Minute 319 Delivery
Plan**

Introduction

In November, 2013, the United States and Mexico signed “Minute 319”, which is an interpretative agreement that relates to the implementation of the 1944 U.S.-Mexico Water Treaty. Minute 319 is a historic agreement that furthers the commitments of both countries to the 1944 Water Treaty between the U.S. and Mexico, while recognizing that the increasing water demands on the Colorado River water supplies will require creativity and flexibility. Under this five year agreement, Mexico committed to take voluntary shortages if elevation of the water level in Lake Mead reaches certain levels. In addition, there are opportunities for Mexico to receive surplus if certain conditions exist. The agreement also included: a water conservation demonstration project; salinity management terms; the possibility of that Mexico could release its storage for environmental flows in Mexico; and the opportunity for Mexico to store some of its treaty allocation as “Intentionally Created Mexican Allocation” for delivery in subsequent years. Besides Minute 319, a number of other implementation agreements were also signed by various states and parties, including: 1) a memorandum of agreement among the Federal and non-Federal parties; 2) an Interim Operating Agreement; 3) a Contributed Funding Agreement; 4) a Delivery Agreement; and 5) a Forbearance Agreement.

This agreement is monumental because it allows the two countries, along with the states and other entities in both countries, to work together and use infrastructure to allow finite resources to be shared during surplus conditions and reduced in times of shortages. This agreement is important to Colorado because it allows the entire basin to work together as we move forward to sustainably develop and use our water resources in an equitable and appropriate manner pursuant to the Law of the River.

As stated above, one of the aspects of Minute 319 was to provide for the opportunity for a pulse flow to be released for environmental purposes. To this end, the Colorado River Basin States, the Bureau of Reclamation, the International Boundary Waters Commission (IBWC), certain Non Governmental Organizations (NGOs), and our Mexican counterparts have been meeting

over the last year to develop a Delivery Plan for this environmental water. The pulse flow is the release of 105,392 acre-feet (130 mcm) of water for a one-time event that is to be delivered to the environment in the Colorado River Delta in conformance with Minute 319. The pulse flow was designed to achieve the best possible environmental benefits while not flooding or endangering communities along the river. Flows in the river during the peak of the pulse flow in the last week of March will be higher than normal, and similar to the run-off experienced during a spring storm.

Staff Recommendation

The Staff will provide a presentation to the Board about the environmental pulse flow but this is an informational agenda item; no action is required by the Board.