

The meeting was held at 1:00 p.m. on Tuesday, May 12, 2015 at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

**COMMISSIONERS IN ATTENDANCE**

|               |                       |
|---------------|-----------------------|
| Chairman      | George F. Ogilvie III |
| Vice Chairman | Berlyn D. Miller      |
| Commissioner  | Bob Coffin            |
| Commissioner  | Kara J. Kelley        |
| Commissioner  | Duncan R. McCoy       |
| Commissioner  | Puoy K. Premsrirut    |
| Commissioner  | Steve Sisolak         |

**DEPUTY ATTORNEY GENERAL**

|                                   |                      |
|-----------------------------------|----------------------|
| Special Counsel, Attorney General | Jennifer T. Crandell |
|-----------------------------------|----------------------|

**COMMISSION STAFF IN ATTENDANCE**

|  |                     |
|--|---------------------|
| Executive Director                               | Jayne Harkins, P.E. |
| Chief of Finance and Administration              | Douglas N. Beatty   |
| Assistant Director of Engineering and Operations | Robert D. Reese     |
| Assistant Director of Energy Services            | Gail A. Bates       |
| Natural Resource Analyst                         | Jason L. Thiriot    |
| Natural Resource Analyst                         | Warren Turkett      |
| Senior Accountant                                | Gail L. Benton      |
| Senior Energy Accountant                         | Kalora Snyder       |
| Office Manager                                   | Judy K. Atwood      |
| Administrative Assistant III                     | Carol L. Perone     |
| Administrative Assistant II                      | Gina L. Goodman     |
| Administrative Assistant II                      | Rebecca Suafoa      |

**OTHERS PRESENT; REPRESENTING**

|                                       |                     |
|---------------------------------------|---------------------|
| Aha Macav Power Service               | Jeronimo McKenzie   |
| Arizona Department of Water Resources | Gerry Walker        |
| Central Arizona Project               | Mohammed Mahmoud    |
| City of Las Vegas                     | Mario Velotta       |
| Consultant                            | Sara A. Price, Esq. |
| KLAS-TV                               | Scott Daniels       |
| NV Energy                             | Chelsie Campbell    |
| Nye County District Attorney's Office | Tim Sutton          |
| Overton Power District No. 5          | Corey Dalley        |
| Overton Power District No. 5          | MeLisa Garcia       |
| Overton Power District No. 5          | Randall Ozaki       |
| Overton Power District No. 5          | Terry Romero        |
| Southern Nevada Water Authority       | Scott Krantz        |
| Southern Nevada Water Authority       | Michael Weintz      |
| Valley Electric Association           | Curt Ledford        |

**COLORADO RIVER COMMISSION  
OF NEVADA  
MEETING OF MAY 12, 2015**

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The Colorado River Commission meeting was called to order by Chairman Ogilvie at 1:00 p.m. followed by the pledge of allegiance.

**A. Conformance to Open Meeting Law.**

Executive Director Jayne Harkins confirmed that the meeting was in compliance with the Open Meeting Law.

**B. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)**

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

**C. For Possible Action: Approval of minutes of the April 23, 2015 meeting.**

Commissioner McCoy moved for approval of the minutes. The motion was seconded by Vice Chairman Miller and approved by a unanimous vote.

**D. For Possible Action: Consideration of and possible action to approve Amendment No. 2 to the Contract for Professional Services between Exeter Associates, Inc. and the Colorado River Commission of Nevada (Commission).**

Gail A. Bates, Assistant Director of Energy Services, provided background information for the Commission's consideration of Amendment No. 2 to the contract for Professional Services with Exeter Associates, Inc. (Exeter).

On August 13, 2013, the Commission approved a contract with Exeter to assist the Commission with various regulatory matters before the Public Utilities Commission of Nevada (PUCN) and the Federal Energy Regulatory Commission (FERC). In February 11, 2014, the Commission approved an amendment to the contract with Exeter to broaden the scope of the agreement to include support of the Commission's efforts to provide post-2017 Hoover power to Nevada contractors.

The Commission has used the services of Exeter to review testimony, pleadings, and data responses in several FERC and PUCN filings, prepare data requests, participate in discussions with NV Energy concerning the Hoover resource, and provide analyses related to the Commission's allocation and provision of hydropower. Currently, Exeter is supporting the Commission's efforts in PUCN Docket 15-03001 (Indefinite Joint Dispatch Agreement) and FERC Docket No. ER15-1196 (Energy Imbalance Market). The Commission ratified the Staff's intervention in both dockets at its meeting on April 23, 2015.

Exeter's contract with the Commission expires on October 31, 2015. Staff recommended that it would be beneficial to extend the contract for another two year term and increase

the maximum dollar expenditure from \$200,000 to \$350,000 through October 31, 2017, in order to ensure that the Commission will be able to participate effectively in the FERC and PUCN proceedings.

Commissioner Sisolak noted that while there was only one contract for May's meeting recommended for an increase and extension; on April 23, 2015, Staff recommended six contracts for increases and extensions. He asked if in the future will there be a policy to rebid all contracts.

Ms. Harkins responded that prior to her arrival at the Commission many contracts had been extended for ten to fifteen years. However, Staff is currently going through the process of doing Request for Proposals (RFP) on almost all contracts. There will still be some sole source justified contracts as was discussed in the April 23, 2015 meeting. For example on some of the metering equipment used by NV Energy, Staff will continue using the vendor because it is known that there are not cheaper bids with anyone else other than that sole source. Staff has tried to go out and do RFP's at some point in time.

Commissioner Sisolak asked if Staff has something more definitive than some point in time.

Ms. Harkins responded the Commission does not have a specific internal policy that designates a specific period of time for rebidding. Currently, there are some very important construction projects for the Southern Nevada Water Authority (SNWA) and other customers that Staff must ensure that in the middle of these plans there is not a break in service or construction. Staff has made the choice not to rebid in order to complete these types of jobs. If the construction period has been completed, then Staff will do a RFP bidding process. Staff always considers the customers workload in making these decisions.

Commissioner Sisolak responded that, as he has stated before, that he is a little concerned that the Commission does not have any guidelines for this process, such as every three to five years. If there is a bidding process and nobody else bids he will have no problem if there is only one bidder. There is no way of knowing if someone new has come into the market to develop that expertise if we do not try.

Ms. Harkins agreed and stated that Staff needs to be doing that periodically; so if the guideline is five years, Staff will work on that effort, rebid and do RFP's for most of these projects. Staff will justify any sole source contracts recommended to the Commission.

**Vice Chairman Miller moved for approval to approve Amendment No. 2 to the Contract for Professional Services between Exeter Associates, Inc. and the Commission. The motion was seconded by Commissioner McCoy and approved by a unanimous vote.**

**E. *For Possible Action:* Consideration of and possible action to approve and authorize the Executive Director to execute in substantially the same form Exhibit Q to the Forbearance Agreement among the Arizona Department of Water Resources, the Palo Verde Irrigation District, the Imperial Irrigation District, the City of Needles, the Coachella Valley Water District, the Metropolitan Water District of Southern California, the Southern Nevada Water Authority, and the Commission for the Central Arizona Water Conservation District's Funded Water Supply from Conserved Water Program.**

Sara A. Price, Consultant, provided background information to the Commission on the Forbearance Agreement.

The State of Arizona, acting through the ADWR and the CAWCD, are requesting the Commission to consider and approve Exhibit Q to the 2007 Lower Colorado River Intentionally Created Surplus (ICS) Forbearance Agreement for CAWCD's Extraordinary Conservation ICS Program (ICS Program). The Forbearance Agreement was executed by the major contractors for Colorado River water in conjunction with the authorization of the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (Guidelines). The Forbearance Agreement assures that no other contractor for Colorado River water in the Lower Basin will claim ICS created by another contractor. As new ICS programs are developed, new exhibits to the Forbearance Agreement are executed. Exhibit Q supports CAWCD's ICS Program, developed in an effort to address and manage risk of shortages in Arizona.

In December 2014, the Commission along with the Bureau of Reclamation (Reclamation), ADWR, the Colorado River Board of California, and Lower Basin municipal water agencies (SNWA, CAWCD, and Metropolitan Water District of Southern California (MWD)), entered into a Memorandum Of Understanding (MOU) to develop voluntary drought response actions to protect against Lake Mead reaching critical reservoir elevations. The MOU identifies mechanisms to develop additional quantities of water stored in Lake Mead to reduce the risk of reaching critical reservoir elevations (Protection Volumes). Each of the Parties to the MOU committed to use their best efforts to generate a cumulative total of 740,000 acre-feet of Protection Volumes in Lake Mead between 2014-2017. Of the 740,000 acre-feet, CAWCD is committed to using its best efforts to create 345,000 acre-feet of Protection Volume. Exhibit Q describes activities to create up to 100,000 acre-feet of Extraordinary Conservation ICS in 2015 and 2016 through land fallowing and use of non-Colorado River water in lieu of Colorado River water. Approval of Exhibit Q will allow CAWCD to create ICS that may be used to meet its demands or be applied towards meeting its Protection Volume goal. The Commission, in turn, is agreeing to not request delivery of the ICS created under CAWCD's ICS Program.

Ms. Price introduced Mr. Mohammed Mahmoud, Central Arizona Project (CAP) and Ms. Gerry Walker, Arizona Department of Water Resources.

A presentation was provided by Mr. Mahmoud outlining Arizona's and CAP's plan to conserve water as part of their participation in the reservoir protection plan, summarized as the following:

- Colorado River Shortage Risk: CAP Management Programs
- Overview of MOU: Lake Mead Reservoir Protection
- CAP's Reservoir Protection Volume Plan
- Intentionally Created Surplus (ICS): CAP Demand Reduction ICS
- CAP Demand Reduction ICS Accounting
- CAP Demand Reduction ICS 2015 Example
- CAP Intentionally Created Surplus: 9 Ag Participants & City of Phoenix
- MOU Administrative Steps
- Potential Benefits from CAP ICS

A copy of the presentation is attached and made a part of the minutes. (See Attachment A.)

Chairman Ogilvie thanked Mr. Mahmoud for the presentation and inquired if the goal was to reach 740,000 acre-feet.

Mr. Mahmoud replied yes.

Chairman Ogilvie verified the contribution levels: CAP is 345,000 acre-feet, MWD is 300,000 acre-feet, SNWA is 45,000 acre-feet and Reclamation is 50,000 acre-feet. He asked where Reclamation's contribution of 50,000 acre-feet comes from.

Mr. Mahmoud replied that he thinks Reclamation's contribution of 50,000 acre-feet are more of changing their operations to generate more flow. He thought one of the areas could be in Yuma, Arizona where they are trying to manage drainage flow. So, if there are areas where they can improve their operations to squeeze out more water, that might be where it would be coming from.

Ms. Harkins added that there is a minimum quantity that is scheduled each month in the treaty with Mexico. There are always excess flows because deliveries are always a little higher so Reclamation can ensure the treaty requirements are met. Mexico gives the United States daily orders so if there is a rain storm that water will be used, Reclamation will be above the order for a few days and in the near future will go below the schedule for a few days to meet the monthly average. It is not a perfect system because there are always excess flows going to Mexico due to the last controlled release from Parker Dam, being a three days travel time to Yuma, Arizona. There is also bank flow water that comes into the river water, flowing into the backwaters, and not making it easy to operate. Also Reclamation is trying to reduce excess flows by taking drainage flows, and maybe use them in a different way to deliver it as part of Mexico's 1.5 acre-feet while staying within the salinity requirements of United States, and thereby delivering less

water out of Lake Mead. Reclamation is also trying to release less water from Lake Mead and store more water in the Lake. Reclamation is trying to modify operations to reach their goal of 50,000 acre-feet.

Commissioner McCoy asked is the ICS that CAP is crediting to their Ag Pool customers to reduce usage, come from going light on allocation or does it come from going light on actual water that is available to take on an annual basis.

Mr. Mahmoud replied that the ICS comes from active extraordinary conservation, so actual conservation has to be demonstrated somewhere in the system to create it. It is not just using up to their allocation, but it has to be actually demonstrated that water that would have otherwise been used is actively conserved.

Commissioner McCoy clarified that the water has to be there and not be used in order to create the surplus that CAP is crediting.

Mr. Mahmoud replied yes.

Chairman Ogilvie asked if CAP's weather modification projects in the Upper Basin and local and binational desalination mentioned in augmentation plans were efforts CAP is undertaking by itself or in conjunction with the rest of Basin.

Mr. Mahmoud replied that CAP has partners and is not the sole participants.

Commissioner Coffin asked if residents in the central valley of Arizona are still using irrigation for their lawns or is that just in the older part in the center of Phoenix. He recalled the method of watering turf being done by a pipe system where water bubbles up on the property creating little dams between property owners on a certain day of the week.

Ms. Walker replied that typically the area in question is in association with Salt River Project (SRP); they have what is called "on-project" and "off-project" lands. A lot of the kind of irrigation being asked about, such as the flood irrigation that comes on a certain day, is usually on lands associated as "on-project" lands for SRP. It is being phased out but it still does happen.

Commissioner Coffin clarified this is SRP water as opposed to CAP.

Ms. Walker replied yes, it is not CAP water. The SRP is comprised of surface water, non-Colorado River surface water primarily out of Roosevelt Dam; they use Salt and Verde River systems in addition to ground water, so SRP mixes theirs.

Commissioner Coffin asked if this method was still considered an efficient way to water turf.



Ms. Walker responded that she does not know if it is efficient but it has not been replaced. It is typically in the older areas. SRP has been around since the early 1900's and some of these neighborhoods are probably 50 to 70 years old. This area usually has larger lots on an acre or acre and one-half, and a lot of citrus in that area where that kind of irrigation can be seen.

Vice Chairman Miller asked where is the replacement water for the 9 Ag participants and primarily the City of Phoenix coming from.

Mr. Mahmoud replied that interesting enough, most of that water is actually coming from SRP. In the past, CAP had a water exchange that allowed SRP to take some of CAP water to deliver to their customers, sort of have an account if you will; most of that water would be coming from that original exchange with SRP.

Ms. Walker commented that ADWR is very supportive of CAP's efforts in creating ICS. ADWR is working hand-in-hand with CAP when making presentations requiring approval of the Forbearance Agreement. ADWR worked with CWCD as they developed the ICS program and the Exhibit Q to ensure that things are consistent with the 2007 Guidelines and the 2007 Forbearance Agreement.

There have been opportunities for other entities and other forbearing parties to provide comment on both the program and the Exhibit Q; and CWCD has worked as appropriate to make those modifications in hopes of moving the process forward. It is very beneficial. The ICS is another 200,000 acre-feet of storage that will remain in Lake Mead which is basically 2 feet of elevation. It is something they are very supportive of and AWDR is prepared to execute the Exhibit Q immediately after approval by all the other forbearing parties.

Staff recommended the Commission approve, and authorize its Executive Director to execute, in materially the same form, Exhibit Q. Legal counsel has reviewed and approved Exhibit Q for legal sufficiency.

**Commissioner McCoy moved to approve and authorize the Executive Director to execute in substantially the same form Exhibit Q to the Forbearance Agreement among the Arizona Department of Water Resources, the Palo Verde Irrigation District, the Imperial Irrigation District, the City of Needles, the Coachella Valley Water District, the Metropolitan Water District of Southern California, the Southern Nevada Water Authority, and the Commission for the Central Arizona Water Conservation District's Funded Water Supply from Conserved Water Program. The motion was seconded by Commissioner Coffin and approved by a unanimous vote.**

**F. *For Possible Action:* Consideration of and possible action to approve and authorize the Executive Director to execute in substantially the same form the Agreement Relating to the Joint Audit Among the Boulder Canyon Project Contractors and the Southern California Public Power Authority Pursuant to the Boulder Canyon Project Electric Service Contract and the Boulder Canyon Project Implementation Agreement.**

Ms. Harkins provided background for the Commission's consideration of the Agreement Relating to the Joint Audit Among the Boulder Canyon Project Contractors and the Southern California Public Power Authority Pursuant to the Boulder Canyon Project Electric Service Contract and the Boulder Canyon Project Implementation Agreement.

With the expiration of the current Boulder Canyon Project (Hoover) contract on September 30, 2017, the current federal Hoover contractors, along with the U.S. Bureau of Reclamation (Reclamation), have agreed to an end of contract close-out audit of the Projects financial records.

The audit will be funded from the prior year carry forward that Reclamation previously planned to apply to the FY 2016 Hoover Base Charges. This redirection of funds will reduce the carry forward being applied to the 2016 Base Charges but would not require the federal contractors to contribute additional funds during their current budget cycle. The amount to be diverted from the carry forward is \$1.5 million.

At the request of the federal contractors, a Request for Proposal (RFP) for auditing services was published by the Southern California Public Power Authority (SCPPA) on April 1, 2015 with responses due by April 22, 2015. The federal contractors have formed an Audit Committee and the Audit Committee has reviewed the responses to the RFP and has made a recommendation to the Hoover Engineering and Operating Committee. Commission staff represents the interests of Nevada Hoover contractors on the Engineering and Operating Committee.

The federal contractors have formalized their agreement authorizing SCPPA to accept the \$1.5 million to pay for the audit.

Staff recommended the Commission authorize the Executive Director to join with other federal Hoover contractors in the execution in substantially the same form the Agreement Relating to the Joint Audit Among the Boulder Canyon Project Contractors and the Southern California Public Power Authority Pursuant to the Boulder Canyon Project Electric Service Contract and the Boulder Canyon Project Implementation Agreement.

Chairman Ogilvie asked if this agreement is merely an approval of the form that the Commission authorized on April 23, 2015.

Ms. Harkins answered this is approval of the agreement.

Chairman Ogilvie asked if our counsel has either drafted or edited this agreement.

Ms. Harkins answered yes.

**Commissioner McCoy moved to approve and authorize the Executive Director to execute in substantially the same form the Agreement Relating to the Joint Audit Among the Boulder Canyon Project Contractors and the Southern California Public Power Authority Pursuant to the Boulder Canyon Project Electric Service Contract and the Boulder Canyon Project Implementation Agreement. The motion was seconded by Commissioner Coffin and approved by a unanimous vote.**

**G. *For Information Only: Status update on Staff's implementation of the provisions in the Hoover Power Allocation Act of 2011 (H.R. 470) passed by Congress.***

Ms. Harkins provided a status update to the Commission on Staff's process on the draft order. Staff is in the process of reviewing the comments received on the draft order and is preparing a revised draft order. There were technical details that Staff needs to research in preparation of a draft order and proposing any revisions. Staff is looking at holding the public hearing in July or August.

Western Area Power Administration (Western) held public meetings to discuss drafts of the Post 2017 Electric Service Contracts and related contract with the Post 2017 Allottees. The meetings were held in Arizona on May 5, 2015 for Non-Indian Tribes and May 6, 2015 for Indian Tribes; in California on May 11, 2015 for Tribal Allottees and May 12, 2015 for Non-Tribal Allottees. The Commission had Staff in attendance for all four meetings.

Staff has taken the proposed draft contract provided from Western and has provided copies to all of the Commission's current Hoover power customers who will be getting an offer, plus the known Western Allottees in Nevada that will be getting an allocation. Staff has been working with the Commission's current and potential customers and will continue to work with them on changes. This will allow Staff to get their comments in early while working towards a final contract. There are approximately 90 contracts. Staff is anticipating a long process of getting through contract negotiations with Western.

Chairman Ogilvie asked when Staff will bring the Commission the proposed order with comments that were received from our customers.

Ms. Harkins replied Staff is looking at July 2015 for the order, so the draft order for public hearing would be towards the middle of June.

Chairman Ogilvie inquired if Staff has further investigated the issues relating to the Department of Corrections and the Department of Administration for their untimely submission of applications.

Ms. Harkins replied yes.

Chairman Ogilvie asked when the Commission will receive feedback.

Ms. Harkins replied Staff is going to include all of it in the draft order and will have response to comments all at one time unless the Commission would prefer something different.

Chairman Ogilvie stated that he would prefer to see the results of that evaluation a month in advance of the proposed order because it would have an impact on what the Commission would like to see in a proposed order.

Ms. Harkins replied that Staff will work with the Commission as requested on presenting results of the evaluation.

Vice Chairman Miller stated that he is in agreement with the Chairman and would prefer to hear the status prior to the proposed order.

**H. *For Information Only:* Status update on the 2015 Nevada Legislative Session.**

Ms. Harkins presented an update on the 2015 Nevada Legislature as related to the Commission.

Three meetings were held last week at the Legislature on the Commission's budget closings. The Commission has four accounts that require approval. The legislature requested Staff to give a presentation on one of our accounts, the 4490 account, which is the Commission's main operating budget and includes personnel services, travel, operating costs, and more. It is a major account for the Commission. The presentation was given by Staff to the Senate Committee on Finance and Assembly Committee on Ways and Means subcommittees on Public Safety, Natural Resources, and Transportation (Joint Subcommittee).

Staff received written questions that were raised on some budget items during the February 13, 2015 meeting of the Joint Subcommittee and Staff provided a written response. On May 5, 2015, the Joint Subcommittee met to go through the 4490 account. The Senate side of the Joint Subcommittee approved the Commission's 4490 account budget as submitted. The Assembly side of the Joint Subcommittee approved the budget as submitted except for one decision unit. In that decision unit was the request for an additional Deputy Director and new Natural Resources Specialist, and \$50,000 for a water conference.

On Friday, May 8, 2015, the Senate Committee on Finance and Assembly Committee on Ways and Means met separately on the Commission's budget closings for all four budget accounts. Again, the Senate Committee on Finance approved all four budgets as

submitted. The Assembly Committee on Ways and Means approved all four budget accounts with the exception of that one decision unit as described. It is Staff's belief that because there is a discrepancy, a conference committee will meet, work out the discrepancy, and make a decision. Staff is currently waiting for the conference committee to decide the final piece of the Commission's budget.

On Friday, May 8, 2015, the Senate Committee on Finance held a hearing on Senate Bill No. 46 (S.B. 46). Ms. Harkins testified for the Commission as supporting the bill; Commissioner Sisolak testified opposing the bill as did representatives from SNWA and the City of Henderson. The PUCN Executive Director, Crystal Jackson, and their general counsel, Lina Tanner testified, as well as the general public regarding S.B. 46 as it pertained to the PUCN.

Commissioner Coffin asked for clarification on whether the \$50,000 for travel to a conference was or was not approved.

Ms. Harkins replied that Assembly Committee on Ways and Means did not approve three items that were in one of the decision units. The unit included two new positions and a conference in which the Commission was going to work with SNWA and sponsor a conference on water. This was the use for the \$50,000.

Commissioner Coffin asked Ms. Harkins if she meant the submitted budget was Governor's recommend.

Ms. Harkins replied yes, it is the Governor's recommended budget.

Commissioner Coffin clarified that this was not the Commission's submittal to the Governor but the Governor's recommend to the Legislature.

Ms. Harkins replied it was the Governor's recommendation to the Legislature which had minor differences from the Commission's submittal.

Commissioner Coffin commented that he was glad the Senate has agreed to go with the Governor.

He added his appreciation to Staff for the work done in the last few weeks since the April 23, 2015 meeting. Staff provided him the information on salary disparities here in the valley and in the State. He stated he is glad he supported the position of this Commission on S.B. 46 because it seemed to him that there is a real problem; and the best way to address it is to make some efforts and to let people know there is a problem.

Commissioner Sisolak clarified for the record, he did testify in opposition to S.B. 46 as Chairman of the Clark County Commission. He did not testify as a member of this Commission.

**I. For Information Only: Status update on the Navajo Nation v. United States Department of the Interior case.**

Jennifer Crandell, Special Counsel, Attorney General, provided an update on the *Navajo Nation v. United States Department of the Interior* case.

The Navajo Nation filed their brief, December 24, 2014. Three defendant intervener's and the Federal defendant appellees filed their briefs on March 16, 2015. She was incredibly pleased with the Federal defendants brief in light of United States Department of the Interior (DOI) Secretary Jewel's position on tribes of late. DOI was very supportive and actually very helpful to Nevada's specific issues. She is thrilled with Nevada's brief. Metropolitan Water District, Imperial Irrigation District and Coachella filed a joint California brief and the defendant intervener Arizona parties which are Salt River Project, Central Arizona Water Conservation District, and the state of Arizona filed a joint brief, as well.

The Navajo filed their reply brief May 1, 2015 and has filed a motion to submit an oversized brief with the court with the accompanying reply brief. United States Court of Appeals for the Ninth Circuit (Ninth Circuit) has yet to formally accept the reply brief but she has no reason to believe that the Ninth Circuit would reject their brief.

The parties are waiting for an oral argument in this matter. She suspects this is a heavy lift for the court and estimated an oral argument in six to nine months.

**J. For Information Only: Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.**

Warren Turkett, Natural Resource Group Analyst, provided a report on the following:

- Unregulated Inflow Into Lake Powell as of May 11, 2015
- Storage Conditions as of May 11, 2015
- Reservoir Storage as of May 6, 2015
- Lake Powell End of Month Elevations based on April 2015 24-month Study
- Lake Mead End of Month Elevation Projections based on the April 2015 24-month study
- U.S. West Drought Monitor, May 5, 2015
- U.S. Seasonal Drought Outlook, April 16 – July 31, 2015
- Precipitation and Snowpack as of May 11, 2015
- Colorado Basin River Forecast
- Upper Basin Precipitation
- Monthly Precipitation Las Vegas, NV January – April 2015
- Cumulative Precipitation, Las Vegas, NV January – April 2015
- Water Use in Southern Nevada

A copy of the Report is attached and made a part of the minutes. (See Attachment B.)

Commissioner Coffin commented that he made his last trip down to the third straw tunnel a couple of weeks ago. It struck him that his first trip was two or three years ago and at that time he was surprised about the amount of water that had crept away from the Lake and that was in the rock strata, all the faults, and fractures that run in the geology around the Lake. He added that he wondered if the reliance on numbers based on straight line correlation between a chart of Lake Powell end of month elevations and an actual change in the elevation of the Lake.

For instance, a release of a certain number of acre-feet from Lake Powell while looking at it in a textbook case, so many acre feet come down minus evaporation is going to raise our lake x-inches or feet, but what about the filling of the rock that has to happen around the periphery of the Lake. He asked whether it is sort of like snowfall, where there first has to be enough snowfall to replenish the dry soil. The snow melts, there is runoff later but how are calculations done? Is it a vast number of acre-feet of water out there accidentally stored around the Lake? Calculations cannot be easy or is that just part of numbers to get?

Mr. Turkett replied that this was a great question and he probably cannot provide a very good answer numerically, but a lot of work has been done in using mass balances to look at that sort of thing. He does not believe it is a large volume of water, as one might think, just because of the geology around the lake.

Commissioner Coffin asked if people think that it is a large amount of water, based on visual observation. It is a staggering amount of water that might be out there. He is not sure how it can be calculated.

Mr. Turkett replied that he would look at the studies on this subject for more details and report back. However, he thought that at it looking from the water that comes in, the water that goes out, and evaporation including all the inputs and outputs; a percentage of what could be lost to the ground in storage, bank storage, was probably not as large of a number considering some of the other inputs and outputs into the system, especially like evaporation.

Commissioner Coffin commented that evaporation is huge.

Mr. Turkett added that some of the issues are found in Lake Powell and he believes from the geology that there is a larger issue of losing some water because of seeping through the ground but he does not believe that there is much of an issue in Lake Mead just based on the surrounding geology of the Lake.

Commissioner Coffin replied he would not necessarily consider it a loss if it goes some place, it probably comes back.

Commissioner Kelley asked, when referring to the Southern Nevada water usage presentation slide, whether the deduction in acre-feet is attributed to specific items.

Mr. Turkett replied there is usually a larger difference at the beginning months of the year and it averages out a little bit throughout the year. Since there is only 28,630 acre-feet, it is really hard to say if it is conservation or not. During 2014, it reflected a slight increase in water use, which is expected as there is some growth in the economy and construction of houses is back up, resulting in a little higher water usage. He thought conservation has really helped to decrease usage, and there is little increase in usage.

Commissioner Kelley asked whether there are limits as a community, on turf for new homes.

Commissioner Sisolak clarified that there are no limits on turf necessarily, there is a remediation program at the water district but there are not necessarily limits on developers.

Commissioner Kelley replied that is not what she understood. What she thought was that after a certain period of new home growth or new homes after x-year, homes could have less turf in the front yard or was she misremembering.

Commissioner Sisolak replied that he was not familiar with that and he added that usually the developers do it to save money for the potential buyers but there is no county ordinance which requires no turf or less turf. He was not sure about the City of Las Vegas.

Commissioner Coffin commented that he believes there are limiting ordinances. He would not be surprised if the county did too. There is definitely limiting language on the front of the house but he was not certain about the backyard.

Ms. Crandell replied that there are ordinances. There is no grass permitted in the front yard and limited square footage allowed in the backyard for new construction after x-year.

Commissioner Kelley commented that she was just curious because Mr. Turkett mentioned new home development, which is fabulous and a great sign for the economy.

Ms. Harkins replied that Staff will get more details and provide them to the Commissioners.

Commissioner Sisolak clarified that according to the SNWA, on his recent visits; a lot of the reduction in water usage is because of the temperature. It has been cooler in 2015, 7 to 8 degrees under normal than the previous year. There is less watering which accounts for less water usage. It fluctuates with the weather.



**K. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)**

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

**L. Comments and questions from the Commission members.**

Chairman Ogilvie asked if there were any comments or questions from the Commission members. There were none.

**M. Selection of the next possible meeting date.**

The next meeting is tentatively scheduled for 1:00 p.m. on Tuesday, June 9, 2015, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

**N. Adjournment.**

The meeting adjourned at 2:04 p.m.

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Jayne Harkins, P.E., Executive Director

APPROVED:

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George F. Ogilvie III, Chairman