

The meeting was held at 1:00 p.m. on Tuesday, September 8, 2009, at the Grant Sawyer Building, Room 4401, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

Chairman	George F. Ogilvie III
Vice Chairman	Ace I. Robison
Commissioner	Tom Collins
Commissioner	Duncan R. McCoy
Commissioner	Berlyn D. Miller
Commissioner	Lois Tarkanian

COMMISSIONERS NOT IN ATTENDANCE

Commissioner	Marybel Batjer
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DEPUTY ATTORNEYS GENERAL

Senior Deputy Attorney General	Jennifer T. Crandell
Senior Deputy Attorney General	Ann C. Pongracz

COMMISSION STAFF IN ATTENDANCE

Executive Director	George M. Caan
Manager, Energy Services	Gail A. Bates
Hydropower Program Manager	Craig N. Pyper
Hydropower Program Specialist	Michael Harris
Chief of Finance and Administration	Douglas N. Beatty
Manager, Natural Resources Group	McClain L. Peterson
Natural Resource Analyst	Nicole Everett
Natural Resource Analyst	Esther Rojas
Senior Energy Accountant	Gail L. Benton
Energy Accountant	Kalora Snyder
Office Manager	Judy K. Atwood
Administrative Assistant IV	Brenda Haymore
Administrative Assistant III	Janet L. Nuszbaum
Administrative Assistant II	Donna Banks

OTHERS PRESENT; REPRESENTING

American Pacific Corporation	Jack Stonehocker
Southern Nevada Water Authority	John Entsminger
Southern Nevada Water Authority	Kathy Flanagan
Southern Nevada Water Authority	Bill Rinne
Colorado River Commission of Nevada	Sara Price

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF SEPTEMBER 8, 2009**

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The Colorado River Commission meeting was called to order by Chairman Ogilvie at 1:02 p.m. followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director George Caan confirmed that the meeting was in compliance with the Open Meeting Law. Mr. Caan then stated that although it hasn't been publicly announced yet, he received confirmation from the Governor's office of some changes to the Commission and announced that we have a new Commissioner. Mr. Berlyn Miller has been appointed by Governor Gibbons to serve on the Commission. Also, George Ogilvie has been appointed as the Chairman of the Colorado River Commission. In addition, Mr. Caan announced the appointment of Councilman Duncan McCoy, from Boulder City, who was appointed to the Commission by the Southern Nevada Water Authority.

Chairman Ogilvie stated that he was honored to be named as Chairman of the Colorado River Commission. He added that he felt there is no more worthy endeavor in southern Nevada than the mission of the Colorado River Commission. He feels it is a fantastic opportunity, and he looks forward to working closely with George and the Commission staff, adding that he thanked Governor Gibbons for this opportunity.

Chairman Ogilvie also welcomed our two new Commissioners, Commissioner McCoy and Commissioner Miller, stating that they would find their time on this Commission very rewarding, adding that we look forward to their insights and appreciate the time and energy they will give to the Commission.

Chairman Ogilvie wanted to honor and commend our departing Chairman, Jay Bingham, for the leadership he displayed while he was the Chairman of this Commission. The State of Nevada owes a huge debt of gratitude to Jay. He is a terrific human being, a class act, and was a terrific leader. More personally, Chairman Ogilvie wished to thank Jay for the friendship he showed him while serving on the Commission together, adding that he learned a lot from watching him. He hopes that we will be able to move forward with his energy and try to capitalize on the position he has given the Commission.

Commissioner Miller stated that it was a pleasure to be here serving with the other Commissioners and he looks forward to it.

Commissioner McCoy stated that he was glad to be here and was looking forward to working with the rest of the Commission members.

B. Approval of minutes of the August 11, 2009 meeting.

Commissioner Tarkanian moved for approval of the minutes of the August 11, 2009 meeting as written. Commissioner Robison seconded, and the motion was approved by a unanimous vote.

C. Consideration of and possible action to adopt Resolution 2009-04, supporting the completion of environmental documentation and permitting for the development of in-state, non-Colorado River water resources identified in the Water Resource Portfolio of the Southern Nevada Water Authority.

Mr. Caan stated that there would first be a briefing, an update on the in-state water resources by Natural Resources Group Manager McClain Peterson, after which would be a discussion by the Commissioners. Following the discussion by the Commissioners, public comment would be allowed, limited to five minutes per person. Mr. Caan added that there was a sign-up sheet in the back for those who wish to make public comment. Following any public comment, the actual motion will be discussed.

Mr. Peterson provided a briefing on the resolution. A copy of the resolution is attached and made a part of the minutes. (See Attachment A.)

Mr. Caan stated that nothing in this Resolution stops us from what we are currently doing, pursuing augmentation of the Colorado River System. The Commission continues to work on water banking, conservation, augmentation, the development of intentionally created surpluses, and working with Mexico on bi-national cooperative projects. The Commission continues to work on projects that help augment the Colorado River System, make the river system healthy, and continue to support the development of the river system that provides 90% of our water supply. All of these projects are critical to the needs of all of the seven basin states. For southern Nevada, the projects rely on a healthy Lake Mead to be able to take water in banking programs of the augmentation. Lake Mead today is a lake that is shared by seven states and the country of Mexico. It is over-allocated and is subject to impacts due to climate change and changes in hydrology. While we are looking for diversification of non-Colorado River water resources, it is critical to reduce our dependence on a lake system that is so brittle and shared by others.

Mr. Caan added that the Resolution before the Commission today supports the completion of the environmental documents needed for the water resources, for the in-state project outlined by Mr. Peterson. In 2006, the Commission passed a Resolution supporting the in-state project in total. Today's Resolution is more nuanced. It provides for the support of the Commission for the completion of the environmental documents for a project that, if the lake continues to decline, will need to be completed.

Chairman Ogilvie asked if there were any members of the public that would like to comment. There were none.

Commissioner Collins moved for approval to adopt Resolution 2009-04. Commissioner Tarkanian seconded, and the motion was approved by a unanimous vote.

D. Briefing on the Agreement for Management of Snake Valley Groundwater System.

Senior Deputy Attorney General Jennifer Crandell provided a briefing on the Agreement for Management of Snake Valley Groundwater System, a copy of which is attached and made a part of the minutes. (See Attachment C.)

E. Consideration of and possible action to approve contracts to fund a one-year pilot project to operate the Yuma Desalting Plant and delivery of the product water.

Mr. Peterson provided an overview of the Yuma Desalting Plant, a copy of which is attached and made a part of the minutes. (See Attachment B.)

Mr. Caan stated that the three agreements are all to be executed by the Colorado River Commission, the Southern Nevada Water Authority (SNWA), the Central Arizona Water Conservation District (CAWCD), and The Metropolitan Water District of Southern California (MWD). The Forbearance Agreement, Exhibit P, to the Lower Colorado River Basin Intentionally Created Surplus (ICS) Forbearance Agreement, provides that the other states will not claim this ICS water, which is provided for under the Record of Decision that we signed in December 2007. The Delivery Agreement provides that the water that is generated from this project will be delivered to SNWA, according to the conditions that Mr. Peterson described. The Funding Agreement for a Pilot Project for Operation of the Yuma Desalting Plant Pilot Project Delivery Agreement provides that SNWA will pay for 10% of that. The Commission and the SNWA are both on this agreement for the same reason that you sit on this Commission. We are a joint board between the SNWA members and the Governor-appointed members, which demonstrates the collection of interest that protects southern Nevada's water supply. In the same way, the SNWA and the Commission have agreed over a period of years that interstate water agreements shall be executed between both bodies.

Commissioner Collins moved to accept staff's recommendation. The motion was seconded by Commissioner Tarkanian and approved by a unanimous vote.

F. Update on the Process for Protecting Nevada's Rights to Hoover Hydropower after the year 2017.

Mr. Caan explained that the Commission has the responsibility to acquire and provide hydropower from the dams along the Colorado River System. The Commission has contracts with the federal government and with the Commission contractors that typically are for 20 or 30 years. Hoover contracts expire in 2017 so we start approximately 10 years before those contracts expire to determine what we are going to do with respect to those contracts. Staff is here to provide a quick update on what we, in the lower basin, for now have decided to do with respect to the Hoover contracts.

Senior Deputy Attorney General Ann Pongracz has been leading the effort among the attorneys, engineers, and all other interested parties.

Ms. Pongracz provided an overview of the process for protecting Nevada's Rights to Hoover Hydropower after the year 2017, a copy of which is attached and made a part of the minutes. (See Attachment D.)

G. Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin and Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.

Nicole Everett, Natural Resource Analyst for the Commission, provided a report on the following:

- Storage Conditions on the Colorado River
- Precipitation in the Colorado River Basin
- Unregulated Inflow into Lake Powell
- Lake Powell Elevation Projections
- Lake Mead – Elevation and Ratings
- Monthly Temperature Deviations
- Monthly Precipitation in the Colorado River Basin
- Seasonal Precipitation
- Drought Conditions in the West
- Seasonal Drought Outlook
- Record of Precipitation—Las Vegas Valley
- Water Use in Southern Nevada
- Lower Basin States & Mexico Use of Colorado River Water
- Development of the 2010 Annual Operating Plan

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

H. Comments and questions from the public and discussion. (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 will be taken.)

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

I. Comments and questions from the Commission members.

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

J. Selection of the next possible meeting date.

The next meeting was tentatively scheduled for 1:00 p.m. on October 13, 2009, at the Grant Sawyer Building.

K. Adjournment.

The meeting adjourned at 2:40 p.m.

George M. Caan, Executive Director

APPROVED:

George F. Ogilvie III, Chairman