

The Special Meeting of the Southern Nevada Water Authority Board of Directors and the Colorado River Commission of Nevada was held at 9:00 a.m. on Thursday, November 15, 2012, in the Southern Nevada Water Authority Board Chambers at 100 City Parkway, Seventh Floor, Las Vegas, Nevada.

#### **COMMISSIONERS IN ATTENDANCE**

|                 |                       |
|-----------------|-----------------------|
| Chairman        | George F. Ogilvie III |
| Vice Chairwoman | Marybel Batjer        |
| Commissioner    | Bob Coffin            |
| Commissioner    | Tom Collins           |
| Commissioner    | J. Brin Gibson        |
| Commissioner    | Duncan R. McCoy       |

#### **COMMISSIONERS IN ATTENDANCE VIA TELECONFERENCE**

|              |                  |
|--------------|------------------|
| Commissioner | Berlyn D. Miller |
|--------------|------------------|

#### **DEPUTY ATTORNEYS GENERAL**

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

#### **COMMISSION STAFF IN ATTENDANCE**

|                                  |                     |
|----------------------------------|---------------------|
| Executive Director               | Jayne Harkins, P.E. |
| Deputy Executive Director        | James D. Salo       |
| Manager, Natural Resources Group | McClain L. Peterson |
| Natural Resource Analyst         | Kimberly E. Maloy   |
| Office Manager                   | Judy K. Atwood      |
| Administrative Assistant IV      | Brenda Haymore      |

#### **SOUTHERN NEVADA WATER AUTHORITY BOARD OF DIRECTORS IN ATTENDANCE**

|            |                 |
|------------|-----------------|
| Chair      | Shari Buck      |
| Vice Chair | Mary Beth Scow  |
| Director   | Sam Bateman     |
| Director   | Bob Coffin      |
| Director   | Tom Collins     |
| Director   | Duncan R. McCoy |
| Director   | Steve Sisolak   |

#### **SOUTHERN NEVADA WATER AUTHORITY STAFF IN ATTENDANCE**

|                               |                 |
|-------------------------------|-----------------|
| General Manager               | Patricia Mulroy |
| Senior Deputy General Manager | John Entsminger |

**SPECIAL JOINT MEETING  
OF  
COLORADO RIVER COMMISSION OF NEVADA  
AND  
SOUTHERN NEVADA WATER AUTHORITY  
BOARD OF DIRECTORS**

**NOVEMBER 15, 2012**

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1. *For Possible Action by the Colorado River Commission:*

Approve and authorize its Executive Director to execute the agreements described herein in materially the same form. **(1) Memorandum of Agreement on the Implementation of Minute No. 319.** The parties to the Agreement include: The United States Section of the International Boundary and Water Commission; the Bureau of Reclamation; the States of Colorado, New Mexico, Utah, and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California entities; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(2) Interim Operating Agreement for Implementation of Minute No. 319.** The parties to the agreement include: The Bureau of Reclamation; the States of Colorado, New Mexico, Utah and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(3) 2012 Lower Colorado River Basin Forbearance Agreement for Binational Intentionally Created Surplus.** The parties to the Agreement include: The Arizona Department of Water Resources; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(4) 2012 Contributed Funds Agreement.** The parties to the Agreement include: The Bureau of Reclamation; the Central Arizona Water Conservation District; the Metropolitan Water District of Southern California; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. This pilot

program includes a contribution of funds by the Authority for an amount not to exceed \$2,500.000. **(5) 2012 Binational ICS Delivery Agreement.** The parties to this Agreement include: The Bureau of Reclamation; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority..... 1

2. *For Possible Action by the Southern Nevada Water Authority:*

Approve and authorize its Executive Director to execute the agreements described herein in materially the same form. **(1) Memorandum of Agreement on the Implementation of Minute No. 319.** The parties to the Agreement include: The Unites States Section of the International Boundary and Water Commission; the Bureau of Reclamation; the States of Colorado, New Mexico, Utah, and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California entities; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(2) Interim Operating Agreement for Implementation of Minute No. 319.** The parties to the agreement include: The Bureau of Reclamation; the States of Colorado, New Mexico, Utah and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(3) 2012 Lower Colorado River Basin Forbearance Agreement for Binational Intentionally Created Surplus.** The parties to the Agreement include: The Arizona Department of Water Resources; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(4) 2012 Contributed Funds Agreement.** The parties to the Agreement include: The Bureau of Reclamation; the Central Arizona Water Conservation District; the Metropolitan Water District of Southern California; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. This pilot program includes a contribution of funds by the Authority for an amount not to exceed \$2,500.000. **(5) 2012 Binational ICS Delivery Agreement.** The parties to this Agreement include: The Bureau of Reclamation; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority..... 3

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Chairman Ogilvie welcomed everyone on what is a momentous occasion and the culmination of years of meetings and negotiations. He thanked the staffs of the Colorado River Commission of Nevada (Commission) and the Southern Nevada Water Authority (SNWA) for the years of hard work and the tremendous efforts on behalf of our two Nevada agencies, numerous agencies from other states and the various federal agencies to bring about the culmination of Minute 319.

**A. Call to order and conformance to the Open Meeting Law.**

The meeting was called to order by Chairman Ogilvie at 9:05 a.m. followed by the pledge of allegiance.

**B. Comments by the general public.**

Chairman Ogilvie asked if there were any comments by the general public. He said public comment should be limited to comments on the posted agenda items.

There were no comments offered.

**A. Call to order and conformance to the Open Meeting Law.**

Chairman Ogilvie asked if the meeting was noticed in conformance with the Open Meeting Law.

Ms. Mulroy said the agenda was properly noticed and posted. Both the agenda item for the Colorado River Commission of Nevada and the agenda item for the Southern Nevada Water Authority was ready for approval.

**Commissioner Collins moved for approval of the agenda. The motion was seconded by Commissioner McCoy and was unanimously approved.**

**C. Items for Consideration and Possible Action.**

*1. For Possible Action by the Colorado River Commission:*

Approve and authorize its Executive Director to execute the agreements described herein in materially the same form. **(1) Memorandum of Agreement on the Implementation of Minute No. 319.** The parties to the Agreement include: The United States Section of the International Boundary and Water Commission; the Bureau of Reclamation; the States of Colorado, New Mexico, Utah, and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California entities; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(2) Interim Operating Agreement for Implementation of Minute No. 319.** The parties to the agreement include: The Bureau of Reclamation; the States of Colorado, New Mexico, Utah and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California Contractors; the Colorado

River Commission of Nevada; and the Southern Nevada Water Authority. **(3) 2012 Lower Colorado River Basin Forbearance Agreement for Binational Intentionally Created Surplus.** The parties to the Agreement include: The Arizona Department of Water Resources; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(4) 2012 Contributed Funds Agreement.** The parties to the Agreement include: The Bureau of Reclamation; the Central Arizona Water Conservation District; the Metropolitan Water District of Southern California; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. This pilot program includes a contribution of funds by the Authority for an amount not to exceed \$2,500,000. **(5) 2012 Binational ICS Delivery Agreement.** The parties to this Agreement include: The Bureau of Reclamation; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority.

Ms. Mulroy, General Manager of the SNWA, noted that since the agenda items for the Commission and SNWA are the same, she would read them into the record once and then there would be a separate vote for each entity.

Ms. Mulroy read the agenda item and then turned the time over to Jayne Harkins, Executive Director of the Commission.

Ms. Harkins provided a background presentation beginning with the 1944 Mexican Water Treaty and outlining the significant steps that led to the culmination of Minute 319. (The presentation is attached hereto as Attachment A and made a part of these minutes.)

John Entsminger, Senior Deputy General Manager of the SNWA, provided a presentation outlining the components of Minute 319 and a review of the agreements before the members for consideration and approval. (The presentation is attached hereto as Attachment B and made a part of these minutes.)

Chairman Ogilvie asked if there were any questions or comments from the SNWA Board or Commission members.

Commissioner Collins said he thinks this is a good thing that the agencies are doing.

Chairwoman Buck echoed Chairman Ogilvie's statement at the beginning of the meeting. She praised the work that has gone into establishing the relationships we have with the Basin States and Mexico and said she appreciates the continuity that Ms. Mulroy provides in that arena. She recognized the Commission and SNWA staffs for all the work behind the scenes and out front that have taken place to build relationships to reach common agreement to the benefit of our country, our state and also for Mexico. She thanked them all for their efforts.

Commissioner Coffin pointed out that a treaty between Mexico and a state is a significant achievement. That is very rare and requires a special circumstance.

Ms. Mulroy agreed that it is a rare occurrence. She said there have been multiple requests for copies of the agreements from across the globe where similar circumstances exist. This agreement to store water for one country in another will be used as a blueprint. Requests for

copies of the agreement have been received from China and Australia. Everyone wants to know how to get multiple states and federal agencies, and two countries to agree to something that is so acrimonious all over the world.

Commissioner McCoy thanked all the people that have worked on this issue for many years—the specialists, the attorneys and the diplomats. This is a beautiful example of what can be achieved when friends sit down together to work on common problems.

Director Sisolak asked for an explanation of where the \$2.5 million was coming from. He asked if this was in the expansion fund—in addition to what was already in that fund.

Ms. Mulroy said it would be added to the bond fund. However, if the revenue picture starts improving, it will become a pay as you go situation. Since it would be paid over a three-year period, it is not an onerous burden.

Chairman Ogilvie asked for a voice vote of the Commissioners on behalf of the Colorado River Commission of Nevada.

**Commissioner Collins moved for approval of the agreements. The motion was seconded by Vice Chairwoman Batjer and approved by a unanimous vote.**

**2. *For Possible Action by the Southern Nevada Water Authority:***

Approve and authorize its Executive Director to execute the agreements described herein in materially the same form. **(1) *Memorandum of Agreement on the Implementation of Minute No. 319.*** The parties to the Agreement include: The United States Section of the International Boundary and Water Commission; the Bureau of Reclamation; the States of Colorado, New Mexico, Utah, and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California entities; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(2) *Interim Operating Agreement for Implementation of Minute No. 319.*** The parties to the agreement include: The Bureau of Reclamation; the States of Colorado, New Mexico, Utah and Wyoming; the Upper Colorado River Commission; the Arizona Department of Water Resources; the Central Arizona Water Conservation District; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(3) *2012 Lower Colorado River Basin Forbearance Agreement for Binational Intentionally Created Surplus.*** The parties to the Agreement include: The Arizona Department of Water Resources; appropriate California Contractors; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. **(4) *2012 Contributed Funds Agreement.*** The parties to the Agreement include: The Bureau of Reclamation; the Central Arizona Water Conservation District; the Metropolitan Water District of Southern California; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority. This pilot program includes a contribution of funds by the Authority for an amount not to exceed \$2,500,000. **(5) *2012 Binational ICS Delivery Agreement.*** The parties to this Agreement include: The Bureau of Reclamation; the Colorado River Commission of Nevada; and the Southern Nevada Water Authority.

Chairman Ogilvie asked for a voice vote of the Directors on behalf of the Southern Nevada Water Authority.

**Vice Chairwoman Scow moved to approve the agreements. The motion was seconded by Director Coffin and approved by a unanimous vote.**

Chairman Ogilvie thanked everyone for their efforts.

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| <b>D. Comments by the general public.</b> |
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Chairman Ogilvie asked if there were any comments by the general public. He said public comment should be limited to comments on the posted agenda items and will be limited to two minutes in length.

Mr. Ed Uehling congratulated everyone involved with this momentous agreement between two countries. He asked what would happen if Nevada stored, for example, 5 million acre feet of water for Mexico and the farmers in California continue to take the excess and to pour it on their farms. When Mexico asks for their water, all 5 million acre-feet, and there is only 10 million acre-feet in the lake, do they get to take it all—how does that work. Also, why isn't there anyone here representing Mexico—or maybe there is.

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| <b>E. Comments or questions from the members.</b> |
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Chairman Ogilvie asked if there were any comments or questions from the members. There were none.

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| <b>F. Adjournment.</b> |
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The meeting adjourned at 9:30 a.m.

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Jayne Harkins, P.E., Executive Director

APPROVED:

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George F. Ogilvie III, Chairman