



United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:

LC-4220
WTR-4.03

MAY 9 2011

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Robert Dunn
Gila Monster Farms
3720 South Avenue 17E
Yuma, AZ 85365

Subject: Verification of 2010 Inadvertent Overrun Payback by Gila Monster Farms (Farm)

Dear Mr. Dunn:

Effective January 1, 2004, the Inadvertent Overrun and Payback Policy (IOPP) established requirements for payback of any inadvertent overuse of Colorado River water by users in the Lower Division States. In accordance with the IOPP and the proposed Procedures for Administering the Inadvertent Overrun and Payback Policy (IOPP Procedures), the Farm implemented a 12-month Fallowing Program (Program) during calendar year 2010 to pay back 603 acre-feet of the Farm's remaining overrun account balance.

The IOPP and the IOPP Procedures obligate the Bureau of Reclamation to monitor the implementation of the extraordinary conservation measures contained in an approved Payback Plan (Plan). On September 20, 2010, Reclamation staff conducted a verification inspection during which eight fields totaling 171 acres (100 percent of the fields participating in the program) were inspected. Based upon the information collected during this inspection, Reclamation confirmed that extraordinary conservation was being implemented and that the fields were fallowed. The resulting report documenting this finding is enclosed for your records. Using satellite imagery, Reclamation staff conducted an additional analysis on the fields in the Program. This analysis also confirmed that the participating fields remained fallowed for the 12-month duration of the Program.

The IOPP Procedures require a Contractor implementing payback measures to submit a report certifying the amount of Colorado River water conserved and/or supplemented by the implementation of the payback measures in the previous calendar year as described in the Contractor's approved Plan. The Farm's report, dated April 8, 2011, documented that, according to provisional data, total deliveries to the Farm in calendar year 2010 were 7,457 acre-feet, or 1,096 acre-feet less than the allowed diversion of 8,553 acre-feet¹.

¹ The Farm's annual diversion entitlement (9,156 acre-feet) adjusted for the 603 acre-foot payback amount.

Reclamation provided the Farm's payback report, Reclamation's inspection verification report, and the satellite imagery maps to members of the Inadvertent Overrun and Payback Technical Committee (IOPTC). On April 19, 2011, the IOPTC met to review and discuss this information. Subsequent to that meeting, the IOPTC members provided recommendations regarding the adequacy of the Farm's payback report to support verification of the amount of water conserved.

Taking into consideration the recommendations provided by the IOPTC members, I hereby verify and determine that the Farm successfully implemented the extraordinary conservation measure consistent with its approved 2010 Payback Plan, and therefore credit 603 acre-feet to the payback of the Farm's overrun account balance. This fully extinguishes the Farm's payback obligation.

If you have questions, please contact Mr. Paul Matuska, Water Accounting and Verification Group Manager, at 702-293-8164.

Sincerely,



Lorri Gray-Lee
Regional Director

Enclosure

cc: Mr. Christopher Harris
Acting Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, CA 91203-1035

Ms. Sandra A. Fabritz-Whitney
Director
Arizona Department of Water Resources
3550 North Central Avenue
Phoenix, AZ 85012

Mr. James D. Salo
Acting Executive Director
Colorado River Commission of
Nevada
555 East Washington Avenue, Suite 3100
Las Vegas, NV 89101



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CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Timothy Williams
Chairman
Fort Mojave Indian Tribe
500 Merriman Avenue
Needles, CA 92363-2299

Subject: Verification of 2010 Inadvertent Overrun Payback by the Fort Mojave Indian Tribe – California Reservation (Tribe)

Dear Chairman Williams:

Effective January 1, 2004, the Inadvertent Overrun and Payback Policy (IOPP) established requirements for payback of any inadvertent overuse of Colorado River water by users in the Lower Division States. In accordance with the IOPP and the proposed Procedures for Administering the Inadvertent Overrun and Payback Policy (IOPP Procedures), the Tribe implemented a 6-month Fallowing Program (Program) during calendar year 2010 to pay back 4,070 acre-feet of the Tribe's remaining overrun account balance.

The IOPP and the IOPP Procedures obligate the Bureau of Reclamation to monitor the implementation of the extraordinary conservation measures contained in an approved Payback Plan (Plan). On September 21, 2010, Reclamation staff conducted a verification inspection during which sixteen fields totaling 1,819 acres were inspected. Based upon the information collected during this inspection, Reclamation confirmed that extraordinary conservation was being implemented. The resulting report documenting this finding is enclosed for your records. Using satellite imagery, Reclamation staff conducted an additional analysis on the fields in the Program. This analysis also confirmed that the participating fields remained fallowed for the 6-month duration of the Program.

The IOPP Procedures require a Contractor implementing payback measures to submit a report certifying the amount of Colorado River water conserved and/or supplemented by the implementation of the payback measures in the previous calendar year as described in the Contractor's approved Plan. The Tribe's report, dated April 13, 2011, documented that, according to provisional data, total diversions for the Tribe in California were 11,773 acre-feet, which is 4,947 acre-feet less than the Tribe's entitlement and 877 acre-feet less than the Tribe's 2010 scheduled diversions. The report also documented that the total diversion by Avi Kwa'Ame Farms, the entity responsible for the payback obligation, was 6,135 acre-feet or 115 acre-feet below the scheduled diversion of 6,250 acre-feet.

Reclamation provided the Tribe's payback report, Reclamation's inspection verification report, and the satellite images to members of the Inadvertent Overrun and Payback Technical Committee (IOPTC). On April 19, 2011, the IOPTC met to review and discuss this information. Mr. John Algots participated in that meeting to represent the Tribe. During the course of the meeting, the IOPTC requested that the Tribe submit additional information to more clearly illustrate the amount of water conserved by the extraordinary conservation measures taken by the Tribe. The Tribe responded to this request by letter dated April 28, 2011, which was provided to the IOPTC members. Subsequently, the IOPTC members provided recommendations regarding the adequacy of the Tribe's payback report and the supplemental letter, collectively, to support verification of the amount of water conserved.

Taking into consideration the recommendations provided by the IOPTC members, I hereby verify and determine that the Tribe successfully implemented the extraordinary conservation measures consistent with its approved 2010 Payback Plan, and therefore credit 4,070 acre-feet to the payback of the Tribe's overrun account balance.

If you have questions, please contact Mr. Paul Matuska, Water Accounting and Verification Group Manager, at 702-293-8164.

Sincerely,



Lorri Gray-Lee
Regional Director

Enclosure

cc: Mr. Christopher Harris
Acting Executive Director
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, CA 91203-1035

Mr. James D. Salo
Acting Executive Director
Colorado River Commission of
Nevada
555 East Washington Avenue, Suite 3100
Las Vegas, NV 89101

Ms. Sandra A. Fabritz-Whitney
Director
Arizona Department of Water Resources
3550 North Central Avenue
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Ms. Catherine Wilson
Supervisory Water Rights Specialist
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue
4th Floor Mailroom
Phoenix, AZ 85004

Continued on next page.

Subject: Verification of 2010 Inadvertent Overrun Payback by the Fort Mojave Indian Tribe
California Reservation (Tribe)

cc: Continued from previous page.

Ms. Janice Staudte
Superintendent
Colorado River Agency
Bureau of Indian Affairs
12124 First Avenue
Parker, AZ 85344

Mr. John Algots
Director
Department of Physical Resources
Fort Mojave Indian Tribe
500 Merriman Avenue
Needles, CA 92363-2299