



**Governor's Representatives on Colorado River Operations  
States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and  
Wyoming**

DRAFT  
May 11, 2011

*Via E-Mail and U.S. Mail*

Honorable Mr. Michael Connor  
Commissioner  
Bureau of Reclamation  
1849 C Street, N.W.  
Washington, DC 20240

Honorable Edward Drusina, P.E.  
Commissioner,  
United States Section  
International Boundary and  
Water Commission  
Commons Building C, Suite 306  
4171 North Mesa Street  
El Paso, TX 79902

Re: Seven Colorado River Basin States' Representation and Participation in Bi-National Water Management Opportunities Between the United States and Mexico

Dear Commissioners Connor and Drusina,

The seven Colorado River Basin States (Basin States) write this letter to affirm our continued interest in and dedication to working with the United States and Mexico to explore bi-national opportunities and develop cooperative efforts for addressing Colorado River needs in both countries. This letter identifies the principal representative(s) for each of the respective states and sets forth our continued commitment to the bi-national negotiation process with a goal of further improving the efficient management of the Colorado River system.

The Department of the Interior, through the Bureau of Reclamation, and the Department of State, through the International Boundary and Water Commission, have worked diligently with the Basin States over the last several years to identify mechanisms for improving Colorado River water management consistent with the framework of the 1944 Water Treaty between the United States and Mexico. As memorialized in April 2007 correspondence with Secretary Kempthorne and December 2008 correspondence with Commissioner Ruth, we have engaged in this process to institute new mechanisms for the benefit of water users in both the United States and Mexico. Last year, the process resulted in finalizing Minutes 316, 317 and 318 with the Basin States' consensus support. We recognize and greatly appreciate both of your efforts in these endeavors.

Although last year's efforts represent tangible achievements, they also serve to highlight the need for further comprehensive, cooperative efforts on the Colorado River. The effects of the historic drought continue to significantly affect water users and the natural environment throughout the Basin. Moreover, water supply projections continue to identify potential gaps between future water supplies and demands basin-wide. As such, the need to develop and promote comprehensive mechanisms for the United States and Mexico to enhance Colorado River management has never been greater.

As you know, development and implementation of any water management mechanism on the Colorado River risk affecting the rights and obligations of the Basin States and their respective stakeholders. Hence, the significant progress on the Colorado River during the recent past has required extensive collaboration, consultation and consensus-based problem solving among and between the Basin States and the federal government. Meaningful progress in the bi-national process undoubtedly will require the same. In particular, Basin State participation, cooperation and acceptance will continue to be important to the successful completion and implementation of a comprehensive agreement with Mexico.

Faced with these realities, the Basin States are committed to participating in the bi-national process to develop consensus on comprehensive water management efforts consistent with the framework for the 1944 Water Treaty as part of the compacts, decree, laws and regulations that are collectively referred to as the "Law of the River." We further appreciate Reclamation and IBWC's commitment to provide for continued transparency and meaningful participation by the Basin States' representatives as the bi-national discussions progress. In keeping with these efforts, the Basin States gladly accept the invitation to participate in the 2011 kick-off meeting for the bi-national discussions on June 1, 2011 in Tijuana, Mexico. We further identify that the following principals and alternates will represent the Basin States' interests:

**Arizona**

Sandra A. Fabritz-Whitney, Director  
Arizona Department of Water Resources

Perri Benemelis  
Arizona Department of Water Resources

**California**

Dana B. Fisher, Jr., Chairman  
Colorado River Board of  
California

INSERT ALTERNATE

**Colorado**

**Nevada**

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*Jennifer Gimbel, Director  
Colorado Water Conservation  
Board*

*Patricia Mulroy, General Manager  
Southern Nevada Water Authority*

*Alexandra Davis,  
Assistant Director for Water  
Department of Natural Resources* \_\_\_\_\_

*James D. Salo  
Colorado River Commission*

ALTERNATE?

**New Mexico**

**Utah**

*John D'Antonio,  
New Mexico State Engineer*

*Dennis Strong, Director  
Division of Water Resources*

*Estevan Lopez, Director  
Interstate Stream Commission*

*Robert King,  
Division of Water Resources*

**Wyoming**

*Pat Tyrrell  
Wyoming State Engineer*

INSERT ALTERNATE

Note: Additional technical and legal staff will be identified as appropriate for different aspects of the negotiations.

Sincerely,

[Signatures on next page]

## Christopher S. Harris

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**From:** Karen Kwon [Karen.Kwon@state.co.us]  
**Sent:** Thursday, May 12, 2011 3:30 PM  
**To:** whswan@aol.com; ndklobas@azwater.gov; tmccann@cap-az.com; Christopher Harris; jcarter@hkcf-law.com; bill.rinne@lvvwd.com; bwraley@me.com; Catherine Stites; 'BillHasencamp'; Leslie Gallagher; bruce.moore@snwa.com; Karen Kwon; Shanti Rosset O'Donovan; Ted Kowalski; amy.haas@state.nm.us; PMICHA@state.wy.us; Don Ostler; Jane Bird; TFulp@usbr.gov; michael.quealy@utah.gov; normanjohnson@utah.gov  
**Subject:** Legal Disclaimer Language Basin Study  
**Attachments:** 20110512 KMK Draft BS Ltr on intent\_ver4.DOCX

Good afternoon everyone: Attached please find a draft letter on behalf of the Basin States regarding our intent in participating in the Basin Study. The expectation which I have confirmed with Bob Snow is that Commissioner Connor would write a response letter memorializing the technical nature of the document and confirming the Federal Government's intent to not use the Study or its contents against any State or the Commission in future proceedings to evidence legal or factual positions regarding the law of the river. The goal is to have both letters finalized prior to or concurrent with the issuance of the interim status report for the Basin Study. This letter is still subject to approval from the principals in Colorado. However, I thought it best to get comments, observations from the Legal Committee before taking the next step. Please review and provide comments to Ted Kowalski with a cc to Shanti Rosset O'Donovan in Colorado

[ted.kowalski@state.co.us](mailto:ted.kowalski@state.co.us)  
[shanti.rossetodonovan@state.co.us](mailto:shanti.rossetodonovan@state.co.us)

As mentioned in my previous email, I will be out of the office for most of the rest of the month, so please coordinate among each other and with Ted in Colorado. Thank you - K.