Place of use restrictions (or other constraints, see further below) for delivering Colorado River water beyond the boundaries of an agency having entitlement to the Colorado River water?

To address this question please refer to the references listed below starting with the Colorado River Compact of 1922, then the Boulder Canyon Project Act of 1928, the California Limitation Act of March 4, 1929, 1944 Treaty with Mexico and subsequent Minutes, the Law of the River – as you know it as a series of other laws besides some of those listed, compacts, and agreements along with the U.S. Supreme Court Decree in Arizona v. California (1964).

California water agencies with water contracts with Reclamation that use Colorado River water consists of Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), and The Metropolitan Water District of Southern California (MWD). [Note: Palo Verde Irrigation District, Bard Water District, and California's river Indian Tribes also use Colorado River water and are noted by the Decree with present perfected rights. The States presented the Court with those priorities a couple years after their decree.]

The *Quantification Settlement Agreement (QSA) is an agreement* with CVWD, IID, and MWD *to quantify each entities' their portion of California's apportionment of Colorado River water and to transfer Colorado River water among the California agencies.*

These transfers are for the benefit of IID, CVWD, MWD, and the San Diego County Water Authority (SDCWA). The QSA water transfers would continue for a period of up to 75 years and provide an important mechanism to assist California's efforts to reduce its diversions of Colorado River water in normal years to its 4.4 MAF apportionment, as required by the Boulder Canyon Project Act of 1928 and the California Limitation Act of March 4, 1929.

The QSA is a consensual agreement among the three parties (IID, CVWD, and MWD) that resolves longstanding disputes regarding the priority, use (including quantification), and transferability of Colorado River water.

In its June 3, 1963 opinion in the case of *Arizona v. California* (373 U.S. 546), the Supreme Court of the United States held that Congress has directed the Secretary of the Interior (Secretary) to administer a network of useful projects constructed by the Federal Government on the lower Colorado River, and has entrusted the Secretary with sufficient power to direct, manage, and coordinate their operation.

The Court held that this power must be construed to permit the Secretary to *allocate and distribute the waters of the mainstream of the Colorado River within the boundaries set down by the Boulder Canyon Project Act (45 Stat. 1057, 43 U.S.C. 617) (BCPA).*

The Secretary has entered into contracts for the delivery of Colorado River water with entities in Arizona, California, and Nevada in accordance with section 5 of the BCPA. The Secretary has the responsibility of operating Federal facilities on the Colorado River and delivering mainstream Colorado River water to users in Arizona, California, and Nevada that hold entitlements, including present perfected rights, to such water.

Article V of the Decree *of the Supreme Court of the United States in Arizona v. California dated March 9, 1964* (376 U.S. 340) *requires the Secretary to compile and maintain records of diversions of water from the mainstream, of return flow of such water to the mainstream as is available for consumptive use in*

the United States or in satisfaction of the Mexican Treaty obligation, and of consumptive use of such water. Reclamation reports this data each year in the Decree Accounting Record.

Pursuant to 43 CFR part 417, prior to the beginning of each calendar year, Reclamation consults with entities holding BCPA section 5 contracts (Contractor) for the delivery of water. Under these consultations, *Reclamation makes recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution, and use of Colorado River water.*

Reclamation also makes a determination of the Contractor's estimated water requirements for the ensuing calendar year to ensure that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective BCPA contract or other authorization for use of Colorado River water.

Source: http://www.usbr.gov/lc/region/g4000/crwda/crwda_rod.pdf

Boulder Canyon Project Act (BCPA), Section 5**,** see
http://www.usbr.gov/lc/region/pao/pdfiles/bcpact.pdf

No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

And Section 13(b). *The rights of the United States in or to waters of the Colorado River and its tributaries howsoever claimed or acquired, as well as the rights of those claiming under the United States, shall be subject to and controlled by said Colorado River compact.*

Section 18. *Nothing herein shall be construed as interfering with such* rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement.

And Section 19. *That the consent of Congress is hereby given to the States of Arizona, California,*

Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or

agreements, supplemental to and in conformity with the Colorado River compact and consistent with this Act for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river.

…or other constraints for delivering Colorado River water beyond the boundaries of an agency having entitlement to the Colorado River water

Colorado River Compact of 1922: *http://www.usbr.gov/lc/region/g1000/pdfiles/crcompct.pdf*

Article II (f). Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b), and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their Governors, may give joint notice of such desire to the Governors of the other signatory States and to The President of the United States of America, and it shall be the duty of the Governors of the signatory States and of The President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion

equitably between the Upper Basin and Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

California Limitation Act of 1929, see
http://www.onthecolorado.com/Resources/LawOfTheRiver/CaliforniaLimitationAct.pdf

See subdivision 2 of section 4 (a) of the said "Boulder canyon project act" and this act shall be so construed. [Source: Updating the Hoover Dam Documents 1978, Appendix I, pgs. I-12]

Decree Accounting Reports: http://www.usbr.gov/lc/region/g4000/wtraccttypes.html

Specific issues or restrictions related to the capture and export of farm drainage waters originating as Colorado River water with the IID system?

After outlining the authorities above, in the matter of restriction related to capture of farm drainage will be addressed during the course of this Basin Study; and documented. For now I suggest you reference in Section H of your STAG grant that the results from our Basin Study will be shared with the EPA when available. As you know capture and potential use of some form of advanced water treatment of farm drainage water was proposed as one of the alternatives. The Basin Study is suppose to explore all of the *'SE California as a region'* and it should not restrict the potential capture of farm drainage to the IID system.