

**COLORADO RIVER BOARD OF CALIFORNIA**

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State Clearinghouse  
1400 Tenth Street  
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Sacramento, CA 95812-3044

Regarding SCH# 2005-101-104: Draft Supplemental Environmental Impact Report for the Southern California Edison Company's Devers-Palo Verde No. 2 Transmission Line Project

To Whom It May Concern:

The Colorado River Board of California (CRB) has received and reviewed a copy of the Notice of Completion & Environmental Document Transmittal for the Draft Supplemental Environmental Impact Report (SEIR) for the Southern California Edison Company's Application for Devers-Palo Verde No. 2 Transmission Line Project, Colorado River Substation Expansion, near the City of Blythe, County of Riverside, California.

Table D.4-3 of the draft SEIR indicates that the total estimated water demand during the construction activities at the Colorado River Substation (CRS) site could range between 309.3 and 364.6 acre-feet over approximately 22 to 24 months. In addition, during the CRS operations it is estimated that up to an additional 750 gallons per month, or approximately 0.03 acre-feet per year, would be required for non-potable uses. The draft SEIR suggests that this water supply for the project will be pumped from on-site groundwater wells.

According to the Consolidated Decree of the Supreme Court of the United States in the case of *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150, 2006), the consumptive use of water means "diversion from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation" and consumptive use "includes all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping." Also, pursuant to the 1928 Boulder Canyon Project Act (BCPA) and the Consolidated Decree, no water shall be delivered from storage or used by any water user without a valid contract between the Secretary of the Interior and the water user for such use, i.e., through a BCPA Section 5 contract.

Within California, BCPA Section 5 contracts have previously been entered into between users of Colorado River mainstream water and the Secretary of the Interior for water from the Colorado River that exceeds California's basic entitlement to use Colorado River water as set forth in the Consolidated Decree. Thus, no additional Colorado River water is available for use by new project proponents along the Colorado River, except through the contract of an existing BCPA Section 5 contract holder, either by direct service or through an exchange of non-Colorado River water for Colorado River water.

The lands proposed for the CRS Expansion Project and identified in the draft SEIR are currently located within the "Accounting Surface" area designated by U.S. Geological Survey Water Investigation Reports (i.e., WRI 94-4005 and WRI 00-4085). These reports indicate that the aquifer underlying lands located within the "Accounting Surface" is considered to be hydraulically connected to the Colorado River and groundwater withdrawn from wells located within the "Accounting Surface" would be replaced by Colorado River water, in part or in total. This means that if it is determined that these wells are, in fact, pumping Colorado River water, a contract with the Secretary of the Interior would be required before such a diversion and use is deemed to be a legally authorized use of this water supply.

As a result of discussions associated with other solar power projects, including the BSPP and the GSEP, the CRB has identified a preferred option for obtaining a legally authorized and reliable water supply for these projects. Currently, that option involves obtaining water through an existing BCPA Section 5 contract holder, The Metropolitan Water District of Southern California. Although other options may be available, it is the Board's assessment that they could not be implemented in a timely manner and address the requirement that water consumptively used from the Colorado River must be through a BCPA Section 5 contractual entitlement.

If you have any questions or require further information, please feel free to contact me, or Dr. Jay Chen of my staff, at (818) 500-1625.

Sincerely,



Christopher S. Harris  
Acting Executive Director

cc: Ms. Lorri Gray-Lee, Regional Director, U.S. Bureau of Reclamation  
Ms. Holly Roberts, Associate Field Manager, Palm Springs-South Coast Field Office, BLM  
Mr. Billie C. Blanchard, EIR Project Manager, California Public Utilities Commission  
Mr. William J. Hasencamp, The Metropolitan Water District of Southern California