

The meeting was held at 1:04 p.m. on Tuesday, March 12, 2013 at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

Chairman	George F. Ogilvie III
Vice Chairwoman	Marybel Batjer
Commissioner	Bob Coffin
Commissioner	Duncan R. McCoy
Commissioner	Berlyn D. Miller
Commissioner	Steve Sisolak

COMMISSIONER IN ATTENDANCE VIA TELECONFERENCE

Commissioner	J. Brin Gibson
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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.
Chief of Finance and Administration	Douglas N. Beatty
Assistant Director of Engineering and Operations	Robert D. Reese
Manager, Energy Services	Gail A. Bates
Manager, Natural Resources Group	McClain L. Peterson
Assistant Hydropower Program Manager	Lisa M. Ray
Hydropower Program Specialist	Michael S. Harris
Senior Energy Accountant	Gail L. Benton
Office Manager	Judy K. Atwood
Administrative Assistant III	Carol L. Perone
Administrative Assistant II	Gina L. Goodman

OTHERS PRESENT; REPRESENTING

Consultant	Sara A. Price, Esq.
Fennemore Craig, P.C.	Lauren Caster, Esq.
NVEnergy	Edgar Patino
Overton Power District No. 5	Mendis Cooper
Overton Power District No. 5	Delmar Leatham
Overton Power District No. 5	Dr. Larry Moses
Southern Nevada Water Authority	Kathy Flanagan
Southern Nevada Water Authority	Scott Krantz

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF MARCH 12, 2013**

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The Colorado River Commission meeting was called to order by Chairman Ogilvie at 1:04 p.m. followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director Jayne Harkins confirmed that the meeting was in compliance with the Open Meeting Law.

B. Comments and questions from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

C. For Possible Action: Approval of minutes of the February 12, 2013 meeting.

Commissioner McCoy moved for approval of the minutes of the February 12, 2013 minutes as written. The motion was seconded by Vice Chairwoman Batjer and approved by a unanimous vote.

D. For Possible Action: Consideration of and possible action to approve an Interlocal Agreement between the Silver State Energy Association (SSEA) and the Colorado River Commission of Nevada (Commission) for Administrative Services.

Gail Bates, Manager of Energy Services, gave a summary of the Interlocal Agreement.

This Interlocal Agreement formalizes the contractual arrangements between the Commission and the SSEA for the provision of Administrative Services. Nothing in the Interlocal Agreement affects the employment status, compensation, or benefits of any of the Commission employees that are providing services to the SSEA.

On December 11, 2012 the Commission approved the Interlocal Agreement. However, the State Budget office recommended that the contract be revised to include a maximum dollar amount and a shorter term. The contract has been amended to address the recommendations made by the budget office. The maximum compensation that can be received by the Commission is \$7,000,000 over the four year contract term. The rest of the agreement remains the same.

Staff recommended the Commission approve the agreement and authorize the Executive Director to sign it on behalf of the Commission.

Commissioner Coffin asked if this agreement needed to be reapproved at the local government level, as well. He thought he has seen this agreement on the agenda for the City of Las Vegas.

Ms. Bates clarified that the agreement is between the Commission and SSEA.

Commissioner Coffin asked if individual parties involved in delivery do not have to approve this agreement.

Ms. Bates stated that he was correct. She added that what may appear on the local government agenda are some local transmission agreements with NVEnergy that involve the Commission and each of the member agencies of the Southern Nevada Water Authority.

Commissioner McCoy moved for approval of the Interlocal Agreement between SSEA and the Commission and authorized the Executive Director to sign on behalf of the Commission. The motion was seconded by Commissioner Miller and approved by a unanimous vote.

E. *For Possible Action:* Consideration of and possible action to approve an agreement between Western Area Power Administration (Western) and the Commission for Purchasing and Selling Entity Services.

Gail Bates, Manager of Energy Services, advised that in order to fulfill its responsibilities as an energy provider, the Commission must deliver an amount of energy to its customers each hour that is sufficient to meet its customers' needs. Energy providers must have personnel on staff or under contract that are capable of transacting in the energy markets 24 hours a day, 7 days a week, to make sure loads and resources are balanced and energy supplies are electronically "tagged" for delivery. Since 2005, NVEnergy has provided the service of purchasing small amounts of energy from, or selling small amounts of energy to, the Commission to help ensure that the Commission's customers' loads and resources are balanced and its supplies are properly tagged for delivery. The Commission's contract with NVEnergy for these balancing and tagging services expires on May 31, 2013.

In 2010, the Commission requested cost estimates from both NVEnergy and Western to provide balancing and tagging services. Western refers to these services as Purchasing and Selling Entity (PSE) services. Western's PSE cost estimate was lower than NVEnergy's. In 2012, the Commission also requested cost estimates from 15 entities to provide "tagging services", which are a subset of PSE responsibilities. Western's tagging services cost estimate was lower than all other respondents.

On April 1, 2013, the Commission will transition its role as energy provider for most of the Southern Nevada Water Authority's (SNWA's) energy needs to the Silver State Energy Association (SSEA) consistent with the Commission's recent decisions approving the novation of its power contracts from the Commission to the SSEA and the approval of an interlocal contract for labor between the Commission and SSEA. Following this transition, the Commission will continue to be responsible for ensuring that energy is delivered to the "network customers" and the BMI Complex. The network customers include the loads of the SNWA and its member agencies that are interconnected to

NVEnergy's transmission and distribution network. The Commission will continue to require PSE services for these loads.

The proposed contract with Western for PSE Services replaces NVEnergy as the PSE service provider. Effective April 1, 2013, Western will provide PSE services for the network customers on a daily and real-time basis. And, effective June 1, 2013, Western will provide scheduling and tagging services for the BMI Complex on a day-ahead basis for its market power resources.

The network customers as well as the BMI Complex customers have been briefed on the change in scheduling entity from NVEnergy to Western.

Western is currently the PSE service provider for the SSEA which serves the City of Boulder City. Staff has been able to monitor Western's performance over the last two years and is happy with the service they have provided.

Staff recommended that the Executive Director be authorized to sign the contract with Western for PSE Services.

Chairman Ogilvie asked what are the benefits of this contract.

Ms. Bates replied that this contract will allow Staff the benefit of centralizing the scheduling functions with a single entity under similar pricing terms and conditions rather than having two different sets of scheduling entities that could have different pricing. It is an administrative convenience to be able to centralize with one single entity.

Chairman Ogilvie asked whether this change will allow for less staff involvement.

Ms. Bates replied that it will be less labor intensive to be able to monitor the performance of one entity versus two separate entities.

Chairman Ogilvie asked whether there will be a corresponding benefit to our customers.

Ms. Bates responded that the reduction in labor costs incurred by the Commission should reduce the labor costs borne by our customers.

Chairman Ogilvie asked about pricing.

Ms. Bates replied that pricing should be better too. Western is already set up to perform this service for the Commission. Western also performs the service for other customers, is established, and has the ability to provide the required services quickly and easily. Staff has found in the past, when talking to others in the industry about balancing and tagging, that providing PSE service is a niche service and the price is typically very expensive. Western is a pass through entity and they do not have a lot of profits layered on top of their services. Western will simply charge for their cost of labor to provide the service.

Commissioner Coffin asked Ms. Bates what is the purpose of tagging, and what difference does it make where the power comes from when the Commission already knows and has negotiated the price?

Ms. Bates responded that the Commission as the buyer of the loads does not really think about where power comes from, but this information is important for operating the electric power system in the western United States. In order to make power flow, generation has to be adjusted to keep track of how the system operates. Staff has to know who is actually generating the power, whose transmission system is transporting the power, and which entities are marketing the power in-between. It is a reliability function, and the Commission is actually required to manage these tags by the Regional Reliability Coordinators.

Vice Chairwoman Batjer noted that Staff requested cost estimates for the PSE services and the tagging services and Western and other respondents were lower. So, that is one of the benefits, correct?

Ms. Bates agreed that is correct. At one point in time Staff considered separating the tagging portion from the balancing portion. Staff solicited 15 cost estimates for the tagging portion from different providers. Staff received nine responses ranging from \$34,000 annually to \$136,000 annually. Western was the lowest of the cost estimates for tagging. Staff considered that the NVEnergy contract was going to expire in May 2013 and requested NVEnergy to provide a quote for continuing the service beyond that timeframe. It was quite expensive. At that point Staff also went to Western for a cost estimate. Reviewing those two pieces of information prompted the SSEA to contract with Western.

Vice Chairwoman Batjer asked if NVEnergy has knowledge of this decision.

Ms. Bates responded yes.

Vice Chairwoman Batjer moved for approval of the agreement between Western and the Commission for Purchasing and Selling Entity Services and authorized the Executive Director to sign on behalf of the Commission. The motion was seconded by Commissioner Miller and approved by a unanimous vote.

F. *For Possible Action:* Consideration of and possible action to approve an agreement among the SSEA, Western and the Commission for Capacity Service.

Gail Bates, Manager of Energy Services, explained that on April 1, 2013, the SSEA will become the full-requirements electric power provider for the Southern Nevada Water Authority (SNWA) for a substantial portion of the SNWA's electrical needs. The SSEA is already the full-requirements power provider for the City of Boulder City (Boulder City) and will continue to carry out these responsibilities after April 1, 2013. On April 1, 2013, both the SNWA loads and the Boulder City loads will move into Western's

balancing area and Western will begin to provide certain ancillary services to SSEA for these loads and to charge SSEA for these ancillary services.

In its role as full-requirements power provider, the SSEA procures the electric power its members need to supplement power resources that are already owned by, or under contract to, each of the members. One special type of power resource under contract to each of the SSEA members is federal hydropower from the Hoover Dam. The Commission purchases hydropower from Western and resells it to the members of the SSEA. Under the Hoover contracts, the Commission is responsible for finding markets for Hoover energy and capacity which is in excess of our customers' needs.

This agreement addresses the situation that arises when the SSEA's members have surplus unscheduled Hoover capacity. Under the terms of this agreement, the Commission agrees that the surplus hydropower capacity of the SSEA members can be laid off to Western, and that Western may use this surplus capacity to first, meet the ancillary service requirements of the SSEA members, and second, if additional surplus capacity is available, to meet the needs of Western's other customers. Western agrees to compensate the SSEA for its use of such surplus capacity. It is estimated that the agreement will reduce the ancillary services costs of the SSEA members by approximately \$250,000 annually.

Chairman Ogilvie asked what is currently taking place.

Ms. Bates answered that currently these customers are in the balancing area of NVEnergy. NVEnergy has not historically recognized or compensated the Commission's customers for the benefit of this unused hydropower. NVEnergy and their native load customers have gotten to use it when it is available.

Chairman Ogilvie asked if NVEnergy had absorbed this benefit that will now be spread amongst the rates paid by all of the Commission customers.

Ms. Bates answered yes, and that Western is recognizing the benefit and is willing to credit it to those customers who are beneficiaries of that hydropower.

Chairman Ogilvie asked if SNWA and Boulder City are the customers who will benefit.

Ms. Bates responded that that is correct.

Commissioner Sisolak asked how much is the benefit and how is it calculated.

Ms. Bates responded Staff is expecting the credit be \$250,000 annually. Staff is working on an algorithm to disaggregate the credit to Boulder City and SNWA.

Commissioner Sisolak asked if it was not going to be split in half.

Ms. Bates responded that it will not be split in half. Staff will have a methodology to disaggregate the benefit.

Commissioner McCoy moved for approval of the agreement among the SSEA, Western, and the Commission for Capacity Service and authorized the Executive Director to sign on behalf of the Commission. The motion was seconded by Commissioner Sisolak and approved by a unanimous vote.

G. *For Possible Action:* Consideration of and possible action to approve a contract between Fennemore Craig, P.C. and the Commission for legal services.

Ms. Harkins explained that the Navajo Nation in 2003 initiated litigation with the United States Department of Interior (Interior) for quantification of their water rights on the Colorado River in the Lower Basin and on the Little Colorado River. Since that time Interior started settlement discussions and put settlement teams together. There have been settlement discussions for ten years. Last year the hope was the settlement discussions would come to fruition, and Senators in the state of Arizona were going to help push through Congressional action for the settlement. Ultimately, the Navajo Nation and Hopi Tribe did not accept the settlement.

Currently, we are about thirty days into a ninety day stay in court. The Navajo Nation is working with the United States Department of Justice to decide what their next steps are, whether they will go back into settlement discussions or start active litigation.

The State of Nevada working with Senior Deputy Attorney General Jennifer Crandell as well as with the SNWA to determine how to move forward in this legal process. Staff looked around within the state of Arizona for attorneys who can represent us, who have been involved in Indian tribal discussions and litigation in Arizona and actively involved in state water rights within the state of Arizona. Staff is recommending Lauren Caster of Fennemore Craig, P.C.

Mr. Caster has come very highly recommended. He will represent the sovereign state of Nevada, the Commission, and the SNWA. The legal team that has been put together will include Mr. Caster (if this agreement is approved today), Ms. Crandell, and Gregory Walch, general counsel for SNWA. The team will work on legal strategies moving forward in this litigation.

Ms. Jayne Harkins asked if there were any questions and noted that Mr. Caster was in the chamber.

Chairman Ogilvie asked Ms. Crandell if she was involved in this search and recommendation.

Ms. Crandell answered that she was very involved. Having attended some of the settlement conferences on the Little Colorado River it became apparent on how little she knew about Indian water rights in Arizona, a completely unique area of law. An active

search began to find an outstanding lawyer that could help the state of Nevada with the knowledge to handle all aspects of this case. A lot of people in Arizona were interviewed and recommendations received indicated that Mr. Caster was a good candidate.

Chairman Ogilvie stated that it is a fairly discreet area of law in a fairly relatively small geographic location. Phoenix is much larger than Las Vegas in population; Arizona is much larger than Nevada. This is primarily an Arizona issue as opposed to a regional issue, and dealing with Arizona courts. Chairman Ogilvie asked if that is correct.

Ms. Crandell responded yes.

Chairman Ogilvie asked were those factors that you took in consideration.

Ms. Crandell answered that those were all factors of course.

Chairman Ogilvie asked the size of the pool of potential candidates.

Ms. Crandell responded that she does not really know what the size of the pool would be. A list of the attorneys involved in this case was given to the Executive Director; five pages of counsel are involved. There is an extremely limited pool of available attorneys knowledgeable in Indian water law with experience in Indian quantifications.

Chairman Ogilvie asked if Mr. Caster has appeared regularly before the court of which this case is pending.

Ms. Crandell responded that he has, and that Mr. Caster has been involved in the Little Colorado River settlement negotiations for many years for another client. Mr. Caster knows all the players, all the different basins of water and the different groundwater that is under discussion. Mr. Caster has been involved with those negotiations for twenty years or more and the same players are involved in the main stem litigation as well.

Chairman Ogilvie asked if Ms. Crandell can talk about the proposed rates.

Ms. Crandell responded that the rates that Mr. Caster charges are reasonable for that area of specialty. Mr. Caster had quoted the Commission a higher rate which is probably more in line with what should be charged. Mr. Caster agreed to reduce the rates ten percent.

Ms. Harkins added that the reduced rate Mr. Caster is quoting the Commission is in line with the rates the Commission pays currently for other outside counsel in Washington D.C. for Federal Energy Regulatory Commission related issues.

Chairman Ogilvie directed a question to Mr. Caster regarding Gregory L. Adams listed on the contract's Attachment "AA".

Mr. Caster answered that Mr. Adams is a fifth or sixth year lawyer out of Brigham Young University and they work as a team.

Chairman Ogilvie asked how Mr. Caster anticipates the workload to be split between himself and Mr. Adams on this representation.

Mr. Caster responded that the first split would begin by dividing the work and strategy among Ms. Crandell, SNWA general counsel, and himself. The team decides what work Fennemore Craig, P.C. is going to do. Mr. Caster will ask Mr. Adams to do legal research; and his strength is writing based on research done.

Commissioner Sisolak asked what is budgeted for the retainer or the maximum amount as it relates to representing State of Nevada, SNWA and the Commission.

Ms. Harkins replied that this contract is not to exceed over \$300,000 over the two years.

Commissioner Sisolak asked what is the amount for the State and SNWA.

Ms. Jennifer Crandell responded that she thinks Commissioner Sisolak is asking is SNWA also retaining Mr. Caster under a separate contract.

Commissioner Sisolak replied that is correct.

Ms. Crandell responded that there is one contract; this is the only contract for Mr. Caster to provide services on behalf of all three entities.

Commissioner Sisolak asked was there a Request for Proposal (RFP) issued for this.

Ms. Harkins responded no there was not.

Commissioner Sisolak asked how many potential attorneys were interviewed.

Ms. Harkins stated that Staff talked to a number of potential attorneys. Ms. Crandell talked to several potential attorneys. Staff was looking for lawyers in Arizona; Ms. Harkins only interviewed one, Mr. Caster.

Commissioner Sisolak asked Ms. Crandell how many she interviewed.

Ms. Crandell responded that she talked with probably five or six water lawyers in Arizona.

Commissioner Sisolak asked how long did this entire search take.

Ms. Crandell replied that it started last August. It has been at least a six month search.

Commissioner Sisolak stated that his concern is, while he is sure that Mr. Caster is eminently qualified to do the job, there are a lot of other Nevada-based lawyers qualified to do the job that have water law expertise; however he does not know if other lawyers have expertise particularly as it relates to this case.

Commissioner Sisolak further commented about the multi-party representation part of the contract. He stated that this got the City of Henderson into a real mess with one representative representing both sides of the same issue. He asked who the other potential parties were, other than SNWA and the State of Nevada that might be represented by Mr. Caster.

Ms. Crandell responded that Mr. Caster will not be representing any other additional parties in this litigation. Staff would not agree to share Mr. Caster with other entities such as Metropolitan Water District or someone in Arizona. Mr. Caster is being retained only to represent the State of Nevada's interest and will be representing only Nevada in this litigation.

Commissioner Sisolak asked has Mr. Caster in the last five years represented any of the other litigants in this case.

Ms. Crandell answered Mr. Caster has done a conflict check and has no conflicts.

Mr. Caster stated Fennemore Craig, P.C. represents no other parties in that litigation nor have they in the last five years. Fennemore Craig, P. C. does represent, for example, the state of Arizona which is a party in that litigation, but in unrelated matters.

Commissioner Sisolak asked in unrelated matters, how many of the other litigants have Mr. Caster represented in the last five years.

Mr. Caster stated that he does not believe any.

Commissioner Sisolak responded that he thought Mr. Caster just stated he represented the state of Arizona.

Mr. Caster rephrases his response to include "with the exception of the state of Arizona in unrelated matters" they have represented none of the other litigants to his knowledge.

Commissioner Coffin asked what is the State of Nevada fighting about with the Tribes and is it only the Little Colorado River, anything about the San Juan River.

Ms. Harkins responded that it is the Little Colorado River, the Lower Basin and the Colorado River.

Commissioner Coffins asked if it is nothing north of the Lower Basin states.

Ms. Harkins responded the Navajo Nation has reservation in New Mexico and Utah so they have gone into those states and had issues with those. Their initial litigation addressed operations of the Colorado River, surplus guidelines, regulations of the River, banking that is being done on the River by Nevada, and those types of operational decisions that have been made by the Bureau of Reclamation (Reclamation) over the last fifteen years. Some of the pieces that concern the State of Nevada are where the Navajo Nation and the Hopi Tribe talk about their aboriginal rights, or pre-1922 compact rights. The thought is, if the water that would be quantified for the Navajo Nation and the Hopi Tribe comes out of Arizona's 2,800,000 acre-feet/year, we are not going to tell Arizona how to divide up their apportionment. It is only if the Navajo Nation and the Hopi Tribe get into those pre-compact rights and start to look at the Lower Basin as a whole and the other states and try to quantify out of Nevada's 300,000 acre-feet/year allocation. The State of Nevada is just trying to protect its interest on the Colorado River.

Mr. Crandell added the Navajo Nation's, assistant district attorney has been public in various conferences commenting about the fact that they may possibly go after the entire allocation of the seven Basin States under the 1922 Compact.

Commissioner Coffin stated that he is familiar with the Carson, Walker and Truckee Rivers which have been a source of litigation forever with the Native Americans.

Chairman Ogilvie addressed a question and concerns that Commissioner Sisolak had on not looking for Nevada lawyers because as a Nevada lawyer he has a vested interest. Chairman Ogilvie recognizes from his own practice the benefits of hiring someone who is involved, knows the players and the judges. The explanation received from the Executive Director prompted him to put that concern aside.

Commissioner Sisolak appreciated the Chairman's recognition of his concerns.

Commissioner Sisolak added that his concern is that the Commission should cast the net as broadly as possible and reach out. While an RFP is not necessary, Clark County Commission insists on one to explore and attempts to find new people. Staff is encouraged in the future to look at many people and conduct numerous interviews.

Commissioner Sisolak expressed that he agreed with the Chairman's statement.

Chairman Ogilvie responded that Commissioner Sisolak's point was well made.

Vice Chairwoman Batjer moved for approval of the contract between Fennemore Craig, P.C. and the Commission for legal services and authorize the Executive Director to sign it on behalf of the Commission. The motion was seconded by Commissioner Coffin and approved by a unanimous vote.

H. *For Information Only:* Status update on the Colorado River Commission of Nevada's efforts to implement the provisions in the Hoover Power Allocation Act of 2011 (H.R. 470) passed by Congress.

Ms. Harkins reported that Staff submitted lengthy comments to Western on February 15, 2013 regarding the Commission's ability to serve post-2017 Schedule D Hoover power new allottees.

Additional comments in our letter addressed assertions from other commenters on whether Western should become involved in state proceedings conducted by the Commission and the Arizona Power Authority. The Commission will have its own open and public process in determining its allocations in Nevada. The Commission's allocations will be based on Nevada statutes, regulations and policies. No additional "supplemental public process" by Western is necessary, nor would such a process be authorized by law.

Ms. Harkins provided an update on the 2013 Nevada legislature. The Commission's Bill Draft Request 58-206, Assembly Bill 199, was introduced and the first hearing before the Assembly Commerce and Labor Committee occurred on March 11, 2013.

Chairman Ogilvie asked the approximate difference between the cost to new allottees of hydropower and market rates.

Ms. Harkins answered that the cost difference depends on several different factors including Reclamation costs on capital improvements and market rates in a particular year. An approximate dollar figure is not readily available and will be provided to the Commissioners.

I. *For Information Only:* Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.

McClain Peterson, Manager of the Natural Resources Group, provided a report on the following:

- Unregulated Inflow into Lake Powell
- Storage Conditions
- Lake Mead End of Month Elevation Projections
- Lake Mead Daily Water Levels
- Lake Powell Daily Water Levels
- Precipitation – Colorado River Basin
- Upper Colorado Basin Snowpack
- U.S. Drought Monitor
- U.S. Seasonal Drought Outlook
- Water Use in Southern Nevada

A copy of the report is attached and made a part of the minutes. (See Attachment A.)

Vice Chairwoman Batjer commented that she was hopeful that last week's storm in Colorado, particularly in the Upper Basin was going to yield more than it did. It was a warmer storm than was predicted therefore there was less snow that actually accumulated. She asked whether the projected March figures showed it did not yield very much?

Mr. Peterson replied that he did not look particularly at that storm. He did compare the March projection from the February projection and it did not significantly change.

Commissioner Coffin asked would the SNOTEL sites have shown us something.

Mr. Peterson answered yes, there are many sites.

Commissioner Coffin asked is the data from the sites factored in this report and reflect the effects of that storm.

Mr. Peterson answered yes. He did not look at that particular storm alone but we have enough SNOTEL sites that it is very difficult to miss something of significant magnitude. He will bring the total number of SNOTEL site locations to the next Commission meeting.

Commissioner Sisolak asked when the data shown on the page referencing Current Basin Snowpack at 80%, is that 80% year-to-date.

Mr. Peterson replied yes, it is 80% of average year-to-date.

Commissioner Sisolak commented that it does not state year-to-date as indicated on some of the other sides. It is not 80% of the overall total expected; same as in the next page where you are talking about all the Utah areas where it is 95, 94, 92 or 85 what-not. That is not of the total? That is all year-to-date figures?

Mr. Peterson answered yes. The figures are all year-to-date. We never really start at zero and work our way all the way up to 100%. We always look at where should we be this time of the year exactly.

Commissioner Sisolak asked how significant are these number without being able to look at what was done in the rest of the year. It is not reflected here. What are we comparing to the remainder of the year?

Mr. Peterson responded that probably the best way he has to indicate the answer to Commissioner Sisolak's question is the graph on the Upper Colorado Basin Snowpack which compares previous years' evolution throughout the year and the track that we are taking year-to-date.

Ms. Crandell asked if Commissioner Sisolak is asking what baseline is used for comparison, and commented that what we are comparing to is 80% of normal or average condition.

Mr. Peterson added that average year condition is calculated by a thirty-year average. The past thirty years are put together to make the average year.

J. Comments and questions from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any other comments or questions from the public. There were none.

K. Comments and questions from the Commission members.

Chairman Ogilvie asked if there were any comments or questions from the Commission members. There were none.

L. Selection of the next possible meeting date.

The next meeting was tentatively scheduled for 1:00 p.m. on Tuesday, April 9, 2013 at the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

M. Adjournment.

The meeting adjourned at 1:52 p.m.

Jayne Harkins, P.E., Executive Director

APPROVED:

George F. Ogilvie III, Chairman