

Agreement Reached on Rio Grande Water Accounting

In May, the International Boundary and Water Commission (IBWC) in the United States and Mexico announced that agreement has been reached on a water accounting procedure related to water transfers from Mexico.

The agreement addresses procedures for transfers of water from Mexican to U.S. ownership at Amistad and Falcon International Reservoirs on the Rio Grande in accordance with a 1969 IBWC agreement that provides for such transfers when Mexico has a deficit in Rio Grande deliveries to the United States.

The new agreement, "Joint Report of the Principal Engineers Concerning the Adoption of a Criteria for the Calculation of Conveyance Losses Associated with Transfers to the United States of Mexican Waters Stored at Amistad and Falcon International Dams," spells out how conveyance losses will be handled, taking into consideration the Mexican tributaries that are the source of the water, the distance the water must travel to the reservoirs, and actual climatic conditions during the months preceding a reservoir transfer. Because established criteria for determining conveyance losses were previously lacking, and varying climatic conditions and other factors can greatly affect losses, the agreement significantly reduces the potential for controversy over transfers.

Difficulty in reaching consensus on conveyance losses has sometimes delayed water transfers from Mexico. Depending on the criteria applied, conveyance losses can range from 2 percent to well over 30 percent, sometimes reaching tens of thousands of acre-feet. Whether those volumes are credited to Mexico or the United States has complicated negotiations for previous water transfers.

For more information, visit www.ibwc.state.gov/PAO/CURPRESS/2004/ConveyanceJtRptDWeb.pdf

Judge: ADWR Not Enforcer of Water Rules

Article originally appeared in *Water Tech Online*, June 15, 2004

The Arizona Department of Water Resources (ADWR) will not be the agency to tell residents or businesses when or how to use their water, according to a state Supreme Court ruling, *The Arizona Republic* reported.

That task will fall to water companies, whether private or municipal, the court ruled. If the court had ruled otherwise, "It would have cost quite a bit more money, because then we would have been designated as water cops," agency Director Herb Guenther said in the article, "and we would be out enforcing standards against homeowners and industry."

The case has been bouncing around the court system since 1990, when Arizona Water Co., a private concern that provides water in several Arizona communities, decided that ADWR's management plan violated the Arizona Groundwater Code, the paper reported.

At issue was the manner in which the state agency restricted water allotments to companies based on the populations they served, without taking responsibility to see that individual end users did their part in conserving water, the article stated.

"Our position in the trial court was that the department had the obligation in adopting a conservation plan not just to say you can just provide this much water," Timothy Berg, an attorney for the company, said in the report. "It had to at least provide some sort of regulation or guidance to individual users about what they were and weren't supposed to do."

"As a result of this court case, there will not necessarily be any direct conservation requirements imposed on them [water users] by the state," Ken Slowinski, an attorney for the Department of Water Resources, told the paper. "That's the

bottom line. The state does not have to impose conservation requirements directly on homeowners and small businesses."

Visit www.watertechonline.com.

ADEQ Completes Emergency Cleanup of Nogales Wash

On June 8, the Arizona Department of Environmental Quality (ADEQ) announced the completion of the cleanup of a sanitary sewer spill into Nogales Wash, which runs north from Nogales, Sonora into Nogales, Arizona. ADEQ officials worked with the city of Nogales, Arizona, to clean and disinfect the spill.

ADEQ Director Steve Owens described the overflow as an accident, but said the incident illustrates the need for more work to upgrade the wastewater infrastructure in Sonora. According to *The Nogales International*, the main cause of the overflow was the carcass of a dog wedged into a main sewer connector three miles south of the border, causing overflow into the wash.

"This is one of the worst overflows we have seen, particularly in this region of the state," Owens said. "This incident focuses attention on the sanitary sewer needs on the Mexican side of the border, and we will continue to work with our state, federal, and international partners to address those issues."

Initial estimates of the overflow ranged from 12 million to 30 million gallons, based on average flow during the 12 days sewage ran into the wash. ADEQ officials removed an estimated 210 tons of sludge from the concrete-lined portion of the wash, and added approximately 600 pounds of chlorine to other portions of the wash to disinfect and help control odor. ADEQ also posted public health notices along the wash warning residents to avoid contact with the water.

For more information, visit www.adeq.state.az.us and www.nogalesinternational.com.

LADWP Moves to Restore the Lower Owens River

Los Angeles Department of Water and Power (LADWP) officials worked to meet their June 23 deadline for completing the environmental impact report and environmental impact study (EIR/EIS) for a much-anticipated project to restore flow in the 60-mile Lower Owens River. The deadline was met, but not everyone was happy with the result.

Under a court agreement filed in February, LADWP was also required to present the documents to the Board of Water and Power Commissioners for certification in August. The court agreement was reached among LADWP, Inyo County, the Sierra Club, the Owens Lake Committee, the California Department of Fish and Game, and the California Lands Commission, and provides environmental mitigation for the city's water-gathering activities in the Owens Valley.

To meet that deadline, LADWP officials decided early in June to complete the environmental reports on its own, incorporating as many of the comments and concerns of Inyo County and the Environmental Protection Agency as possible. Up to that time, the three agencies had been jointly writing the reports.

LADWP officials were concerned that a delay in the completion of the EIR could also delay the release of water into the Lower Owens River, scheduled to begin in September 2005. The agreement filed in February also requires LADWP to achieve base flows of 40 cubic feet per second by April 2006. The LADWP agreed to build a pump station with a capacity of 50 cubic feet per second to pump water from the Lower Owens River Project (LORP) into the Los Angeles Aqueduct or return it to the Owens dry lakebed for dust mitigation.

The LORP will return a steady flow of water to the entire length of the Lower Owens River from the intake of the

aqueduct, below Big Pine, to the Owens Lake Delta. The project is expected to create a healthy riparian ecosystem along the river as well as spread additional water into basins to create wetland habitat for waterfowl and shore birds.

On June 24, *The Los Angeles Times* reported the newly released document was criticized by groups such as the Owens Valley Committee, who claimed LADWP went against the court order by working without the two other agencies, and as a result, the proposed restoration plan would likely be challenged.

Visit www.ladwp.com and www.latimes.com.

CA Water Company Hit with Record Fine

The Californian reported on May 27 that the Salinas-based Alisal Water Company was ordered to pay a \$500,000 fine, the largest penalty ever imposed against a public water system, for violating the federal Safe Drinking Water Act. The fine was ordered by a judge from the U.S. District Court, said the article, for hundreds of violations over a 10-year period beginning in the early 1990s. The federal government originally filed the action in 1997. According to the paper, the fine was so large because of the number of violations and the company's ongoing refusal to cooperate with regulators; lawyers from the U.S. Justice Department had requested a \$3 million penalty. The privately owned company serves about 25,000 consumers in Salinas, according to the article. The vice president of the water company told *The Californian* that the fine might be appealed and that the water system is currently compliant with federal regulations.

Visit www.californianonline.com.

\$12.5 Million Approved for NM Water Projects

New Mexico Gov. Bill Richardson announced on May 25 that the New

Mexico Finance Authority approved more than \$12.5 million for vital water projects statewide. The Finance Authority approved eight grants: three for watershed restoration and management projects in critical recharge areas, and five for regional water projects. The \$1.1 million allocated for watershed restoration projects will enable continued restoration work in the Estancia Basin watershed, for restoration of native vegetation along Whitewater Creek in Catron County, and for eradication of about 842 acres of salt cedar along Ute Creek and its tributaries in eastern New Mexico.

Grants for the five regional water projects total more than \$11.4 million, and will be used primarily to improve water distribution systems for the cities of Bloomfield, Española, and Gallup, and to develop the San Juan-Chama diversion project for the cities of Santa Fe and Taos.

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