



## CITY OF NEEDLES, CALIFORNIA STAFF REPORT

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**MEETING TYPE:** Regular

**MEETING DATE:** February 6, 2024

**TITLE:** Approval of New Exhibit to 2007 Lower Colorado Basin ICS Forbearance Agreement

**BACKGROUND:** Since the mid 1900s, Needles has had a Surplus Contract with the US government that entitled the City to withdraw up to 10,000 acre feet of water from the Colorado River (via its groundwater pumps), whenever the flow of the Colorado River exceeded the needs of the entitled users (i.e. there was a Surplus). In the 1900s the City often used the Surplus contract to augment its water entitlements. However since the early 2000s, there has not been surplus water and it's unlikely there ever will again.

In the early 2000s, the US and the principal users of Colorado River water engaged in a series of negotiations for guidelines to address shortages of River water. Ultimately, various parties agreed to "forbear" and conserve certain portions of their entitled water so that there would be enough to go around when shortages occur. (Those agreements are currently being renegotiated to address the much larger shortages that are foreseeable in the future.)

One of the shortage agreements is the 2007 Lower Colorado Basin ICS Forbearance Agreement. In that agreement various parties agreed to enact a series of conservation measures to create "intentionally created surplus" (ICS) in which they would use less than their entitlements and be given credit for the amounts conserved. (Under the historic use-it-or-lose-it rule, conserved water would be lost). Those conservation measures are contained in a series of exhibits to the Forbearance Agreement. Needles was not called upon to enact conservation measures but did agree to "forebear" using its surplus contract to grab any of the surplus water created by the other parties.

In the enclosed letter dated December 6, 2023, the Wellton-Mohawk Irrigation and Drainage District is asking Needles, and other parties to the Forbearance Agreement, to allow the District to add a new exhibit to the Agreement in order for that the District get credit for the conservation measures it is taking.

Needles has historically supported efforts on conserve of Colorado River water. Approval of the exhibit will not compromise the City's water rights in any way. Enclosed is a letter of approval for the City Mayor to execute on February 13, 2024.

**FISCAL IMPACT:** none

**ENVIRONMENTAL  
IMPACT:** none

**RECOMMENDED  
ACTION:** Approval of New Exhibit to 2007 Lower Colorado Basin ICS Forbearance Agreement  
Rainie Torrance, Utility Manager

**SUBMITTED BY:**

City Manager Approval: Patrick J Martinez Date: 1/30/2024  
Other Department Approval (when required): \_\_\_\_\_ Date: \_\_\_\_\_