

Supporting Statement for Paperwork Reduction Act Submissions

LOWER COLORADO RIVER WELL INVENTORY

CURRENT OMB APPROVAL NO. 1006-0014

March 31, 2009

Terms of Clearance: None

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section a below. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Secretary of the Interior (Secretary) is responsible for accounting for all diversions of mainstream Colorado River water along the lower Colorado River, and for assuring that all Colorado River water use is in accordance with a water use entitlement. A water use entitlement is a contract with the Secretary, a water right set forth by the Supreme Court, or water reserved for Federal use.

Each diverter (including well pumpers) must be identified and their diversion locations, water use, and water use entitlement status determined. This requires an inventory of wells and river pumps along the lower Colorado River, and the gathering of specific information concerning these wells and river pumps.

The accounting requirement is stated in the Consolidated Decree of the United States Supreme Court in *Arizona v. California*, 547 U.S. 150 (2006) (Consolidated Decree), in articles I and V. Article I.C. states,

"Consumptive use from the mainstream within a state shall include all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping, and including but not limited to, consumptive uses made by persons, by agencies of that state, and by the United States for the benefit of Indian reservations and other federal establishments within the state."

Article V states, in part,

"The United States shall prepare and maintain, or provide for the preparation and maintenance of, and shall make available, annually and at such shorter intervals as the Secretary of the Interior shall deem necessary or advisable, for inspection by interested persons at all reasonable times and at a reasonable place or places, complete, detailed, and accurate records of: (A) Releases of water through regulatory structures controlled by the United States; (B) Diversions of water from the mainstream, return flow of such water to the stream as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation, and consumptive use of such water. These quantities shall be stated separately as to each diverter from the mainstream, each point of diversion, and each of the states of Arizona, California, and Nevada.

Reports of consumptive use are also required by the Colorado River Basin Project Act, Public Law 90-537. Title VI, Section 601(b)(1) states in part,

"The Secretary is directed to - (1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall include a detailed breakdown of the beneficial consumptive use of water on a State-by-State basis"

The water use entitlement management function required of the Secretary is stated in the Boulder Canyon Project Act (Act of December 21, 1928, ch. 42, 45 Stat. 1057) and the Consolidated Decree. Section 5 of the Boulder Canyon Project Act, says in part,

"The Secretary of the Interior is hereby authorized, under such general regulations as he may prescribe, to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and generation of electrical energy and delivery at the switchboard to States, municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this act, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this act and the payments to the United States under subdivision (b) of section 4. Contracts respecting water for irrigation and domestic uses shall be for permanent service and shall conform to paragraph (a) of section 4 of this act. 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."

Article II(B)(5) of the Consolidated Decree states,

"Notwithstanding the provisions of Paragraphs (1) through (4) of this subdivision (B), mainstream water shall be released or delivered to water users (including but not limited to, public and municipal corporations and other public agencies) in Arizona, California, and Nevada only pursuant to valid contracts therefore made with such users by the Secretary of the Interior, pursuant to Section 5 of the Boulder Canyon Project Act or any other applicable federal statute";

The Bureau of Reclamation (Reclamation) and the U.S. Geological Survey (USGS) estimate that there are more than 5,000 wells in the floodplain of the lower Colorado River and a few hundreds of river pumps not currently reported. Only portions of these have been properly inventoried and accounted for, and their entitlement status determined.

2. Indicate how, by whom, and for what purpose information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

Reclamation will contract with the USGS to collect the required information. The USGS will seek assistance from State agencies, irrigation districts, municipalities, and other administrative agencies wherever possible. Reclamation and the USGS have determined a set of mutually acceptable information collection procedures.

These information collection procedures include, but are not limited to, the following:

(a) visiting well and river-pump sites and interviewing well and river-pump owners and/or operators;

(b) searching Reclamation, USGS, State, and local records regarding water contracts and agreements, well permits, land ownership; and information on known well locations, characteristics, and ownerships;

(c) presuming the existence of a well and its characteristics based upon observation of water use and population patterns, where appropriate, to reduce intrusions into private individuals' time;

(d) searching existing regional and/or national databases such as the Geological Survey Ground-Water Site Inventory and the Arizona Department of Water Resources geographic information system;

(e) examining aerial photography and satellite imagery for evidence of water use (agricultural and non-agricultural development).

The information that is collected is organized into five (5) subject areas on the form. The subject areas of the form are summarized below:

Section 1: This section collects information regarding:

- Site name, date and time of collection, and the name of the person collecting the information;
- General geographic location and public land survey information;
- Physical characteristics about the well at that location;
- General photographic information to provide orientation information for photographs.

The purpose of collecting the above information is to provide a unique identification for each well or river pump in the inventory, provide the geographic location of the well or river pump for mapping purposes, and provide physical information about the well or river pump.

Section 2: This section collects information regarding:

- Surface elevation at the well site;
- Static water level information for each well;
- Condition of the well or river pump.

The purpose of collecting the above information is to make accurate determinations about the source of water in a well.

Section 3: This section collects information regarding:

- Use of the site;
- Use of the water for each well or river pump;
- Disposal of the unconsumed water from each well or river pump;
- Property owner's name and address;
- Physical address of well or river pump;
- Assessor's parcel number;
- Well operator's name and address;
- Name of well driller or company;
- Well completion date;
- Amount of water that is pumped on an annual basis;
- Well permit number and issuing agency for well permit;
- Federal water deliver contract information.

The purpose of collecting the above information is to determine the use of the site and the purpose for which the water is being diverted. The information also provides Reclamation with a point-of-contact for the well for entitlement management and water accounting. Finally, the information collected allows Reclamation to make a determination about the amount of water being used at each site.

Section 4: This section collects information regarding:

- Geographic coordinates for each well or river pump;
- Geographic reference information to ensure proper quality control of geographic data.

The purpose of collecting the above information is to accurately map each well and river pump.

Section 5: This section provides space to note any hand-written remarks about the site.

For what purpose is the information collected?

Reclamation will use the information to determine the contractual status of well and river-pump owners by researching existing contracts, permits, and agreements made by the well or river-pump owner, and comparing the results of this research to applicable laws, decrees, and regulations. Where required, the location of wells and river pumps will also be compared to

water purveyor, municipal, or other administrative boundaries to determine if an individual well or river pump requires a separate water use contract or if it can be included in a water use contract covering a specific area.

Reclamation will use water level information to presume if water pumped from wells should be included in the accounting of Colorado River water use. All river pumps will be included in the accounting of Colorado River water use.

When Reclamation identifies a river pump, and if Reclamation finds that a well should be presumed to be included in the accounting of Colorado River water use, Reclamation will:

- estimate water use from water measurements where they are available;
- identify the type of use;
- estimate the current number of acres and/or residences served by each well or river pump; and
- identify the disposal of the unconsumed portion of the water pumped.

This information will also be used to assist well users and river pumpers in complying with the accounting and water use entitlement provisions set forth by Congress and the Supreme Court to the extent possible.

How information from current collection has been used.

To date, Reclamation has used information collected by this program to make presumptions as to the source of water to a well (Colorado River water or tributary water), to gather water use data, and to identify the contractual needs of water users. Information collected by this program has also been used to reevaluate the aerial extent of this initial well-inventory effort by identifying areas of significant tributary inflow based upon water level measurements from inventoried wells.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and [specifically how this collection meets GPEA requirements].

We have determined that the highest quality data and information are obtained when a Government employee (or representative) conducts a face-to-face interview of well/river-pump/property owners during (or as close to in time as possible) the on-site inspection of wells and river pumps. The well or river-pump owner (when available) is interviewed for basic information and any pertinent technical data/information needed for inclusion in the database that the well or river-pump owner is capable and willing to provide, as well as living histories and historical/anecdotal information. These face-to-face interviews have also provided an opportunity to acquire an understanding of the history and potential future water use in the area. The use of a one-size-fits-all electronic data collection technique, devoid of face-to-face interaction would diminish the data collection effort, rather than enhance it.

High resolution locations of wells and river pumps are gathered using Global Positioning System (GPS) technology to minimize the time spent at each well or river pump during site visits. Use of the GPS technology increases the accuracy of the information collected, and minimizes the intrusion into a well/river pump owner or operator's time. Geographic information system/database technologies will be used to process the information collected. The use of these technologies will reduce the potential for error compared to a manual analysis of the data, thus reducing errors in presumptions and determinations. This will reduce the burden to the public by reducing subsequent contact with the well and river-pump owners or operators for clarification or correction of errors.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

Reclamation will obtain access to well permit and land ownership records from Nevada and Arizona, and the appropriate counties within California. Reclamation will analyze this information and determine its extent and usefulness to the program. Well characteristics and other information available from these permits will not be requested again from well owners or operators.

Existing information must be verified and supplemented for the following reasons: (a) high resolution locations of wells is not available; well locations are only available with a spatial resolution of between 10 and 40 acres, which is not sufficient to identify individual wells as there could be several wells within a 10- to 40-acre area; (b) much of the information on existing well permits has been found to be out of date and must be checked for accuracy; and (c) many wells have been found which do not have well permits issued by Nevada, Arizona, or the appropriate counties within California.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Only information required to determine the water use entitlement status and to estimate the diversion and consumptive use of water from a well or river pump will be requested. The pertinent information will be verified before presumptions are made to avoid inaccuracies which could initiate unneeded actions by well or river-pump owners/operators. Information from State and/or County well permitting systems will be used as much as possible to minimize the burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information will be collected only once for each well or river pump as long as changes in water use, or other changes that would impact water use entitlement management, are not made.

Reclamation may have to deliver less water than requested to authorized water users in California, Arizona, and Nevada because the consumptive use of water in the lower Colorado

River basin is approaching the available supply. Reclamation has been put on notice by junior priority water users that a lawsuit would be considered if authorized water users were not delivered all the water they requested while uses along the lower Colorado River (mostly from wells) are either not accounted for or not in accordance with a water use entitlement. Currently, the magnitude of water use from unaccounted for wells and river pumps along the lower Colorado River is unknown, but presumed to be small.

Reclamation believes that the burden to individual well and river pump owners or operators is at a minimum for the administration of the Law of the River that is required of the Secretary.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a. Requiring respondents to report information to the agency more often than quarterly.**
- b. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.**
- c. Requiring respondents to submit more than an original and two copies of any document.**
- d. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.**
- e. In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.**
- f. Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**
- g. That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.**
- h. Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no such special circumstances for any of these categories.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize the public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the

agency in response to these comments. Specifically address comments received on cost and hour burden.

No comments were received from the *Federal Register* notice published December 9, 2008 (73 FR 74749).

a. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

The three persons contacted reported that the information collected was readily available, interview questions were easy to understand, and the questions were relevant to an inventory of wells for water management objectives. It was reported that the interviews lasted from 10 to 20 minutes (the forms are completed from information obtained in these interviews). Our estimate of 20 minutes an interview is accurate. An additional comment was that the information provided by the USGS after the interview was very helpful. The following three persons were contacted:

- Gary Burton, Well Operator
Arizona-American Water Company
1742 North View Drive,
Lake Havasu City, AZ 86403
- Bill Cox, Chemehuevi Indian Tribe Planning Department
P.O. Box 1976,
Havasu Lake, CA 92363
- Dr. Doyle Wilson, Water Resources Coordinator
Lake Havasu City Public Works Department
2330 McColloch Blvd N
Lake Havasu City, AZ 86403-5950

b. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Three persons were contacted (see above).

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts to respondents are planned.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Personal information collected on forms will be protected under the Privacy Act of 1974 and the Freedom of Information Act regulations. The Privacy Act system number associated with this information collection is INTERIOR/ WBR-48.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the question necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No such questions will be asked.

12. Provide estimates of the hour burden of collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

On an annual basis, Reclamation estimates about 1,500 people may be interviewed for a total of about 500 hours. The frequency of response required from individuals is once for the initial inventory of a well or river pump, and once for each significant change to the well or river pump, change in use of the water from the well or river pump, or change in water use entitlement status of the well or river-pump owner/operator.

The USGS, under contract to Reclamation to perform the well inventory, reports the burden to individuals to vary from 10 to 30 minutes, with an average of 20 minutes (0.3 hours) to supply the needed information during an interview. The USGS reports that a portion of this time is spent answering questions from the person(s) being interviewed about water resource related issues that are not required to gather the required data. This additional time is considered well spent from a public relations standpoint.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 13 of OMB Form 83-I.

This request does not cover more than one form.

c. Provide estimates of annualized costs to respondents for the hour burdens for collection of information, identifying and using appropriate wage rate categories.

Reclamation estimates the cost to the public to be about \$17 per person to provide/verify the required information. Reclamation plans to interview about 4,500 people over the next 3 years for a total of \$76,500, or \$25,500 annually.

The cost to the public assumes a value of about \$34 per hour of time spent by each individual interviewed. This \$34-per-hour cost is based upon the median household income converted to an average hourly rate of pay for all households in the United States combined plus a benefits multiplier. The median household income is from the 2008 Department of Commerce, U.S. Census Bureau press release, CB08-19, dated August 26, 2008 with an hourly rate of \$24. This hourly rate was then adjusted to include estimated benefits (a multiplier of 1.4 was added to the rates based on BLS News Release USDL 07-1883, December 11, 2007).

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in item 12 and 14.)

a. The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life), and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

Reclamation does not anticipate that this collection will incur any costs to respondents or recordkeepers in addition to those of customary and usual business or private practices.

b. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Reclamation does not anticipate that this collection will incur any costs to respondents or recordkeepers in addition to those of customary and usual business or private practices.

c. Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with this information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Reclamation does not anticipate that this collection will incur any costs to respondents or recordkeepers in addition to those of customary and usual business or private practices.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from items 12, 13, and 14 in a single table.

Reclamation estimates the Federal Government costs for this program to be about \$663,500 in fiscal year 2009. Costs in fiscal years 2010 and 2011 are anticipated to be similar with small increases for inflation, but will vary depending upon available FTE and spending authority.

Total USGS Costs for Fiscal Year 2009	Amount
Labor	\$524,400
Supplies	\$14,000
Equipment	\$14,000
Vehicles	\$45,000
Communications	\$3,200
Travel	\$56,300
Reports	\$6,600
TOTAL	\$663,500

15. Explain the reasons for program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

There are no changes or adjustments in this submission.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical technique that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication date, and other actions.

The information gained from this collection will be included in the annual publication of water use records described in item 1, above. These reports are entitled, "Colorado River Accounting and Water Use Report, Arizona, California", and "Colorado River System Consumptive Uses and Losses Report", published every five years. Copies of these reports can be obtained by contacting the Bureau of Reclamation, Lower Colorado Regional Office in Boulder City, Nevada. There are no plans to publish any reports unique to this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that would make display inappropriate.

Reclamation will display the OMB expiration date.

18. Explain each exception to the certification statement identified in item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

No such exemptions are being sought.