

Supporting Statement A

LOWER COLORADO RIVER WELL INVENTORY

OMB Control Number 1006-0014

Terms of Clearance: None

General Instructions

A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

As the Watermaster for the Lower Colorado River, 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.

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 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.

Article I.C. defines consumptive use to include water drawn by underground pumping,

"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."

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";

Each water user (including those diverting water through a groundwater well) must be identified and their diversion locations, water use, and water use entitlement status determined. Wells or pumps taking Colorado River water without an entitlement are required by law to obtain one. In 1996 the Bureau of Reclamation (Reclamation) and the U.S. Geological Survey (USGS) entered into an Interagency Agreement to allow the USGS to perform an inventory of wells and river pumps along the lower Colorado River with the goal of identifying wells that are diverting Colorado River water and gather specific information concerning these wells and river pumps. Collection of these records will allow Reclamation, on behalf of the Secretary to report the use of water by those wells and pumps as required and to assist the well owners in obtaining an entitlement.

Since 1996, the USGS has inventoried approximately 15,000 wells. Reclamation and the USGS estimate that there are more than 5,000 wells and pumps in the floodplain of the lower Colorado River that are diverting Colorado River water that are not currently reported. Reclamation and the USGS estimate that there are less than 150 wells to be inventoried in the next three years.

- 2. Indicate how, by whom, and for what purpose the 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.**

The data will be used by the Bureau of Reclamation in its annual water accounting report. Reclamation acting on behalf of the Secretary of the Interior is responsible for managing the Colorado River as a resource for the benefit of entitlement holders in the United States and Mexico. Accurate accounting of the amount of water diverted from the River and consumptively used is critical to the management of the resource, and as noted in question 1, is required by the Consolidated Decree of the United States Supreme Court in *Arizona v. California*, 547 U.S. 150 (2006). The Consolidated Decree requires that Reclamation annually provide accurate records of 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. In order to accomplish this requirement, beginning in 1994 Reclamation entered into an Interagency Agreement with the USGS to identify the location of and collect information regarding wells located within the Colorado River aquifer which have the potential to divert and consumptively use Colorado River water.

Reclamation will continue to contract with the USGS to collect the required information. The USGS will continue to 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. contacting and interviewing well owners by telephone for which the location of the well and ownership is known;
- c. 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;
- d. 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;
- e. 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;
- f. 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 (Sections) on the form. These subject areas of the form are summarized below:

Section 1: This section is used 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:

- 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.

Section 2: This section is used to make accurate determinations about the source of water in a well:

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

Section 3: The purpose of collecting this 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:

- 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 delivery contract information.

Section 4: The purpose of collecting this information is to accurately map each well and river pump:

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

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.

Reclamation has used the data collected to date to gain a better understanding of the number of wells diverting and using Colorado river water and the magnitude of the water use. This data provides Reclamation with additional water use data to improve the accuracy of its models used to project future water elevations which inform managers in critical decisions regarding administration of the laws, compacts and agreements governing our management of the river.

To date, Reclamation has used information collected by this program to make determinations as to a well's source of water whether Colorado River water or tributary water, to gather water use data, and to identify the contractual obligations 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. Additionally, the information collected is used by Reclamation to meet the Secretary's Supreme Court requirement to accurately account for all Colorado River water use.

The inventory phase of this effort will continue indefinitely. The inventory will continue due to the ongoing drilling of new wells. We anticipate that Reclamation and the USGS will add the monitoring phase of the program in 2022, during which time we will use water elevation data collected as a part of the inventory as baseline data to monitor water surface elevation changes. In addition, once the monitoring phase begins, Reclamation will formally include the wells identified through the inventory in our annual Water Accounting report.

- 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 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. While a face-to-face interaction is preferable, there are a few limited situations where data collection can be achieved over the telephone, especially in areas where a number of wells are in operation in a single location and the owners have an established relationship with Reclamation and/or the USGS. The use of a one-size-fits-all electronic data collection technique, devoid of face-to-face or telephone 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 a well/river pump owner or operator's time. Geographic information system/database technologies are used to process the information collected. The use of these technologies reduces the potential for error compared to a manual analysis of the data, thus reducing errors in presumptions and determinations. This also reduces 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 is able to gain access to some well permit and land ownership records from the states of Nevada and Arizona, and the appropriate counties within California. Reclamation analyzes this information to determine its usefulness to the program. During the interview, well owners are not asked to provide information available from these permits.

We are using State/county provided data and verifying or supplementing it as necessary, when: (a) high resolution locations of wells are unavailable due to available imagery which is insufficient to identify individual wells; (b) information provided by the State/county has been found to be out of date and must be checked for accuracy; and (c) wells are found which do not have well permits issued by states of Nevada, Arizona, or the counties within California.

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

Only the information required to determine water 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 in order to avoid inaccuracies which could initiate unneeded actions by well or river-pump owners/operators. Information from State and/or County well permitting systems is 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.

Failure to accurately identify diversions of water from the River and report such use would violate the Consolidated Decree and would represent a failure by the Secretary to fulfill a Supreme Court mandate. From an administrative perspective, failure to collect this information would result in under-reporting of water use. When the entitlement to the use of Colorado River water is fully utilized, as it is today, not reporting the use of water results in a reduction of storage for future use.

With the resulting reduction in water supply, 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 notified 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 are either not accounted for or not in accordance with a water use entitlement. The bulk of unauthorized water use is being done by wells and river pumps.

This information for each well or river pump is collected only once providing there are no changes in water use, or other changes in use that would impact the management of water use entitlements. Monitoring wells within given locations will occasionally undergo spot checks to ascertain or verify the elevation of groundwater.

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 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.

Notice was given in the Federal Register on April 28, 2021 (86 FR 22453), soliciting public comments on this information collection. No comments were received.

- 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.**

Financial constraints, along with the pandemic restrictions, have necessitated remote data collection entirely since the last renewal of this information collection. The USGS, under contract to Reclamation to perform the well inventory, typically conducts in-person interviews as well as remote data collections to obtain the required information. Individuals contacted during the last renewal of this ICR 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 the interviews). Our estimate of 20 minutes per interview is accurate and no revisions are necessary. Reclamation will continue to consult with the USGS and Interior's COVID task force to determine when in-person interviews may begin again. Until this time, remote data collection will continue.

- 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 three 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.**

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 will be provided to respondents.

- 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 of Records Notice associated with this information collection is INTERIOR/WBR-48, Lower Colorado River Well Inventory.

- 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 questions 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 questions of a private or sensitive nature will be asked.

- 12. Provide estimates of the hour burden of the 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. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

Reclamation and the USGS estimate that there will be less than 150 wells to inventory in the next three years. Additionally, we are relying more heavily on the data available from the State Well databases. As a result, for the next three years, Reclamation estimates that each year no more than 50 people will be interviewed for an annual time burden of about 17 hours. The frequency of response required from individuals is once for the initial inventory of a well or river pump, and once again if there is a significant change to the status of the well or river pump.

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.**

This request does not cover more than one form.

- c. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection**

activities should not be included here. Instead, this cost should be included under “Annual Cost to Federal Government.”

Reclamation estimates the cost to the public to be about \$12 per person to provide/verify the required information. Reclamation plans to interview about 50 people or less per year, which would equal \$600 or less annually.

The cost to the public assumes a value of about \$37 per hour of time spent by each individual interviewed. This \$37-per-hour cost is based upon a news release from the Bureau of Labor Statistics (USDLE-20-0451, March 19, 2020).

13. Provide an estimate of the total annual non-hour cost burden to respondents or record-keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) 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 for form processing). 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.**
- * **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.**
- * **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 the 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 record-keepers 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, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Reclamation estimates the Federal Government costs for this program to be about \$218,545 in fiscal year 2021. Costs in fiscal years 2022 and 2023 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 2021	Amount
Labor	\$187,100
Supplies	\$2,100
Vehicles	\$12,900
Communications	\$4,600
Travel	\$5,350
Equipment	\$6,495
TOTAL	\$218,545

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The well inventory project has been ongoing since 1994 and the USGS has inventoried approximately 15,000 wells during that time. As a result, the majority of the wells along the Colorado River have been inventoried. A time is approaching where the initial well inventory process will have been completed and the inventory process will be entering a maintenance stage where Reclamation will only occasionally need to inventory new wells or pumps as they come online. Therefore, there is a program change due to agency discretion in that we are reducing the number of inventories as we get closer to our goal.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques 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 dates, and other actions.

The results of this ICR are not intended for publication.

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

Reclamation will display the OMB expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

No exceptions to the certification statement are being requested.