

RFP 7, 8
Folder
"Amas-La Plata"
Project 1992-2006"

Produced 11-13-09

John Whipple

From: Graham.Rhea
Sent: Thursday, June 28, 2001 6:42 PM
To: jwhipple; ngaume
Subject: Animas-LaPlata

Colorado water project approved

*By M.E. Sprengelmeyer
Scripps-McClatchy Western Service
June 28, 2001*

WASHINGTON - The U.S. House of Representatives approved \$16 million for the Animas-La Plata water project on Thursday, despite last-minute lobbying from environmentalists.

Congress approved the southwestern Colorado water project last year after three decades of debate about its costs and potential impact on the environment. Animas-La Plata is meant to resolve water claims for the Ute Tribes of southwestern Colorado and New Mexico.

Opponents fear the project will harm the environment and lobbied members of Congress to block the \$16 million for the first phase of construction.

Instead, the money was included in a \$23 billion appropriations bill for energy and water development, which passed by a 405-15 vote.

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Rhea Graham
(E-mail).vcf

Meet w/ USBR - 8/30/00

- 1) RF from users in CO on La Plata -
CO user problem if they can't get RF
to SJ River - not chargeable to NIM
ALP allocation

Direct to Ridges Basin Res under 1938 right
in CO

direct div. under ALP admin. under
1956 right, get RB release when direct flow not avail.
WERC - uses of 1949 recognized (ALP not
used in 1949), so NIM div's. as of 1949
senior to ALP div's. in CO & to RB Res.

- 2) Can't use Navajo storage to meet d/s
senior direct flow rights (i.e. Fruitland,
Hogback, etc.) - need contract from
Navajo Res. Supply.
w/o contract, if direct flow insufficient,
they can ask for priority call on inflow
to Navajo, i.e. SJ-Chama Project diversion,
but not on res. storage
combined permit -

SJ-Chama, NIMP, Navajo losses, M&I uses

shortage sharing

2917
contract for
exchange of Nav. Res.
storage & SJL project

but when div & senior d/s rights have call, SJL usually out of supply then
priority as that limited opportunity for exchange of storage

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MESSAGE

Dated: 6/12/00 at 14:49

Subject: Farmington Times 06/12/00 A-LP v. Navajo-Gallup Line

Contents: 3

Sender: scone /mime (scone@infoway.lib.nm.us)

Item 1

TO: DISTRIBUTION (Title: Farmington Times 06/12/00 A-LP v. Navajo-Gallup Line)

Item 2

a comment followed by today's Farmington Daily Times article:
A-LP PLANS JEOPARDIZE NAVAJO NATION INDIAN TRUST ASSETS
AND HIGHLIGHT ENVIRONMENTAL JUSTICE ISSUES
A-LP & Navajo-Gallup Pipeline are mutually exclusive.

Contrast the Colorado Ute tribes' existing overabundance of water (>100,000 afy annually) with the arid situation of the Utes' Navajo Nation neighbors. The Navajos have a population estimated in 1997 at 170,259 individuals (about 34,000 average families) living on their 26,897 square mile reservation. Unlike their Ute brothers, the Navajos can present concrete proof of the beneficial use to which twenty of their communities could put the water long promised them from the Navajo-Gallup Pipeline Project. But the Administration's currently fashionable "enhanced" A-LP Alternative #4 and the Colorado congressmen's A-LP proposals (HR3112 & S2508) deny sufficient water for that Navajo-Gallup project. The A-LP DSEIS fails to mitigate or compensate for these extremely "significant" impacts. Thus, the Navajos' Trust Asset reserved rights to water for the Navajo-Gallup Pipeline Project would be subverted by any one of these A-LP configurations. Still, the DOI with the Utes as co-lead, continue to misuse the NEPA process to betray this Navajo Trust by denying these A-LP participants equal justice and opportunity to benefit from their legitimate claims.

It should be noted that the Navajo Nation's treaty dates to 1868, just as does that of the Utes. An obvious difference between these treaties, however, is that the Navajos' historic right to water (with that priority date and in accordance with the Winters Doctrine) has never been the subject of controversy, whereas that of the Utes is contested and would likely not stand the legal light of day. It is the Supreme Court's res judicata ruling against the Southern Utes in 1971 (a STIPULATED 1991 Division #7 water court decree notwithstanding) which absolutely bars them from winning an 1868 early-priority date in an adjudication. The Utes expert studies and technical reports commissioned by the BIA and the State of Colorado.

Meanwhile the basic human rights and needs of Navajo people are jeopardized by the terms of Interior's A-LP version and by Colorado Congressman Scott McInnis' HR3112 and Sen. Campbell's S2508.

Item 3

MESSAGE

Dated: 6/12/00 at 14:49

Subject:

Contents: 2

Creator: scone /mime (scone@infoway.lib.nm.us)

Item 3.1

TO: scone /mime (scone@infoway.lib.nm.us)
FROM: scone /mime (scone@infoway.lib.nm.us)

Item 3.2

Water eyed for Navajo-Gallup pipeline evaporates
By Shelley Smithson
Staff writer

FARMINGTON - One month ago, engineers thought there was enough water in the San Juan River to protect two endangered fish, build the Animas-La Plata Project, complete the Navajo Indian Irrigation Project and build a pipeline that would

deliver water to the southeastern part of the Navajo reservation and to Gallup and Window Rock, Ariz.

Today, the water for the Navajo-Gallup pipeline project has evaporated.

"As of a month ago, the hydrologic model was showing excess water was available in the (San Juan River) Basin (for development)," said Rege Leach, planning team leader for the western Colorado area office of the Bureau of Reclamation in Durango, Colo. "The model today is saying there is no more water."

The pipeline would provide domestic and industrial water from the San Juan River to communities in the southeastern part of the Navajo reservation, where many people still do not have running water in their homes. It also would provide water to Gallup, which is depleting its ground water supplies at a critical rate, officials said.

An error in a hydrologic model made it appear that more water was available for the pipeline than is actually the case, Leach said.

Without an identified source of water for the pipeline, the Bureau of Reclamation - which would build the project - cannot go forward with an environmental review or ask Congress for the \$300 million to \$400 million needed to construct the pipeline.

Model skewed picture (subhead please)

Using computer models, engineers try to determine how much water can be drawn from the river system while still protecting the endangered Colorado pikeminnow and razorback sucker.

The RiverWare hydrologic model has been used by Reclamation for more than 10 years to determine water availability in Western river basins.

The model is premised on the "baseline" - how much water already is being depleted and how much can be depleted in the future, based on state water permits, congressional authorizations and favorable environmental reviews.

About 34,000 acre-feet of water is needed annually for the pipeline project. That water must be available in the baseline, and until early May, engineers thought it was.

However, the amount of water that is returned to the river was overestimated, skewing the picture, officials said.

If the Animas-La Plata project is built, and the last three blocks of the Navajo Indian Irrigation Project are built, scientists do not believe there will be enough water left to meet the needs of endangered fish and to build the pipeline.

By confirming the accuracy of the data inputted into the model, engineers may be able to identify more water. But whether that will be enough for the pipeline is seriously doubted.

Pipeline last in line (subhead, please)

In 1957, Congress authorized construction of the Animas-La Plata Project. Shortly thereafter, it gave permission to build the Navajo Indian Irrigation Project and the San Juan Chama Diversion Project.

The water needed to develop the projects also was earmarked at that time. That means the projects have earlier priority dates than subsequent projects, such as the Navajo-Gallup pipeline.

Although study of the pipeline began in the 1960s - and continued through the '70s, '80s and '90s - its construction never has been authorized by Congress.

Furthermore, A-LP, the Navajo irrigation project and the San Juan-Chama project all have been evaluated for their environmental impacts - a federal requirement of all water projects.

The Navajo-Gallup pipeline has not been reviewed for its impact on endangered species.

These factors essentially make the pipeline project the last in line for any water remaining in the river's baseline, Leach said.

That means the water probably will have to come from an already approved project - such as A-LP or the Navajo Indian Irrigation Project - or possibly from state water rights that are not being used.

Animas-La Plata debated

The Animas-La Plata Project is slated to deplete 57,100 acre-feet of water annually from the Animas River, which feeds the San Juan.

Critics of the water reservoir project contend that the Navajo-Gallup pipeline should be built instead of A-LP because it is uncertain how Colorado's two Ute tribes - the largest beneficiaries of A-LP water - will put the water to "beneficial use."

"The Colorado Ute tribes continue to fail in any public process to accurately quantify or demonstrate an ability to beneficially use all of their A-LP reserved water rights (approximately 33,000 acre-feet a year)," states a letter to Secretary of the Interior Bruce Babbitt by the Four Corners Action Coalition, a local environmentalist group.

"The Navajos can prove beneficial use for water quantified in that project," the letter continues. "The promised water would supply 20 of their neediest reservation communities, and also provide for numerous low-income minority families in the city of Gallup."

Supporters of A-LP counter that the project will be used by those in San Juan County who are entitled to 10,400 acre-feet of reservoir water a year. That water could be used in times of drought.

Furthermore, if laws pertaining to interstate water marketing are changed, San Juan County could lease additional reservoir water from the Utes, supplying the water needed to sustain and continue growth in the region.

Navajos object to using NIIP water

Water for the pipeline also could come from the Navajo Indian Irrigation Project, which is still not complete.

When Congress authorized the construction of NIIP in the late '50s, they intended for 11 blocks of land to be irrigated, making a giant tribal farm.

That farm became the Navajo Agricultural Products Industry, but 40 years after it was authorized, the irrigation project is still three blocks away from completion.

NIIP has 145,000 acre-feet of water earmarked for its completion. But Navajos are not anxious to use irrigation project water for the pipeline project.

They want to protect the NIIP water right, and negotiate an additional water right for the pipeline.

"The Navajo Nation is on guard against cannibalizing NIIP," said Michael Benson, public information officer for the Navajo Department of Water Resources.

When Congress authorized NIIP, the same legislation allowed the construction of the San Juan Chama Diversion Project, which pulls water from the San Juan River Basin and transfers it across the Continental Divide to the Chama River Basin and finally to Albuquerque.

The Navajo Nation argues that it conceded 100,000 acre-feet of San Juan River water for the diversion project in exchange for the government's pledge to build the irrigation project.

"The water has been flowing to Albuquerque for years, and they still haven't

finished NIIP," Benson said.

The Navajos have an 1868 priority date on water in the San Juan. They do not feel that their water rights on the river have been fully settled - even though many contend the NIIP water was their final settlement.

If they do not use the NIIP water, the Navajos could ask for an interim settlement of their claims on the San Juan River for the pipeline project.

The water for the pipeline could be provided through a partial adjudication, or the Navajos could seek a full judgment, which would be enough water to meet (the Navajos') needs through 2040," said Arvin Trujillo, director of the Navajo Division of Natural Resources.

'We will need to have a firm water supply' (subhead)

If the project is built, it could involve taking water directly from the San Juan River, possibly at the Hogback irrigation diversion or at the diversion for the Public Service Company of New Mexico.

Both of those points are below the confluence of the La Plata and San Juan, which makes more water available to upstream users, Leach said.

Another option is building a reservoir at Gallegos Wash near NAPI.

"The water would be treated and pumped into two lateral systems," Leach said. The eastern spur would connect to existing water pipelines maintained by the Navajo Tribal Utility Authority. The western spur would service communities between NAPI and Gallup, Leach said.

Public input about the project was collected in April and May, and a draft environmental review is due by March 2001.

"The Navajo-Gallup project is still in the beginning planning stages," Leach said. "We're looking at physically, what are our alternatives.

"Once we start focusing on a preferred alternative, we will need to have a firm water supply."

MESSAGE

Dated: 6/12/00 at 21:20

Subject: 06/12/00 Farmington Daily Times
Sender: scone /mime (scone@infoway.lib.nm.us)

Contents: 2

Item 1

TO: DISTRIBUTION (Title: 06/12/00 Farmington Daily Times)

Item 2

COMMENT:

WITH AN A-LP THERE IS ADMITTEDLY NO WAY TO MITIGATE OR COMPENSATE FOR THE PROFOUND IMPACTS TO NAVAJO INDIAN TRUST ASSETS. BOR'S FINDING OF "NO MORE WATER" SERVES TO ACCENTUATE THE GROSS DISPARITY IN TREATMENT OF THE NAVAJO, WHO HAVE LEGITIMATE NEEDS, AND THE EXCESSIVE DEMANDS OF THE COLORADO UTES.

Hauling water a way of life for many Navajos
Pipeline would provide service to eastern part of reservation
SHELLEY SMITHSON
Staff Writer

CROWNPOINT -- Frank Tsosie parked his old pickup truck, slowly got out, and handed \$1.50 in quarters to Maria Charley.

He pulled the vehicle beneath a huge water hose, pushed the 50-gallon container in the truck bed upright and opened the valve.

Tsosie had just driven 35 miles Thursday from his home in White Horse to the Crownpoint Chapter House on the parched southeastern part of the Navajo reservation.

The 50 gallons will provide Tsosie with water for drinking, bathing, cooking and washing dishes and clothes. Next week he will make the 70-mile round trip again as he has done most of his life.

Like thousands of others on the Navajo Nation, hauling water is a part of life for Tsosie who does not have running water in his home.

"It's dry country out here," Tsosie laments. "All the water the white men took away from us. They put us in this dry land."

For the past 30 years, politicians have been promising, debating and failing to deliver a pipeline that would transport treated water from the San Juan River or the Navajo Reservoir to the eastern part of the reservation and on to Gallup and Window Rock, Arizona.

Tsosie guesses it will be another 30 years before the pipeline is built, if ever. "They'll never make it," he says, "They're just talking."

HAULING WATER A FREQUENT CHORE

Each week Marla Charley takes money from at least 100 people who travel up to 50 miles to the Crownpoint Chapter House for water.

She estimates the chapter sells 2,000 to 3,000 gallons of water a day. "Especially on Sundays, we have trucks lined up clear to the gate," says Charley, a young, bright-eyed woman who until she was a teen-ager grew up in a home without running water.

Throughout the week, parents and children also visit the chapter house to use the two showers, at \$1.50 a person.

The chapter and most of the homes in the small community of Crownpoint receive water through pipelines built by the Indian Health Service. The source of water is a nearby underground aquifer.

But the pipelines do not extend to outlying areas, such as Clara Washee's home five miles southwest of Crownpoint.

Washee comes to the chapter house three times a week to fill up containers with between 150 and 300 gallons of water for domestic use

and for livestock and pets.

"For 65 years I've been doing it," Washee says.

Four years ago her husband died, so she now must bear the burden alone.

"It's just my daily trip," she says. "It would bother me if we were still haling water with wagons."

YOUNGER GENERATION WANTS CHANGE

It is the elderly Navajos clinging to traditional lives of ranching and sheep herding in the hinterlands who suffer the most from the lack of water.

But it is they who also seem most resigned to the condition because they have lived without the luxury of running water for so long.

The younger generations are not as patient.

Arlene Arviso was born in Crownpoint, but she went away to college at Arizona State University, and has lived most of her life with modern conveniences.

She returned to her father's home north of Crownpoint about five years ago after her mother died.

At first it was difficult "to have to come back to no running water and no electricity," she says, "but I've gotten used to it."

Living near her daughter, who has running water in her home, has made it easier for Arviso to adjust.

"I go to my daughter's to enjoy the luxury of a bath or a shower," says Arviso, who is the Crownpoint Chapter coordinator. "Just to go over there and wash dishes is a luxury."

At her father's home, Arviso sponge bathes using water heated on the stove. A big, deep colorful bowl sits near the door, surrounded by shaving cream, shampoo, hand soap and a hanging mirror.

Two pails, of soapy and clear water sit in the kitchen sink -- which doesn't work -- for washing dishes. A big pail of used dirty dish water sits at the kitchen door, ready to be taken outside and dumped on Arviso's struggling garden of fruit trees and squash.

"Just to be able to get water in the house is a dream," she says. "It would be a miracle to have water for a garden."

A WAY OF LIFE

The water arrives at the house because of the efforts of Arlene Arviso's dad, Raymond Arviso, Sr.

The 89-year-old World War II veteran does not have time to retire. Most of his days are spent collecting and distributing water to his home and to his cattle in Becenti and Chaco Canyon.

Raymond Arviso keeps a 500-gallon tank in his pickup truck. He fills it every other day.

When he goes to the Crownpoint Chapter House, it costs \$16 to fill the huge tank. He can fill it at the Becenti Chapter House for a monthly fee of \$20, "but they have a tiny hose and it takes 45 minutes to fill up 500 gallons," Arlene Arviso says. "If he goes to Becenti, its an all-day job to fill up and deliver the water.

The high cost of gasoline is compounding the expense, Raymond Arviso says.

But the senior Arviso will not hear of selling his cattle, his daughter

says. Last year his children asked him to sell most of his cattle, "but he forbid it."

"What would he do if he sold all of them?" asks Arlene Arviso. "That's his livelihood. How can we sell his life?"

A CALL TO ACTION

The way Arlene Arviso sees it, her community and the 20 other chapters that stand to benefit from the Navajo-Gallup water pipeline will continue to go without unless people begin to demand basic services such as water, indoor plumbing, electricity and telephones.

"I've been trying to get people involved," she says. "This is important for chapter coordinators in the Eastern Agency. We need to educate people."

Attendance was low at the pipeline public scoping meetings the Arviso's attended in April and May. Some people did not attend because they were unaware of the meetings; others have given up on the government's promises.

"There's a possibility we could get this water," Arlene Arviso says. "I'm hoping we'll get more people involved."

"We need to voice (our opinion) and say, 'We want that water!'"

A-LP Central

<http://www.angelfire.com/al/alpcentral>

MESSAGE

Dated: 6/13/00 at 22:07

Subject: A-LP Legislation (S2508/HR3112) letter to David Hayes

Contents: 2

Sender: scone /mime (scone@infoway.lib.nm.us)

Item 1

TO: DISTRIBUTION (Title: A-LP Legislation (S2508/HR3112) letter to David Hayes)

Item 2

June 13, 2000

David Hayes, Deputy Secretary
U.S. Department of Interior
1849 C Street N.W.
Washington, D.C. 20240

BY FAX: 202/208-2051

Re: Animas-La Plata Legislation, S. 2508 and H.R. 3112

Dear Deputy Secretary Hayes:

We are writing to seek a clarification of the Administration's position on certain key aspects of Animas-La Plata legislation that are critical to the protection of the environment and the American taxpayer. While we differ with the Administration on many aspects of this proposed project, we appreciate that in its recent written testimony, the Administration has highlighted several issues of concern that we share. We want to work with you and the Administration to stay the course on those issues, as outlined below.

We are concerned because we believe that your oral testimony on pending ALP legislation, especially your most recent testimony before the Senate Indian Affairs Committee, has given the impression that the Administration is less than fully committed to its positions on several critical points. We hope that the Administration will not consider retreating from commitments it has made to environmental and fiscal soundness on these matters, and that we can count on the Administration to uphold its longstanding position on these key taxpayer and natural resources issues. There are three principal issues of concern:

Sufficiency Language. We applaud the Administration's written testimony on S. 2508 before the Senate Indian Affairs Committee on June 7, 2000, finding that the language in sections 2, 3 and 4 of the bill regarding environmental compliance is "objectionable" and not "appropriate or necessary." We fully agree. The bill language is nothing more than a not-well-veiled attempt to derail any attempt to obtain fair, neutral judicial review of the environmental compliance process for ALP. If that is not the purpose of the language, one can only ask "then why is it there?" To ask that question is to answer it, and we believe the Administration gave the right answer in written testimony by calling for its removal. We are concerned, however, by the suggestion in your oral testimony on June 7 that it might be possible for you to work something out with the sponsor of the bill on this point. To make sure there is no confusion on this critical issue, we ask the Administration to reiterate its longstanding opposition to "sufficiency" language, make clear that no language on this issue -vague or otherwise- is acceptable, and adhere to its written commitment that, as a threshold matter, all such language be removed from S. 2508 before the Administration could consider giving its support to this legislation.

Repayment. We appreciate and agree with the statement in the Administration's written testimony on S. 2508 that "the non-Indian ALP partners should fully absorb the costs associated with their share of the project." We take issue with any process to resolve these issues that does not require public participation, as Congress provided in the Reclamation Reform Act of 1982, and we question why the Administration has not promised that Reclamation Reform Act procedures will be followed here. We have long urged the Administration to expose these matters to public scrutiny, but no specific information on this point has ever been provided for the current version of ALP. Because the bulk of the financial issues have been discussed behind closed doors, we question the "repayment ceiling" and "up-front financing" concepts mentioned, but not explained, in the Administration's written testimony.

Both the Administration's written testimony and your oral statement leave other key financial issues unaddressed or not satisfactorily addressed, however. For example, the Administration should firmly insist that the non-tribal proponents pay their fair share of all environmental compliance costs, just as they would if they were the sponsors of a local water project. Further, the Administration should object to the bill insofar as it would excuse the non-tribal proponents from repaying design costs for those features which, as originally designed, had both irrigation and non-irrigation purposes.

Finally, we continue to question why the Administration has not complied with the Reclamation Projects Act of 1939, requiring a report to Congress on project economics, or with the Principles and Guidelines for Water Resource Development, requiring calculation of the benefit/cost ratio and related economic tests of project feasibility. Without these fundamental project planning mechanisms, the approach by both Congress and the Administration to this project is fundamentally flawed.

Deauthorization. Consistent with another longstanding position, the Administration has repeatedly reassured the public for well over a year that it would insist upon deauthorization of all ALP project features beyond the three contemplated in S. 2508 or its own proposal. For example, the ALP page on the Bureau of Reclamation's web site makes a commitment to deauthorization, and the Federal Register notice for the scoping of the ALP Draft SEIS (January, 1999) makes a commitment to deauthorization. The Administration's written testimony on S. 2508 sets forth as a matter of principle that "authorization of additional ALP project features would be rescinded," and objected "to the fact that the bill lacks a provision more clearly eliminating the extensive number of project features previously authorized but not currently contemplated."

In our view, only language that explicitly carries out the Administration's commitment to deauthorization by rescinding and eliminating other project features is adequate. Only by stating affirmatively that "Congress finds that all remaining project features not expressly authorized in this Act are uneconomical and not environmentally sound. All such remaining project features previously authorized are hereby deauthorized" can the Administration fulfill its commitment to deauthorization. Addressing this important issue with a double negative ("other features shall not be constructed without further authorization"), as the Administration now proposes, is not true to its commitment to put ALP behind us once and for all. Further features are not rescinded and deauthorized by this language, therefore project proponents could return to Congress without the substantial burden of explaining why an expressly deauthorized project should be given new life.

Instead of deauthorization, the approach in S. 2508 and the Administration's June 7 testimony (as well as its testimony before the House Resources Committee) suggests that remaining features of project lie dormant but may return to life simply by introduction of a new legislative proposal at any time. This approach does not adequately shift the burden of reviving ALP in the future to project proponents, as explicit deauthorization language that rescinded other project features would.

We ask that you reply to us, addressing these concerns and reaffirming

or clarifying the Administration's position on these points, at the earliest possible time - certainly before the Administration has further input on S. 2508 or H.R. 3112 and before it releases its repayment proposal, as promised on June 7. Thank you.

Yours truly,

Lori Potter
Attorney for the Sierra Club,
Four Corners Action Coalition,
and Taxpayers for the Animas River

Jill Lancelot
Legislative Director and Co-Founder
Taxpayers for Common Sense

Dylan Norton
San Juan Citizen's Alliance

Joan Mulhern
Legislative Counsel
Earthjustice Legal Defense Fund

Debbie Sease
Legislative Director
Sierra Club

Courtney Cuff
Legislative Director
Friends of the Earth

CC: Gary Guzy, General Counsel, U.S. EPA (202/260-0279)
Bill Leary, Council on Environmental Quality (202/456-0753)
Wesley Warren, Office of Management and Budget (202/395-3888)

A-LP CENTRAL
<http://www.angelfire.com/al/alpcentral>

MESSAGE

Dated: 6/15/00 at 17:17

Subject: CAW letter to OMB

Contents: 2

Sender: scone /mime (scone@infoway.lib.nm.us)

Item 1

TO: DISTRIBUTION (Title: CAW letter to OMB)

Item 2

electors Concerned about Animas Water (CAW)

TO: Mr. Jacob Lew 16 June 2000
Office of Management and Budget
Washington, D.C. 20503
SUBJECT: Bills HR3112 and S2508,
Effects of on Federal Budget

FROM: Steve Cone and Verna Forbes Willson
Post Office Box 2778
Farmington, NM 87499-2778

The subject Bills are currently being rushed through committee and onto the floors of the House and Senate. Both are fundamentally flawed versions of the much-revised Animas-LaPlata Project (A-LP). Neither S2508 nor HR3112 includes the financial feasibility report and benefit/cost analysis required by law as prerequisite to such Congressional action. The Department of the Interior's (DOI) failure to submit the necessary fiscal report prevents Congress and the Public from assessing the Bill's potential impact on the Federal Budget, making it impossible to justify the project economically.

CAW's grassroots New Mexico membership is deeply concerned about the rapid movement of these Bills when so little is known of the proposed Project's ultimate effects. Both Bills refer directly to a particular "preferred" Alternative, one of several analyzed in the 2000 A-LP Draft Supplemental Environmental Impact Statement (DSEIS), now being revised by the Bureau of Reclamation. No study has yet been published to weigh the costs and other impacts against the purported benefits of that favored Alternative #4. A Final Supplemental Environmental Impact Statement (SEIS) on the Project has been delayed and is not scheduled for release until July of 2000.

The exposure of Federal taxpayers to the carte blanche terms of this Project is most disturbing. And committing local property owners in the affected area to terms of repayment without providing an opportunity for public participation in the contracting process clearly violates the Reclamation Reform Act of 1982.

Terms of an existing repayment contract between BOR and our local San Juan Water Commission envisioned the full-blown Project and are no longer applicable. The revised Project, as described in the DSEIS and legislative proposals, has been changed drastically. All labor and material costs have escalated over the past 15 years, rendering those old contract figures invalid.

The notion of the Administration approving such a "pig in a poke" defies logic, but we fear this may in fact occur. Please provide us with your assurance that OMB will insist on an accurate and full report including a new calculation of benefit-cost ratio for A-LP, and that the Public's interests are not compromised by the vested interests of Project promoters.

Sincerely,

Signed Steve Cone (President of CAW) and Verna Forbes Willson (Secretary/Treasurer of CAW)

QUOTH THE RAVEN: "Never more Animas-LaPlata"

A-LP CENTRAL

MESSAGE

Dated: 6/20/00 at 12:01

Subject: A-LP S2508 -- noncompliance
Sender: scone /mime (scone@infoway.lib.nm.us)

Contents: 2

Item 1

TO: DISTRIBUTION (Title: A-LP S2508 -- noncompliance)

Item 2

19 June 2000

TO: Gary Guzy, Counsel
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

SUBJECT: Senate Bill S2508, Comments
Regarding

FROM: Wes Warren
Office of Management and Budget
Old Executive Office Building, Room 246
Washington, D.C. 20503

Sirs:

On June 15th, the Durango Herald newspaper quoted Colorado Republican Senator Ben Nighthorse Campbell's characterization of controversial provisions in his Bill S2508 as harmless "clarification". This self-serving euphemism of Senator Campbell's is not lost on CAW (electors Concerned about Animas Water), however. Only the absurdity of a pretzel logic will support the Senator's notion that the citizenry has a need to be protected from itself. His defective proposal, which seeks to cast the Public in the role of its own worst enemy by sacrificing legal guarantees to full judicial review, must be rejected by the Administration, whose duty it is to faithfully execute and enforce the Constitution of the United States.

The clear and insidious purpose of the subtle "sufficiency" language in Sections 2, 3 and 4 of S2508 is to insulate the Animas-LaPlata Project (A-LP) from the impartial application of controlling Federal Statutes, and to preclude the rightful exercise of Constitutional due process.

Approval and enactment of such language would establish a far-reaching and harmful precedent by exempting A-LP from compliance with laws ensuring environmental safeguards.

Likewise, the obvious intent of Section 2 of S2508 is to saddle the Federal taxpayer with hefty repayment obligations which, by law, must be borne by ALL direct beneficiaries of a Reclamation Municipal and Industrial (M&I) water project such as this version of A-LP.

The Department of the Interior's continuing and unseemly efforts, in working privately with Project promoters to manipulate cost-sharing figures, amount to an abandonment of the requirements of the Reclamation Reform Act of 1982, and statutory provisions for PUBLIC participation in such contracting negotiations.

Since A-LP is NOT an Indian-only project, it is - by law - subject to vital economic analyses necessary to offer assurance that Project costs would not exceed identified benefits. Without the required financial report, S2508 envisions a Project of unknown costs and imaginary benefits.

In sum, we are most distressed by recent suggestions that the Administration is prepared to compromise by disregarding laws intended to protect the environment, the Federal Treasury, and the rights of American citizens.

NEW MEXICO INTERSTATE STREAM COMMISSION

COMMISSION MEMBERS

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March 24, 2000

The Honorable Pete V. Domenici
United States Senator
SH-328 Hart Senate Office Building
Washington, D.C. 20510-3101

Dear Senator Domenici:

This letter is to set forth the position of the State of New Mexico on the pending proposal to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Tribes, and for other purposes.

The Bureau of Reclamation recently released a Draft Supplemental EIS (DSEIS) for the Animas-La Plata Project for public comment. Public hearings have been held and I provided general comments at the public hearing held in Farmington, New Mexico on February 20, 2000, copy enclosed for your reference. We also will provide additional, detailed comments to the Bureau of Reclamation. We support Refined Alternative 4 described in the DSEIS except for the concept of a regional water supply that is included. In this instance the concept of a regional water supply involves inter-state leasing of water. New Mexico cannot at this time embrace either inter-state leasing or marketing of water.

We do not view our position on inter-state leasing of water as being an obstacle to proceeding with implementation of Refined Alternative 4, the preferred alternative identified in the DSEIS. There is a substantial need for water for future domestic municipal and industrial purposes in the area that can be supplied from the San Juan River system water supply. If the future demand for water mandates a concept of regional water supply that would suggest inter-state leasing or marketing, New Mexico could evaluate the specifics of the proposal in light of conditions at that time.

The Refined Alternative 4 appears to provide for implementation of the Colorado Ute Indian Water Rights Settlement which we fully support, as well as construction of Ridges Basin Reservoir, a pumping plant, a reservoir inlet conduit and appurtenant facilities to divert and store Animas River flows to provide an average annual depletion of 57,100 acre-feet of water to be used for municipal and industrial water supplies. Of

The Honorable Pete V. Domenici

March 24, 2000

Page 2

the 57,100 acre-feet of depletion that would be provided, New Mexico supports an allocation of 10,400 acre-feet to the San Juan Water Commission and 2340 acre-feet to the Navajo Nation as described in the DSEIS. We requested that an additional 780 acre-feet of depletion be provided for domestic, municipal and industrial use in the area of the La Plata Conservancy District in New Mexico, which was not included in DSEIS. We suggest that the Record of Decision to be made on the DSEIS could allocate the 780 acre-feet to the San Juan Water Commission which would increase the Commission's allocation to 11,180 acre-feet.

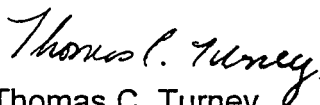
Refined Alternative 4 would include a new pipeline to convey municipal and industrial water to the Navajo Nation at Shiprock, New Mexico. New Mexico fully supports authorization of construction of such pipeline as a non-reimbursable feature. Our support of the Navajo Nation municipal pipeline assumes that the Navajo Nation will not file additional claims against the New Mexico non-Indian beneficiaries of the project.

It is very important, not only to New Mexico water users, but to all water users of the San Juan River system, that storage of Animas River flows be implemented in order to make the water supply available from the San Juan River system usable for development of the water supply apportioned to the States of Colorado and New Mexico by the Upper Colorado River Basin Compact. Further, storage and regulation of Animas River flows in concert with the regulation afforded by Navajo Reservoir can enhance the success of the San Juan River Recovery Implementation Program to achieve its goals to conserve endangered fish species and to proceed with water development in the basin. The Navajo-Gallup Municipal Water Supply Project, currently under study, is a requisite to provide a much needed domestic water supply to Navajo Nation communities and to provide a supplemental source of municipal water to the City of Gallup.

I understand that H.R. 3112, 106 Congress, 1st Session is pending in the House of Representatives and would amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes. The project described in the bill is very similar to Refined Alternative 4 identified in the DSEIS. It is imperative that the environmental analysis of the DSEIS encompass the authorization being proposed by the Congress.

Please let me know if additional information would be helpful.

Sincerely,



Thomas C. Turney
Secretary

TCT:PBM:rav

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OSE-1081

ANIMAS-LAPLATA PROJECT

**USE OF WATER
FOR
A REGIONAL M&I WATER SUPPLY**

REPRESENTATIVE AREA APPROACH

**A
METHODOLOGY
FOR
ENVIRONMENTAL IMPACT ANALYSIS
OF SUPPLYING M&I WATER**

June 5, 1999

OSE-1082

Introduction

Several uses of water by the Ute Mountain Utes and Southern Utes have been identified. (see Memorandum from Jim Merchant dated May 3, 1999.) One of these uses is for a regional M&I water supply of up to 19,000 acre-feet for each Tribe. This total would then amount to 38,000 acre-feet.

Population projections and corresponding needs for M&I were prepared to the year 2100 for LaPlata County and Montezuma County in Colorado and San Juan County in New Mexico. Details of these projections are contained in Jim Merchant's Memorandum previously referred to. A brief summary of these projections is presented below in Table 1.

	LaPlata County		Montezuma County		San Juan County	
	Population Projection	Water Demands (Acre-feet)	Population Projection	Water Demands (Acre-feet)	Population Projection	Water Demands (Acre-feet)
2000	44,556	8,934	24,319	4,876	108,432	21,741
2050	104,560	20,965	61,300	12,291	217,130	43,536
2100	255,160	51,161	155,820	31,243	457,200	87,793

Based on these projections, it is evident that a Regional M&I Water Supply as a use for the water from the Ute Mountain Utes and the Southern Utes is a viable option.

At the present time it is not possible to accurately predict where the growth will actually take place but it is possible to develop a methodology to address impacts from anticipated growth in the region.

Steps in Developing a Methodology to Address Environmental Impacts from a Regional M&I Water Supply

In order to provide a suitable analysis of project impacts, at a reasonable cost and in a timely manner, the concept of selecting a representative area to represent both the range of existing environmental conditions within the project area and the potential post-project conditions. Detailed environmental impact analyses will then be conducted on this representative area and then extrapolated to the entire project area.

It is envisioned that the following steps would be taken to analyze impacts due to supplying water for M&I growth in the region.

- Select Population Centers to be Served
- Select a Population Center as Being Representative of Full Range of Impacts
- Determine Corridors for Main Pipelines for Impact Analysis
- Develop Representative Area Template for Distribution Lines for Expansion of Cities/Communities for Impact Analysis

Select Population Centers to Be Served

Ridges Basin Reservoir will be the supply point for the Regional M&I water supply option. In determining the population centers to be served, it seems unlikely that water would be delivered from Ridges Basin to Montezuma County because of the high pumping lift of approximately 1500 feet to deliver M&I water to Cortez, the area of expected high growth in Montezuma County. Therefore efforts were focused on LaPlata County in Colorado and San Juan County in New Mexico. Growth in population is most likely to occur in the following areas (see enclosed 11" x 17" Map):

- Durango, Colorado
- Farmington, New Mexico
- Florida Mesa Plateau to Bayfield, Colorado Corridor
- Red Mesa Plateau, Colorado Corridor
- Kirtland, New Mexico Corridor
- Aztec, New Mexico Corridor

Using a planning horizon of 50 years (year 2050), the projected increase in M&I water needs are:

- 12,031 Acre-feet for LaPlata County; and
- 21,795 Acre-feet for San Juan County.

This represents 33,826 (rounded to 34,000) acre-feet of M&I water. It seems likely that the majority (perhaps 70%) of M&I water would be conveyed to the two principal municipalities in the area which are:

- Durango, Colorado (assume 1/3 of the 70%)
- Farmington, New Mexico (assume 2/3 of the 70%)

In addition, significant growth is expected in the following corridors:

- Florida Mesa Plateau to Bayfield, Colorado (assume 10% of water)
- Red Mesa Plateau, Colorado (assume 3% of water)
- Kirtland, New Mexico Corridor (assume 10% of water)
- Aztec, New Mexico Corridor (assume 7% of water)

Table 2 shows a distribution of the 34,000 acre-feet of regional M&I water.

Population Center	Allocation of Regional M&I Water
Durango, Colorado	7,854 Acre-Feet
Farmington, New Mexico	15,946 Acre-Feet
Florida Mesa Plateau to Bayfield, Colorado	3,400 Acre-Feet
Red Mesa Plateau of Colorado	1,020 Acre-Feet
Kirtland, New Mexico Corridor	3,400 Acre-Feet
Aztec, New Mexico Corridor	2,380 Acre-Feet
Total	34,000 Acre-Feet

Select a Population Center as Being Representative of Full Range of Impacts

The Florida Mesa to Bayfield Corridor is recommended as the growth area as being representative of a full range of environmental issues. The area has tracts of lands which are presently being developed as high density residential areas, tracts of lands of larger acreage such as 5 to 10 acres, and significant open spaces. Wetlands exist in this corridor in a greater abundance than the other areas. In addition wildlife habitat is available for larger animals such as deer. It is most likely that this scenario could be considered as a "worst case scenario" in terms of impacts to wetlands and wildlife.

Determine Corridors for Main M&I Pipelines for Impact Analysis

The corridors for the Main M&I Pipelines would coincide with corridors for other tribal uses of water which have been delineated on maps and provided to the various resource specialists for impact analysis. The pipelines on these maps would be sized to carry M&I water in addition to the presently contemplated industrial water to locations in New Mexico. In order to serve the Farmington, New Mexico Area, one option would be to convey this water from Ridges Basin to the LaPlata River for transport to the Farmington, New Mexico area. This additional water would enhance the stream fishery in the LaPlata River. A second option would be to release water to the Animas River which would then flow by gravity to the Farmington area.

Develop Representative Area Template for Distribution Lines for Expansion of Cities/Communities for Impact Analysis

At the present time it is not possible to determine in precise terms the impacts that will occur due to the distribution of M&I water within the different population centers. A similar situation was encountered on the Central Utah Project in Utah. For the Central Utah Project a representative area approach was used to project anticipated impacts from the delivery of M&I water to cities and communities within the service area. (see Attachment on Representative Area Template from the Draft Wildlife Resources Technical Report, Spanish Fork Canyon – Nephi Irrigation System Draft Environmental Impact Statement dated March 1998). The representative area approach on the Central Utah Project was developed by participating federal and state agencies involved in the preparation and review of that EIS.

It is recommended that a similar approach be used on the Animas-LaPlata Project to determine the impacts associated with a Regional M&I Water Supply.

The following steps would be undertaken:

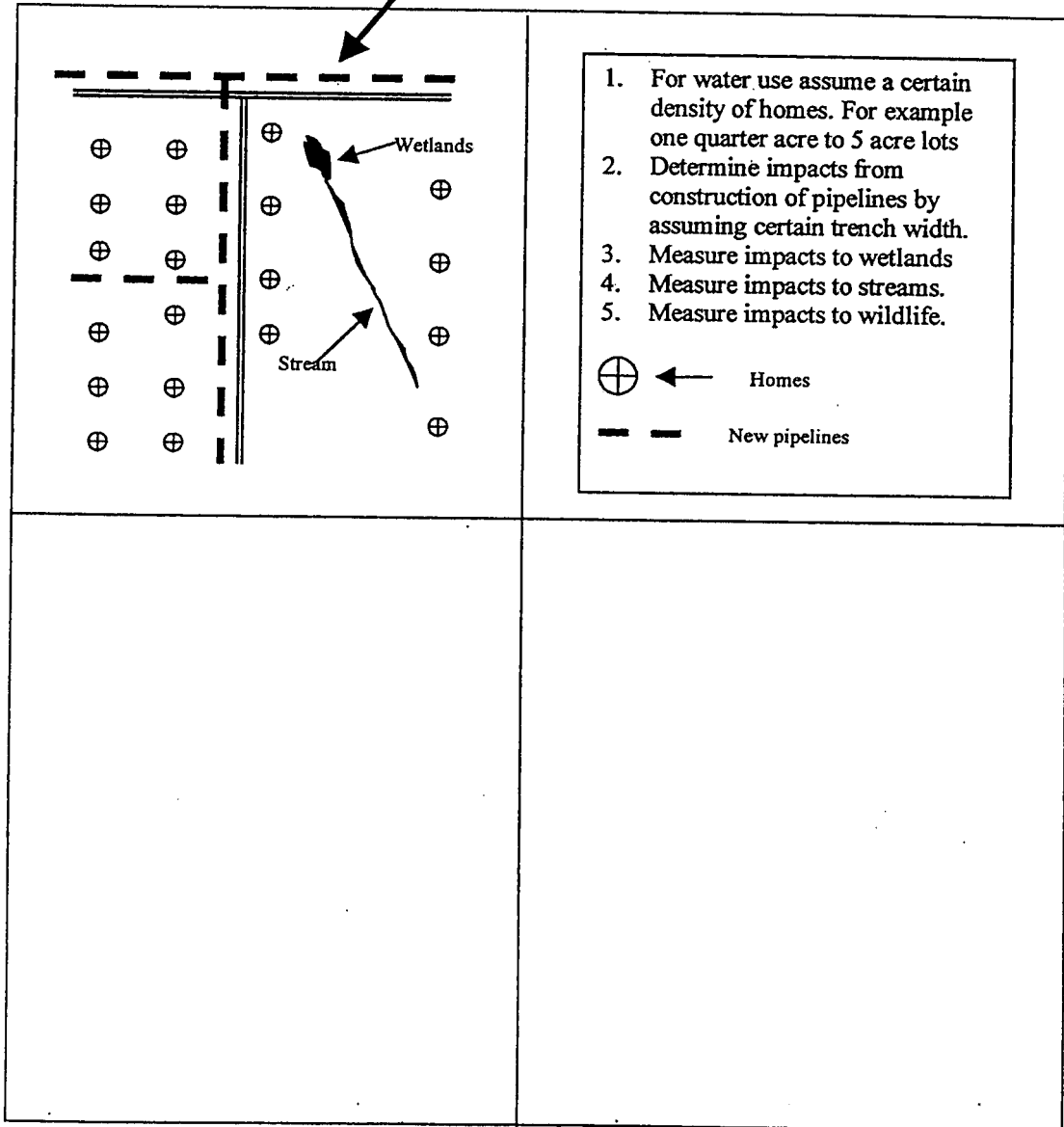
- Step 1 - Organize a team from USBR, Consultant, Tribal interests, and state and federal environmental and regulatory agencies.
- Step 2 - From a field review, determine a representative area (i.e. 40 acre tract or larger) within the Florida Basin to Bayfield Corridor.
Mesa

- Step 3 - For a quarter mile section (or larger) on a USGS map layout a hypothetical water distribution system such as a secondary water system - see Figure 1. (Note: Harris Engineering of Durango has recently completed work on a secondary water system for water users of Pine River water which may be of value in completing this analysis).
- Step 4 - Determine the impacts (positive or negative) occurring to wetlands, wildlife habitat, etc. For example, once the number of acres of wetlands which are impacted is determined, this number can then be transposed to the future expected growth in that population center by a multiplication factor
- (Note: Not all environmental impacts can be assessed in this manner such as Threatened, Endangered, and Sensitive Species)
- Step 5 - Calculate the water supply for the representative area and transpose to future growth as show in Table 2. This will provide environmental resource specialist with a factor to multiply their results from the representative area analyzed to transpose impacts to full development. . (Refer to attachment from Central Utah Project on method of calculating impacts)

FIGURE 1

Representative Growth Area
Florida Mesa to Bayfield Corridor

Representative 1/4 Mile Section (or Larger) Template



**CENTRAL UTAH
WATER CONSERVANCY DISTRICT**



CENTRAL UTAH PROJECT COMPLETION PROGRAM

**SPANISH FORK CANYON-NEPHI IRRIGATION SYSTEM
DRAFT ENVIRONMENT IMPACT STATEMENT**

**DRAFT WILDLIFE RESOURCES
TECHNICAL REPORT**

MARCH 1998

Appendix A
**Spanish Fork Canyon-Nephi Irrigation System
Municipal and Industrial Water System
Representative Area Template**

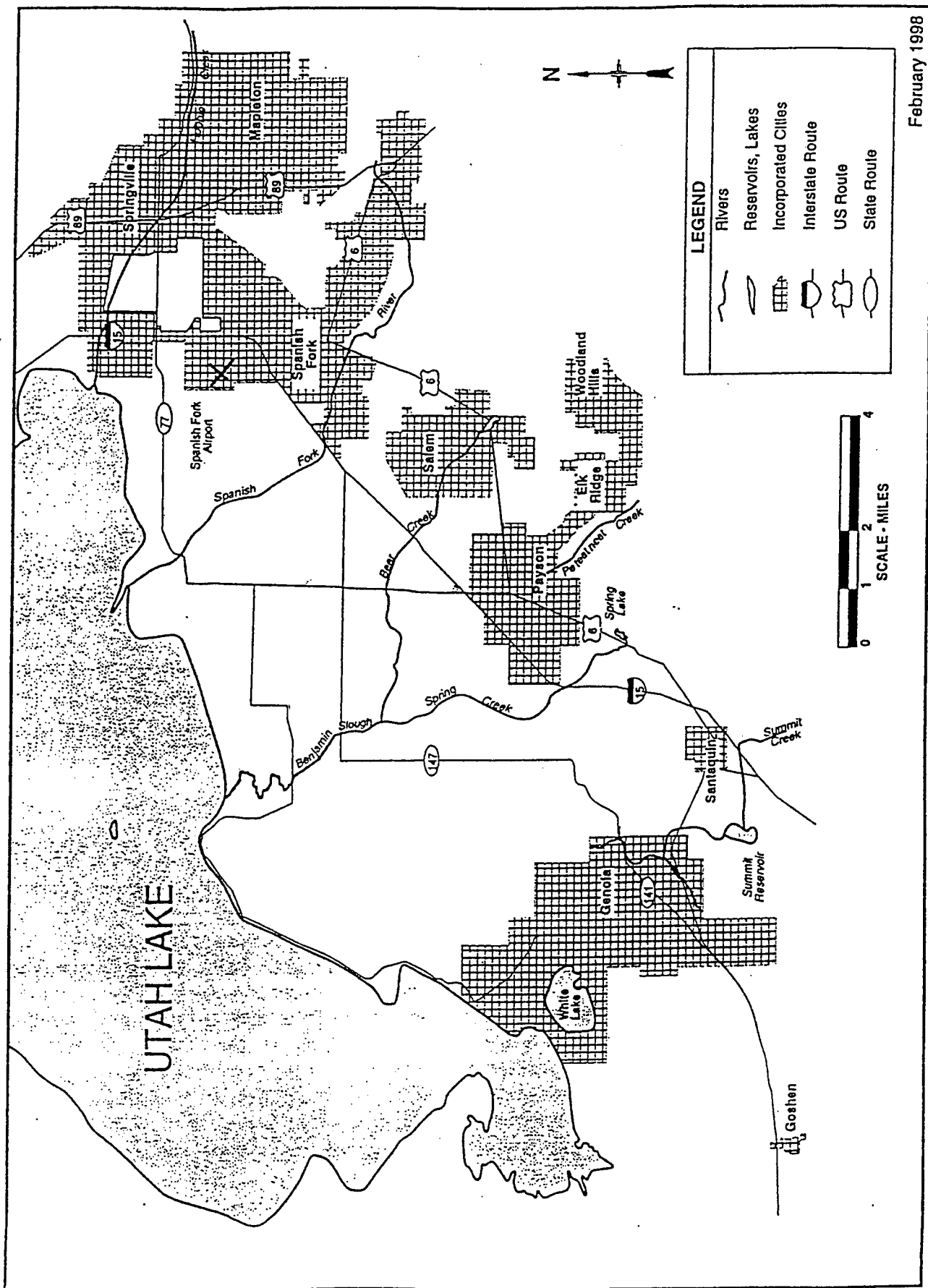
A.1.0 Introduction

This methodology was developed to estimate potential economic and environmental impacts that could occur as a result of the construction and operation of municipal and industrial (M&I) water systems. Assuming that the SFN System is constructed, it is anticipated that 10 communities within southern Utah County would improve their existing water supply infrastructure enabling them to use 11,200 acre-feet of Bonneville Unit water, conveyed in the SFN System, as a source for secondary water systems. Secondary water systems provide non-potable water to commercial and private residences for the purpose of watering lawns, cooling machinery and other activities where using treated water suitable for human consumption is not necessary. The 10 communities eligible to receive M&I water in southern Utah County include Mapleton, Springville, Elk Ridge, Woodland Hills, Payson, Salem, Santaquin, Spanish Fork, Goshen, and Genola. At this time, the Central Utah Water Conservancy District (CUWCD) is unable to determine which specific communities would upgrade their water delivery systems to receive Bonneville Unit water. Therefore, two communities were selected for use as "representative areas" in order to conduct an impact analysis.

The two communities selected to develop this methodology are the cities of Mapleton and Payson. Currently, the city of Mapleton does not have a secondary water system. It was selected to represent communities that are more rural in character (i.e., more agricultural lands or fallow property, less pavement, less traffic, and less industry within the city limit). The city of Payson has an existing secondary water system and was selected to represent the more urbanized communities (i.e., more developed or previously disturbed land, more residences and commercial development etc.) in the area. Map D-1 shows the locations of these and the eight other southern Utah County communities eligible to receive M&I water.

A.2.0 Assumptions

- All 10 communities eligible to receive M&I water would receive a portion of the allocated 11,200 acre-feet of M&I water and would construct a secondary water system. Table A-1 shows estimates for water allocation, worker days and costs associated with constructing a M&I system in each of the ten communities.
- Secondary water systems would be built in existing developed areas (i.e., residential/commercial areas); secondary water systems would not be constructed in undeveloped agricultural areas.
- Communities eligible to receive M&I water would be responsible for complying with health and safety requirements associated with delivering non-potable water to homes and industry.
- The Mapleton representative area characterizes communities in which a secondary water system would be constructed within existing open, unlined ditches located adjacent to existing streets and property lines.



February 1998

Map A-1
 Southern Utah County Communities Eligible to Receive Municipal and Industrial Water

Municipal and Industrial Water System Representative Area Template

**Table A-1
Estimated Factors for Building Secondary Systems in Southern Utah County**

	Springville ^c	Spanish Fork ^a	Payson ^a	Salem ^b	Santaquin ^b	Mapleton ^b	Woodland Hills ^b	Elk Ridge ^b	Goshen ^b	Genola ^b	Total
Total Waterf (AFC)	3,400	2,830	2,300	560	600	890	70	210	150	190	11,200
Acres Serviced (Ac)	1,360	1,132	920	224	240	356	28	84	60	76	4,480
Total Acres (Ac)	6,208	4,864	3,648	640	768	5,888	1,472	1,728	448	8,128	33,792
Work Days ^d	2,483	1,946	1,459	256	307	2,355	589	691	179	3,251	13,517
Labor Costs	\$ 10,200,000	\$8,000,000	\$6,000,000	\$700,000	\$1,300,000	\$6,500,000	\$2,400,000	\$2,800,000	\$700,000	\$13,300,000	\$51,900,000
Temporary Disturbance Area (sq ft)	4,700,000	3,900,000	3,200,000	500,000	800,000	800,000	100,000	300,000	200,000	300,000	14,800,000
Disturbed Asphalt (sq ft)	4,800,000	4,000,000	3,200,000	500,000	800,000	800,000	100,000	300,000	200,000	300,000	15,000,000

^aPayson representative area used.

^bMapleton representative area used.

^cEstimates only, actual amounts may change during contracting process.

^dAssumes 4 work crews made up of 12 individuals would be employed each day.

Municipal and Industrial Water System Representative Area Template

- The Payson representative area characterizes similar communities in which secondary water systems would be constructed in existing streets, and that no construction in unlined, open ditches would be required.
- The areas that would be disturbed do not support threatened, endangered, or special status species. In addition, construction of secondary water systems would not occur within any recreation areas or in areas that have mineral and energy resources.
- The maximum width of disturbance along the secondary system alignment would be 15 feet, and all disturbed areas would either be revegetated with upland grasses or landscape plantings, or covered in asphalt/concrete.
- It is estimated that 100 acre-feet of M&I water would serve one 40-acre parcel. Based on the allocated 11,200 acre-feet of M&I water, a total of 112, 40-acre parcels could receive M&I water via a secondary water system.
- The total acreage of land that could be served with M&I water would equal 4,480 acres or 112, 40-acre parcels.
- Of the 10 communities, two (Mapleton and Salem) have a rural character. Based on the estimates provided in Table A-1, the Mapleton representative area represents approximately thirteen percent of potential impacts associated with the development of secondary water systems.
- Of the 10 communities, eight (Springville, Elk Ridge, Woodland Hills, Payson, Santaquin, Spanish Fork, Goshen and Genola) are more urbanized. That is, the Payson representative area represents eighty-seven percent of potential impacts associated with the development of secondary water systems.

A.3.0 Method of Analysis

Within both Mapleton and Payson, a square, forty acre parcel (one-quarter mile section) was selected to represent typical development in each community. Each forty acre square parcel is called a "representative area." The number of homes in each Mapleton and Payson representative area was determined through field review. Figures A-1 and A-2 show the location of streets and homes within the Mapleton and Payson representative area, respectively.

Construction impacts that could occur within a representative area were evaluated in terms of potential impacts to wetlands, wildlife, soils, health and safety, socioeconomics, visual, transportation, and air quality. In performing the impact analysis, both the Mapleton and Payson representative areas were characterized in terms of existing resources. Total disturbance for each representative area was calculated based on the total length of pipe that would be installed in each representative area, times an assumed work space width of 15 feet. An identified impact in one representative area was then multiplied by the potential number of affected representative areas (112) to determine total potential impacts. Table A-2 shows the total disturbance expected in a representative area, as well as the total expected disturbance associated with the installation of secondary water systems in southern Utah County. The figures are based on the assumptions listed above. An example of how the calculations were computed is listed below.

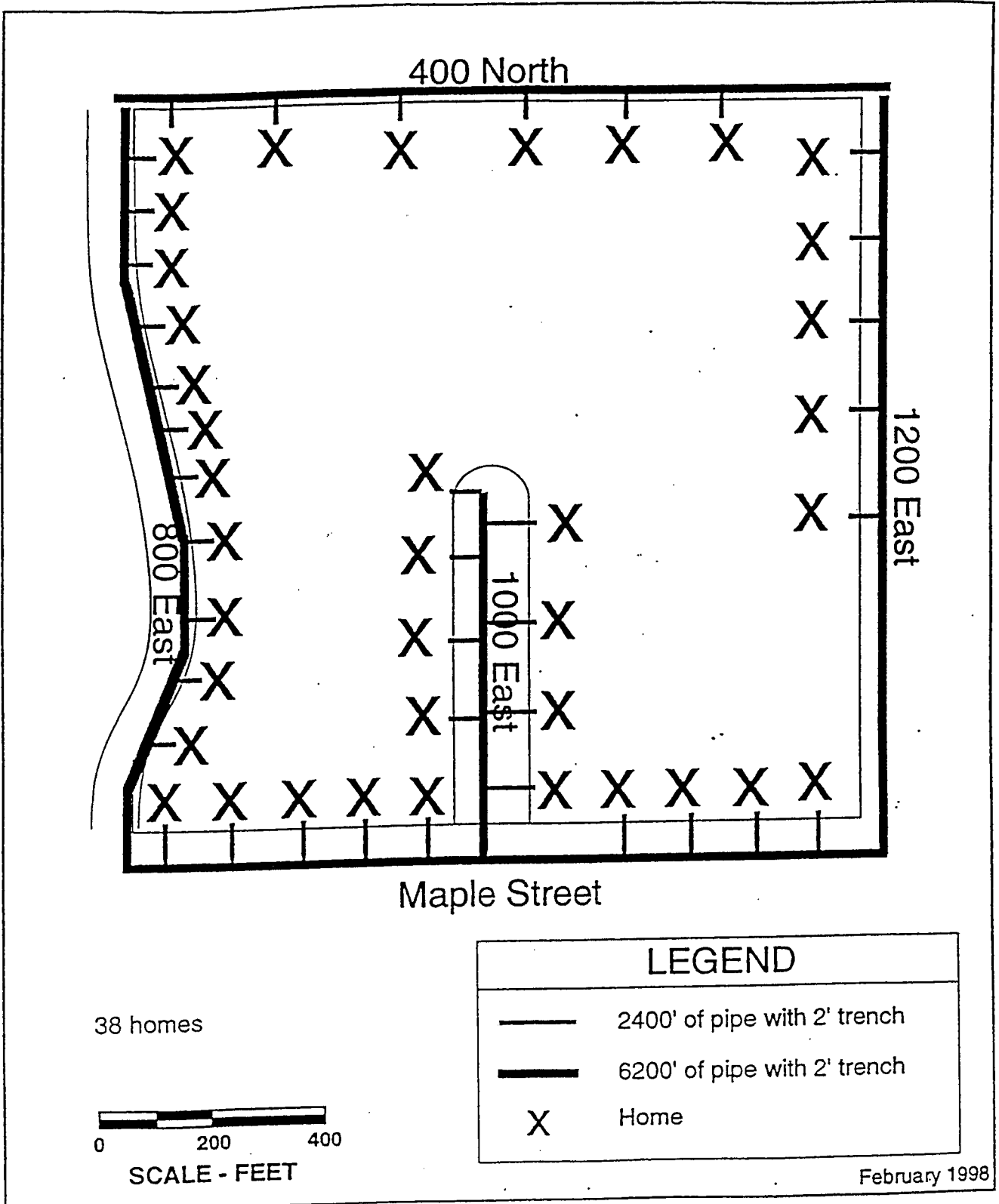


Figure A-1
Mapleton City Representative Area

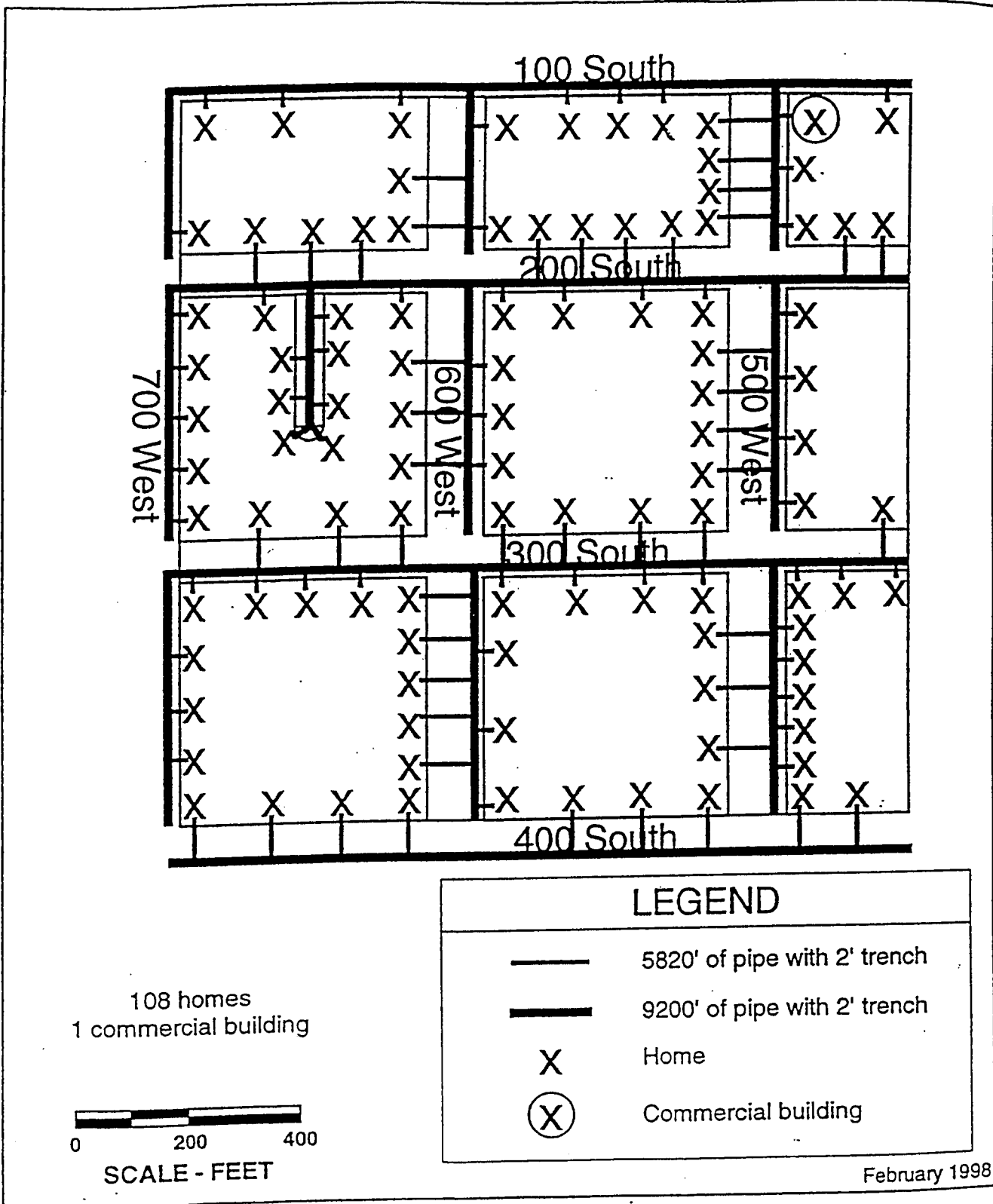


Figure A-2
Payson City Representative Area

Municipal and Industrial Water System Representative Area Template

Table A-2 Secondary Water System Construction Disturbance					
Representative Area	Total Length of Pipe (linear feet)	Construction Right-of-Way Width (feet)	Total Disturbance Within One 40-Acre Representative Area (acres)	Number of 40-Acre Representative Area Parcels That Would Be Affected	Total Potential Disturbance (acres)
Rural Mapleton Salem	6,200	15	2	14	28
Urban Payson Springville Elk Ridge Woodland Hills Santaquin Spanish Fork Goshen Genola	9,200	15	3	98	294
Total				112	322 ¹
¹ Out of the total area of 4,480 acres that could receive M&I water, 322 acres would be disturbed as a result of the construction of secondary systems.					

A.4.0 Example Calculation

- A) Total linear feet (6,200) x width (15 feet) = 93,000 feet²
 93,000 feet² ÷ 43,560 feet²/acre = 2.13 acres or 2 acres (disturbance within one 40-acre rural representative area).
- B) Total linear feet (9,200) x width (15 feet) = 138,000 feet²
 138,000 feet² ÷ 43,560 feet²/acre = 3.16 acres or 3 acres (disturbance within one 40-acre urban representative area).
- C) 2 rural communities = 14, 40-acre representative areas (560 acres)
- D) 8 urban communities = 98, 40-acre representative areas (3920 acres).
- E) Total disturbance associated with rural communities = A x C
 2 acres x 14, 40-acre parcels = 28 acres of disturbance
- F) Total disturbance associated with urban communities = B x D
 3 acres x 98, 40-acre parcels = 294 acres of disturbance
- G) Total disturbance associated with M&I System = E + F
 294 acres + 28 acres = 322 acres

Municipal and Industrial Water System Representative Area Template

A.5.0 Construction Costs

Labor: It is estimated that a work crew would be made up of three individuals: one labor foreman, one skilled worker, and one laborer. Using four work crews (12 individuals), it is estimated that it would take 10 work days to complete the installation of a secondary system in one 40 square acre Mapleton representative area, and 16 days in a Payson representative area. The equipment needed to install the system may include trucks, backhoes, front end loaders, vibrating roller or hand compactors, and shovels. Table A-1 provides labor cost estimates for installing secondary systems in the 10 southern Utah communities.

Fees: Current connection costs for the cities of Lehi and Lindon, which have secondary systems, are approximately \$200 and \$1,000, respectively. The City of Payson, which has an existing system, has a connection cost of \$200 and an \$8 monthly fee.

Table A-3 shows the estimated costs for the secondary system in the representative areas.

	Mapleton	Payson
Number of Homes and Businesses	38	109
Length of Pipe (feet)	6,200	9,200
Main Line Pipe Costs ¹ (\$1.59/foot)	\$9,858	\$14,628
Installation Cost (\$4/foot)	\$24,800	\$36,800
Contingencies (20%)	\$4,960	\$7,360
Administrative, Engineering, and Legal (15%)	\$4,464	\$6,624
Total Cost per Representative Area	\$44,082	\$65,412
Total Cost per Home	\$1,160	\$600
Total Cost per Acre	\$1,100	\$1,640

¹An average pipe diameter of 6 inches was estimated for the main line pipe. This cost estimate includes the cost of pipe and installation.
²The service connection cost is the estimated cost of attaching a home to the system, which includes a 1-inch lateral line, the tap to the main line, and a valve.

Jay
John
Phil

San Juan Water Commission

800 Municipal Drive
Farmington NM 87401
505-599-1462
Fax: 505-599-1463

MEMORANDUM

Date: July 9, 1997
To: Phil Mutz, Interstate Stream Commission
Subject: Revised Animas La Plata Project
Sender: L. Randy Kirkpatrick, by Eileen La Turner

Faxed you will find the following :

1. Agreement in Concept

Hard copy of the above and the entire Revised ALP packet presented in Washington, D.C. are in the mail to you today.

Agreement In Concept

1. The parties to this agreement in concept are the San Juan Water Commission ("SJWC"), the Animas-La Plata Water Conservancy District ("ALPWCD"), the Ute Mountain Ute Indian Tribe, the Southern Ute Indian Tribe (referred to collectively as "the Tribes"), and the La Plata Conservancy District (New Mexico). This agreement in concept is intended to form the basis for a final agreement modifying the Colorado Ute Indian Water Rights Final Settlement Agreement (December 10, 1986) ("Agreement") and governing the construction of the Animas-La Plata Project ("Project").

2. Under this agreement, the Animas-La Plata Project will be modified. The revised project will include a reduced reservoir at Ridges Basin with a storage capacity of 260,000 acre feet and a smaller capacity pumping plant at the currently proposed location.

3. The parties agree to allocate the 57,100 acre feet of annual depletions from the Animas-La Plata Project currently allowed under §7 of the Endangered Species Act, 16 U. S. C. § 1531 et seq. as follows:

Southern Ute Indian Tribe	16,525 acre feet per year (M & I)
Ute Mountain Ute Indian Tribe	16,525 acre feet per year (M & I)
San Juan Water Commission	10,400 acre feet per year (M & I)
Navajo Nation	2,340 acre feet per year (M & I)
ALP	2,600 acre feet per year (M & I)
CO Non-Indian Irrigation	5,230 acre feet per year (agricultural)
NM Non-Indian Irrigation	780 acre feet per year (agricultural)
Reservoir evaporation	2,700 acre feet per year

The reservoir shall be operated at a level consistent with the above-noted annual evaporation in the absence of an agreement by one or more of the parties to forego depletions in order to permit additional evaporation.

Except as provided in Paragraph 4, this agreement shall not affect the water rights of the parties. The depletion allocations shall be transferable among water right holders in the San Juan Basin pursuant to procedures agreed to by affected entities, including the states of Colorado and New Mexico,

4. This agreement is contingent upon transfer of ownership of 30,800 acre-feet per year of New Mexico Permit No. 2883 to the San Juan Water Commission in accordance with New Mexico water law. The permit is now held by the United States through the Department of the Interior and the Bureau of Reclamation. The SJWC will hold its portion of the permit and the water rights in conformity with applicable law and for the purpose of the revised project . It is the intent of this provision to place the New Mexico participants in the same position as the Colorado parties with respect to the

project. The parties contemplate that the transfer of ownership will be accomplished through an agreement between the SJWC and the Department of the Interior. The SJWC understands and agrees that any transfer of ownership of Permit No. 2883 will only be binding and effective if the transfer and use of the water under the permit are carried out in accordance with New Mexico and other applicable law.

5. The capital costs associated with the storage and delivery of the Tribes' water supply shall be reimbursed from power revenues or borne by the United States. The Tribes shall continue to be entitled to the quantities of water provided under the Agreement. Pending any modification for the ESA depletion allowances, the Tribes may either store in the Reservoir any water which they may not deplete or use that water non-consumptively so long as that use does not affect the use of water by the other parties under Paragraph 3. The provision of water in accordance with the terms of this agreement shall constitute final settlement of the tribal water rights.

6. The revised project shall be constructed by the Tribes under P.L. 93-638 pursuant to a memorandum of understanding between the parties which assures that all parties' interests are adequately protected.

7. Only revised ALP project M & I facilities will be funded through Congressional appropriations.

8. The parties believe that this proposal eliminates any adverse impact to the region's water quality, and the parties will cooperate with Colorado and New Mexico to develop an appropriate non-point source water quality program to improve current water quality in the San Juan Basin. The parties will work with the United States to ensure that full environmental compliance is achieved for the revised project.

9. The parties agree to continue their current support and participation in the San Juan River Recovery Implementation Program.

10. The costs of the revised project shall be allocated as follows:

- a. State and Local Cost Sharing

\$16 million	State of Colorado
\$ 8.6 million	San Juan Water Commission
\$ 4.4 million	Animas-La Plata Water Conservancy District

The remainder of Colorado's cost share contribution shall remain in trust to assure prompt project construction. In the event that additional depletions are allowed so as to permit the construction of irrigation facilities, Colorado's contribution shall be used only for such facilities.

b. Non State and Local Costs

Under existing Colorado River Storage Project Act authority the following public costs associated with a revised Animas-La Plata Project are not reimbursable:

- \$14.0 million fish and wildlife mitigation
- \$12.5 million public recreation
- \$ 5.0 million wetlands enhancement
- \$.5 million water quality improvement
- \$ 8.2 million cultural resources protection

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The remainder of the revised project costs are to be repaid or otherwise funded by power revenues.

11. Nothing in this agreement shall affect the Animas-La Plata Project Compact, the Upper Colorado River Basin Compact or the Colorado River Compact.

12. The parties will continue to support the Ute Mountain Ute Tribe's effort to receive funding (estimated to be \$10.6 million), to allow prompt completion of the Ute Mountain Ute Irrigation Project.

Date: _____

San Juan Water Commission

Date: _____

Animas-La Plata Water Conservancy District

Date: _____

Ute Mountain Ute Indian Tribe

Date: _____

Southern Ute Indian Tribe

Date: _____

La Plata Conservancy District (New Mexico)