

WHIPPLE BOOKSHELF

Animas-La Plata Project
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT

Prepared by:

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
UPPER COLORADO REGION

COMMENTS OF THE NEW MEXICO STATE ENGINEER

PUBLIC HEARING
FEBRUARY 16, 2000
Farmington, New Mexico

The State of New Mexico has supported for many years an Animas-La Plata Project that would provide storage of Animas River flows to meet the needs of water users in New Mexico. The state of New Mexico has further supported implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988.

The Draft Supplemental EIS for the Animas La Plata Project, released last month, envisions a regional water supply concept under which water could be provided from structural and non-structural components for what the EIS has called Refined Alternative 4 and Refined Alternative 6. The regional demands do not specifically identify a water use or a timeline for the use. Examples of potential water demands and uses are included that could develop within a period of 30 years or more.

This concept of a regional water supply involves interstate leasing of water. The State of New Mexico cannot at this time embrace either interstate leasing or marketing of water.

However, we do not view our position as an obstacle to proceeding with implementation of Refined alternative 4, the preferred alternative identified in the Draft Supplemental EIS. There is a substantial need for water for future M & I needs in the area that can be supplied from the San Juan River system water supply. Storage of available Animas River flows is necessary to maximize the supply that can be made available from the San Juan River system to meet future needs.

Refined Alternative 4 appears to provide for implementation of the Colorado Ute Indian Water Rights Settlement. This alternative also provides water for New Mexico Communities in San Juan County.

Also, it would include as we previously requested, a new pipeline to serve the Navajo Indian communities from Farmington to Shiprock with high quality water from the Animas River. We appreciate the inclusion of this replacement pipeline as a structural component of Refined Alternative 4.

We are concerned, however, that no allocation of water is included in Refined Alternative 4 for the La Plata Conservancy District in New Mexico. In our February 3, 1999 comments on the Notice of Intent to

prepare this Draft Supplemental EIS, we requested that 780 acre-feet of depletion be considered for a future M & I water supply in this area.

The State of New Mexico urges that the Record of Decision select Refined Alternative 4, even though we have reservations concerning the very generalized, but non-binding uses of water in the State of New Mexico. If the future demand for water should mandate a concept of regional water supply that would suggest interstate leasing or marketing, the state could evaluate the specifics of a proposal in light of the conditions at that time.

The State of New Mexico cannot support Refined Alternative 6. This alternative has many objectionable concepts including minimizing the storage available from Navajo Reservoir to meet future Indian and non-Indian demands in New Mexico. We are concerned about the effect on the operation of Navajo Reservoir set forth in Public Law 87-483 as a result of a block of water that would flow into the reservoir from the acquisition and transfer of existing irrigation uses in the Pine River basin in Colorado.

The Draft Environmental EIS discussion of institutional constraints including state water law, interstate compacts, and federal legislation is, to put it gently and kindly, noticeably deficient. Only in Attachment D, Volume 2, is there any discussion of issues that would need to be addressed under the Upper Colorado River Basin Compact and the discussion made here is very brief. The constraints of the La Plata River Interstate Compact are not mentioned.

These general comments I have made this evening will be supplemented by more detailed comments on specific items of the Draft Supplemental EIS which the New Mexico Interstate Stream Commission will submit at a later date. We will also be addressing in more detail our concerns regarding the technical analysis performed for the Draft Supplemental EIS.

Thank you for letting me testify this evening.

NEW MEXICO INTERSTATE STREAM COMMISSION

COMMISSION MEMBERS

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BATAAN MEMORIAL BUILDING, ROOM 101
STATE CAPITOL
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 37504-5102

(505)827-6160
FAX:(505)827-6188

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 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.

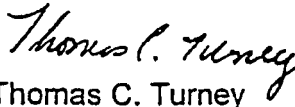
Refined Alternative 4 would include a new pipeline to convey municipal and industrial water to the Navajo Nation at Shiprock, New Mexico. New Mexico fully supports authorization of construction of such pipeline as a non-reimbursable feature. Our support of the Navajo Nation municipal pipeline assumes 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

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1984 AD

Introduction

This document represents the summary of comments received by the Upper Colorado regional office in Salt Lake City, Utah, on the Draft Hydrologic Determination dated December 1983, entitled Water Availability from Navajo Reservoir and the Upper Colorado River Basin for use in New Mexico. The public information program for the Draft Hydrologic Determination solicited comments from individuals and groups who would be directly affected by the determination or who would have some familiarity with the issue as well as the general public. The comment period ended March 23, 1984. Since the hydrologic determination is a technical decision by the Secretary of the Interior, the comments received may or may not be accommodated in the final determination.

List of Commentators

- | | |
|--|-----------------------------------|
| Colorado State Engineer | Colorado Water Conservation Board |
| Public Service Company of New Mexico | Upper Colorado River Commission |
| New Mexico Interstate Stream Commission | Nordaus, Haltom and Taylor |
| Wyoming State Engineer | (Jicarilla Indian Tribe) |
| Bureau of Indian Affairs (BIA) - Albuquerque | Navajo Nation |

Issues Statement

The main issue brought forth by public comment is whether to proceed with the determination without further interpretation of the Colorado River Compacts regarding the delivery of the Mexican Treaty obligation, settlement of Indian water right claims, and the determination of the Navajo Indian Irrigation Project entitlement. The States and water development agencies support the determination without any further actions while the Indian tribes and BIA do not.

Hydrologic Suggestions from Public Comments

1. Increase 72,000 acre-foot depletion to 85,000 acre-feet using rationale that the Navajo Indian Irrigation Project will not irrigate 110,630 acres every year. Adjust by appropriate fallow and idle land percentage.
2. Use "Salvage by Use" theory where the 5.8 million acre-foot depletion for the Upper Basin becomes 6.0 million acre-feet and New Mexico's share increases by approximately 22,000 acre-feet.

Explanatory Suggestions from Public Comments

1. Stronger language in the hydrologic determination on the opposition of the Upper Basin States to the delivery of the additional 750,000 acre-feet annually from the Upper Basin for the Mexican Treaty obligation.
2. Hydrologic Determination and potential contracts contain provisions stating, (1) New Mexico will curtail use if delivery at Lee Ferry is short or New Mexico's use is interrupting development in other States, (2) termination in 10 years if no substantial progress towards beneficial use and (3) shortages will be shared.

Opinions and Statements from Public Comments

1. Hydrologic determination should be valid until year 2030 instead of year 2039, to allow for cushion period.
2. Hydrologic determination does not consider delivery of 139,350 acre-feet for water quality under "Minute 242" of the Mexican Treaty.
3. Water delivery to Navajo Nation not chargeable to individual State allocations of water.

Office of the Colorado State Engineer

On January 4, 1984, Colorado State Engineer Jeris A. Danielson responded by not objecting to the availability of 69,000 acre-feet of water from Navajo Reservoir for use in New Mexico. Mr. Danielson further stated should this use result in a shortage of deliveries at Lee Ferry, pursuant to the Colorado River Compact, he would expect New Mexico to curtail its use so as not to exceed the allocation set forth in the Upper Colorado River Compact.

Department of the Interior
Bureau of Indian Affairs
Albuquerque Area Office — New Mexico

On January 10, 1984, Assistant Area Manager Barry W. Welch stated the techniques used in performing the determination were professional and the results appear reasonable, however, he further stated the recommendation made in the determination that there is water available through the year 2039 appears premature. Mr. Welch stated the Secretary of the Interior is involved in water right suits on behalf of various Indian tribes and should these suits be successful, they will consume more water than is available. Mr. Welch recommends the Secretary of the Interior find short-term uses for this additional water and as these suits are resolved, use the additional water to mitigate injuries "to those who have their water cut off."

Public Service Company of New Mexico

On January 18, 1984, Water Resources Supervisor V. Phillip Soice responded by wholly supporting the concept and timing of the determination since Unit No. 4 of the San Juan Generating Station would require water supplies at least through the year 2022. Mr. Soice points out the table titled "Projected Water Supply and Depletions Upper Colorado River Basin" shows their San Juan contract depletions zero from the year 2010 to the end of the analysis period (2040). Mr. Soice notes the tabulation is misleading in the implication that existing contracts and "New Contracts" yet to be negotiated have the right to receive water beyond year 2005, whereas the San Juan contract does not. He would appreciate a consistent treatment of the quantities of water contractually obligated.

New Mexico Interstate Stream Commission

On January 18, 1984, Commission Secretary Steve Reynolds responded that the facts and laws do not support the assumption that the Upper Basin States deliver 750,000 acre-feet annually at Lee Ferry for the Mexican Treaty obligation in addition to the 75,000,000 acre-feet in each period of 10 consecutive years;

however, the Commission agrees that this hydrologic determination, based on that assumption, is in the best interests of water resource development in the Colorado River Basin. The Commission recommended the modification of language regarding the Bureau's present operating policy. The Commission recommends to the Secretary of the Interior that 85,000 acre-feet of water be made available for contract from Navajo Reservoir through the year 2039. The additional water is available from fallow or idle lands within the Navajo Indian Irrigation Project. The Commission supports statements made in the hydrologic determination to evaluate the accuracy of the NIIP depletion figures. The Commission suggests all new contracts and extensions of existing contracts beyond year 2005 contain provisions for the sharing of shortages induced by a deficiency in New Mexico's compact entitlement with water users in the proposed Animas-La Plata Project and contain provisions that the Secretary of the Interior terminate any contract after 10 years if no progress has been made to put the contract water to beneficial use. The Commission will not support any contract from Navajo Reservoir in an amount that will cause depletions by New Mexico to exceed the State's entitlement under the Colorado River Compacts. The Commission reserves its right to seek a reevaluation of the determination when, in its judgement, there will be no undue risk of exceeding the State's compact entitlement to the detriment of New Mexico water users. The Commission will not determine which contracts it will support until the Secretary of the Interior makes a final determination, the Congress accepts such a determination, and all pertinent information is made available to the Commission.

Office of the Wyoming State Engineer

On February 1, 1984, George L. Christopoulos, State Engineer, and Floyd A. Bishop, Wyoming's Commissioner on the Upper Colorado River Commission, jointly authored comments favoring the extension of contracts beyond year 2005 by New Mexico. They disagree with the assumption in the hydrologic determination that the Upper Basin States may have a responsibility to deliver half of the Mexican Treaty obligation. They suggest the hydrologic determination contain language outlining and explaining the Upper Basin States' position on the Mexican Treaty obligation and give it equal weight with the position of the Lower Basin. They questioned the Bureau's present operating policy and reserved the right to protest this policy. Mr. Christopoulos and Mr. Bishop suggested language be added to curtail such New Mexico water uses in the event water resource development in the Upper Basin progresses more rapidly than indicated in the determination to avoid interruption of such development.

Colorado Water Conservation Board

On March 16, 1984, Director J. William McDonald reported that the Conservation Board offered no objections to the determination provided certain revisions are made. The suggested revisions reflect the Board's opinion that the riverflows and deliveries at Lee Ferry are assumptions only and not assumptions the Upper Basin States agree with. The Board believes New Mexico is within its entitlement under proper interpretation of the Colorado River Compact and the Board does not object to contracts from Navajo Reservoir that will result in depletions amounting to 69,000 acre-feet in New Mexico. The Board suggested the determination be made only through the year 2030 instead of year 2039 to allow a "cushion" period for congressional action and negotiation time. The Board reserved the right to object to this or future determinations if, for some

reason, the interpretation of the provisions of the Upper Colorado River Basin Compact are changed. The Board believes it imperative that, (1) contracts contain language subjecting contractors to provisions of the Colorado River Compact and the Upper Colorado River Basin Compact; (2) contracts contain provisions that will reduce water amounts if New Mexico should exceed compact entitlements; and (3) the Secretary of the Interior terminate any contract automatically after 10 years if there has not been any substantial progress in putting the contracted water to beneficial use. The Board suggests language pertaining to the Utah International Inc. contract be clarified by stating the second amendatory contract is not automatically extended until the Congress accepts the Secretary of the Interior's determination. Mr. McDonald followed up with a letter dated March 22, 1984, stating his concurrence with 85,000 acre-feet as the amount of water available from Navajo Reservoir instead of the 69,000 acre-foot figure.

Upper Colorado River Commission

On March 21, 1984, Executive Director Gerald R. Zimmerman transmitted a resolution passed by the Commission stating its position that 75 million acre-feet of water in each period of 10 consecutive years is sufficient to meet the apportionments of the Lower Basin and the entire Mexican Treaty obligation. The resolution further states that the Commission understands that proper authorities will take all actions to ensure that all States have access to their respective apportionments. The Commission resolved that while it does not endorse the depletion projection or the study assumptions in the hydrologic determination, it does not object to a determination by the Secretary of the Interior that 85,000 acre-feet of water is available for contract from Navajo Reservoir for use in New Mexico without causing New Mexico to exceed its compact apportionment. The Commission offers no objection to such a determination through the year 2039, provided all long-term contracts contain provisions subjecting them to all provisions of the Colorado River Compact and the Upper Colorado River Basin Compact. The Commission also forwarded suggested language changes to further state the above resolutions in the hydrologic determination.

Nordhaus, Haltom and Taylor

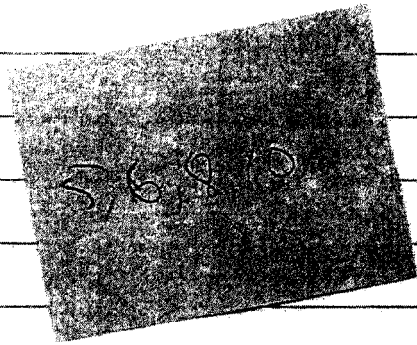
On March 22, 1984, Mr. Lester K. Taylor, representing the Jicarilla Indian Tribe, stated that studies made by the tribe and concurred in with the Bureau of Indian Affairs, strongly indicate feasibility of the tribe's use 26,000 acre-feet of water instead of the 3,000 acre-feet used in the hydrologic determination. Mr. Taylor agrees that the facts and laws do not support an assumption that the Upper Basin deliver 750,000 acre-feet annually at Lee Ferry in addition to the 75 million acre-feet in each 10-year period for the Mexican Treaty obligation. He does not believe it is consistent, however, to defer this interpretation and at the same time find 72,000 acre-feet of water available until the year 2040 for use by New Mexico. He believes the findings of such water availability for such long-term use is in violation of the Upper Colorado River Basin Compact. Mr. Taylor finds it unjustifiable to approve such long-term, if not permanent projects, such as the powerplants of Utah International Inc. and Public Service Company of New Mexico, and the Gallup-Navajo Project, on the basis of such a short-term water supply. He suggests a determination of the Mexican Treaty

obligation and the Navajo Indian Irrigation Project entitlement before any such permanent projects are approved. Mr. Taylor states any new contracts or extension of contracts beyond the year 2005 include provisions that deficiencies be shared. It appears to him to be a dangerous doctrine to authorize long-term contracts for permanent facilities utilizing unused waters from Colorado and Wyoming which may be called at any time by these States.

Mr. Taylor, in summary, again emphasizes the tribe's objection to the 3,000 acre-feet used in the hydrologic determination and states the Jicarilla Tribe, BIA, and Reclamation's Amarillo office are continuing work on studies to justify the 26,000 acre-feet for the Jicarilla Tribe. He believes the statements in the hydrologic determination are at least premature, if not in error.

The Navajo Nation

On March 23, 1984, the Attorney General for the Navajo Nation, Claudeen Bates Arthur, stated that it was unfortunate their input was not solicited prior to the hydrologic determination's issuance and resulted in low estimates of present uses and low estimates of proposed uses. The determination failed to mention any water right litigations now in court. The Navajo Nation will strongly resist any effort by the Bureau to contract away any of the congressionally allocated annual diversion of 508,000 acre-feet of water for the Navajo Indian Irrigation Project. The Attorney General also stated the determination underestimates present agriculture needs outside of NIIP and their uses are not governed by State law and, therefore, abandonment and forfeiture do not apply. The determination also failed to consider domestic, industrial and stock water uses on the Navajo Reservation in any State. The determination also failed to consider "Minute 242" requiring an additional 139,350 acre-foot delivery to Mexico for water quality. The Attorney General does not agree with assumptions that water delivery for the Gallup-Navajo Project are charged to State allocations and further states nothing in either the Colorado River Compact nor the Upper Colorado River Basin Compact shall be constructed as limiting the obligations of the United States to the Indian tribes. The Navajo Nation does not accept assumptions limiting its use by State allocations and to the amounts of State allocation still available in the Upper Colorado Basin.





STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

S. E. REYNOLDS
STATE ENGINEER

July 20, 1982

BATAAN MEMORIAL BUILDING
STATE CAPITOL
SANTA FE, NEW MEXICO 87503

Dr. Garrey Carruthers
Assistant Secretary of the Interior
for Land and Water Resources
Washington, D. C. 20240

Dear Mr. Secretary:

The Secretary of the Interior's December 5, 1963 determination of the water available for contract from the Navajo Reservoir supply prudently avoided an interpretation of the Colorado River Compact as it relates to the need for the states of the Upper Division to deliver water at Lee Ferry to satisfy the Mexican Treaty of 1944 and thus avoided or deferred otherwise almost certain litigation. The Secretary was able to determine, under the then available projections of development in the Upper Basin, that the rate of development of water projects in the Upper Division states other than New Mexico would leave 100,000 acre-feet per annum, in addition to the amounts to be contracted for the San Juan-Chama Project, the Hammond Project and the Navajo Indian Irrigation Project (NIIP), available for use in New Mexico under Article III(b), (3) of the Upper Basin Compact at least through the year 2005.

Representatives of the Bureau of Reclamation and the New Mexico Interstate Stream Commission have reasoned that it is no longer practicable to contract water from the Navajo Reservoir supply under the Secretary of the Interior's 1963 determination. Under that determination the contracts must terminate in 2005, which leaves less than 24 years for the contractor to develop a project and recover his investment.

The Commission finds it imperative that the Secretary's determination of the water available for contract from the Navajo Reservoir supply for municipal and industrial purposes be promptly modified by substantially extending the period of availability on the reasoning used in the 1963 determination or by an appropriate interpretation of the 1922 compact. Perhaps most crucial from the Bureau's point of view is that it is unlikely that the Congress would authorize a project such as the Gallup-Navajo Municipal Water Supply Project with the water supply available for such a short period.

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July 20, 1982
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Representatives of the Bureau and the Commission have consulted with representatives of the other Upper Division states on the question whether the Secretary of the Interior might reasonably determine that a water supply is available for contract from Navajo Reservoir well beyond the year 2005.

By letter dated May 24, 1982, Mr. Wayne Cook of the Bureau's Upper Colorado Regional office furnished me draft projections of water supply and depletions from the Upper Colorado River Basin through the year 2040. Mr. Cook's letter asked for our reaction to the Bureau's use of these projections in developing a hydro-logic basis for the Secretary of the Interior to certify the availability of 82,000 acre-feet of water for long-term municipal and industrial water service contracts from Navajo Reservoir through year 2030. The Commission met in Farmington on July 9 to consider this question. Mr. Cook and other representatives of the Bureau were in attendance to assist the Commission in its considerations.

In response to a question, Mr. Cook advised that none of the other Upper Division states had, as yet, offered objection to the projections of his May 24 letter.

Mr. Cook advised the Commission, as he had advised me in a telephone conversation on the afternoon of July 7, that the Bureau had found it necessary to revise its estimate of depletions by NIIP upward from the 254,000 acre-feet per year shown in the May 24 projections to 267,000 acre-feet to provide for 110,630 productive acres rather than the 105,000 productive acres used in making the earlier estimates. A Bureau representative responded affirmatively to a question whether this revision would make on-project regulatory storage necessary. Mr. Cook presented for the Commission's consideration a July 9, 1982 draft of a revised table of present and projected depletions of Upper Colorado River system water by New Mexico; a copy of that draft is attached for your convenient reference.

In response to a question Mr. Cook advised the Commission that the increase in the estimate of depletions by NIIP was not supported by new technical computations of consumptive use, but was based simply on the ratio of the original and the current projection of productive acreage.

The Commission's staff advised that the information available indicated that the Bureau's estimates of NIIP depletions included no allowance for fallow acreage, which could be expected to range from five to ten percent, and that the staff opinion is that the Bureau's estimate of an annual depletion of 226,000 acre-feet, made at the time it was decided to make the project an all-sprinkler project instead of relying on gravity irrigation, was reasonable.

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Another point, which as I recall was not discussed in the Commission meeting, is the question whether the Executive Department or the Congress would support the construction of additional on-project regulatory storage.

The Commission fully understands that the contract between the Navajo Tribe and the Secretary of the Interior for water for NIIP provides that beneficial use shall be the basis, the measure and the limit of the right to the use of water and that the right of the Tribe under the contract is limited to irrigation purposes. The Commission also understands that, while engineer's estimates must be considered in planning decisions, the only statutory limitation (P.L. 87-483) on consumptive use is that set by the limit on the number of acres to be irrigated; NIIP consumptive use could be less than 226,000 acre-feet or more than 254,000 acre-feet per year under that limitation.

Mr. Cook also advised the Commission that while the May 24 letter makes reference to a certification of available supply through year 2030, it would be reasonable to consider certification through year 2039.

In response to a question, Mr. Cook agreed that the 3,000 acre-feet attributed to use on the Jicarilla Apache Reservation under the New Mexico heading in the table of his May 24 letter should be included as one of the possible "Navajo municipal and industrial contracts," thus bringing the total for the "Navajo municipal and industrial contracts" item to 85,000 acre-feet without changing the "total depletion" shown. This adjustment is appropriate for the reason that any use on the Jicarilla Reservation would diminish the Navajo Reservoir supply.

Following the discussion outlined above, the Commission unanimously adopted the following motion:

...that the Commission recommend to the Secretary of the Interior that he find 85,000 acre-feet per year available for contract from the Navajo Reservoir supply through the year 2039 and that the Secretary of the Commission advise the Secretary of the Interior that this Commission finds no reasonable basis for an assumption that the Upper Basin will be required to deliver 750,000 acre-feet annually at Lee Ferry for the Mexican Treaty obligation in addition to 75 million acre-feet in each period of ten consecutive years, and, further, that the Commission will seek a reevaluation of the recommended determination when in its judgment there would be no undue risk of exceeding the State's compact entitlement to the detriment of New Mexico water users.

It is the Commission's intent to support contracts from the Navajo Reservoir supply in an amount that will not cause depletions by New Mexico to exceed an amount conservatively estimated to be within

Dr. Garrey Carruthers
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the State's entitlement under the Colorado River compacts.

In its consideration of the above quoted motion the Commission was acutely aware that an over-estimate of the water available for contract from the Navajo Reservoir supply could have a serious adverse effect on Animas-La Plata Project water users in New Mexico, because the priority date of the Secretary's water rights for the Animas-La Plata Project usage in New Mexico is about one year junior to the Secretary's water rights for the San Juan-Chama Project and Navajo Reservoir supply. This effect would be exacerbated for the irrigation users on the Animas-La Plata Project if the Bureau persists in its proposal to offer Animas-La Plata Project contracts that would give the municipal and industrial contractors first right to the available water supply in the event of shortage. As you may know, on behalf of New Mexico I have objected to that contract provision for the reason that it would be in violation of the Animas-La Plata Project Compact between the States of Colorado and New Mexico.

Having determined the recommendations to be made to the Secretary of the Interior on the issue of the amount of water to be contracted from the Navajo Reservoir supply, the Commission elected not to undertake to determine which contracts for water from Navajo Reservoir supply it should support, principally for the reason that not all the pertinent information is yet available to the Commission. However, the Commission deemed it advisable to inform all interested persons and entities of its consensus that the Commission will recommend that any new contracts or extensions of existing contracts beyond the year 2005 proposed to be approved by the Congress pursuant to P. L. 87-483 include a provision that the contractor share any shortages induced by a deficiency in New Mexico's compact entitlement with New Mexico's Animas-La Plata Project water users and a provision that the Secretary may terminate the contract after ten years if there has not been substantial progress in putting the water contracted for to beneficial use.

I apologize for the length of this letter, but I am sure you appreciate, as I do, that the issues involved are complex and extremely important and must be resolved very soon. Please let me know if I can expedite your consideration of this matter by further correspondence or consultation with you or your designees.

Sincerely,

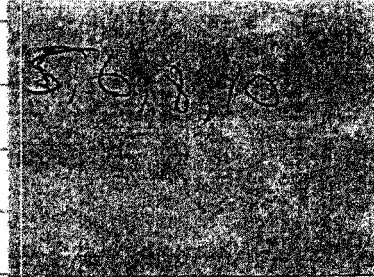

S. E. Reynolds
State Engineer

SER:pt

cc: Eugene Hinds, Regional Director, Amarillo
Cliff Barrett, Regional Director, Utah
Wayne Cook, Chief, Division of River Control, Utah

7/9/82
DRAFT

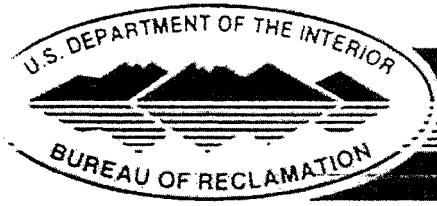
	Present and projected depletions					
	1980	1990	2000	2010	2030	2040
	New Mexico					
Present	106	106	106	106	106	106
Animas-La Plata			27	34	34	34
San Juan-Chama	110	110	110	110	110	110
Navajo Reservoir evaporation	26	26	26	26	26	26
Logback expansion		10	10	10	10	10
Utah International, Inc.	22	39	39	39	39	39
Farmington municipal and industrial						
Navajo Indian irrigation	100	208	267	267	267	267
Hicarilla Apache		3	3	3	3	3
Navajo municipal and industrial contracts ^{2/}	10	71	75	63	69	69
San Juan (New Mexico Public Service Co.)	(10)	(16)	(16)	(0)	(0)	(0)
Utah International Inc.		(35)	(35)	(35)	(35)	(35)
Gallup-Navajo Indian Municipal		(10)	(14)	(18)	(24)	(24)
Water Supply Project		(10)	(10)	(10)	(10)	(10)
Other						
Total depletion	374	578	668	663	669	600
Evaporation, storage units	58	58	58	58	58	58
Total	432	636	726	721	727	658
State share of 5.8 million acre-foot level	647	647	647	647	647	647
Remaining water available	215	11	-79	-74	-80	-11



RFR24

Privileged Docs 8-13

Pat - please get me a copy of the All Escrow Agreement. Thanks, John



UPPER COLORADO REGION

NEWS RELEASE

Western Colorado Area Office
Durango, Colorado
Patrick Schumacher (970) 385-6590
For Release September 4, 2001

Animas-La Plata Project Escrow Agreement with the San Juan Water Commission Ready for Public Comment

The Bureau of Reclamation is soliciting public comments concerning the proposed Escrow Agreement between the United States and the San Juan Water Commission of New Mexico. The San Juan Water Commission gave preliminary approval to the Draft Escrow Agreement on August 31, 2001.

The proposed Escrow Agreement allows the San Juan Water Commission to make an up-front payment of their estimated capital obligations for water from the Animas-La Plata Project, pursuant to Public Law 106-554.

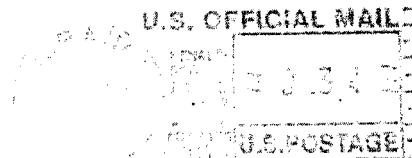
The proposed Escrow Agreement is available for public review and comment until October 5, 2001. All written comments regarding the proposed agreement should be addressed to Mr. Patrick Schumacher, Four Corners Division Manager, Bureau of Reclamation, 835 East Second Avenue, Suite 300, Durango, Colorado 81301, or send by E-mail to pschumacher@uc.usbr.gov.

Copies of the proposed Escrow Agreement and other pertinent documents can be obtained from the Animas-La Plata Project web site at <http://www.uc.usbr.gov/progact/animas/index.html>. Copies are also available by contacting Dick Gjere of the Bureau of Reclamation, 835 East Second Avenue, Suite 300, Durango, Colorado, 81301, telephone (970) 385-6531.

Reclamation and the San Juan Water Commission are continuing with negotiations of an amendatory repayment contract and anticipate approval this fall. The 1990 Repayment Contract is being amended because of changes to the Animas-La Plata Project as a result of the Colorado Ute Settlement Act Amendments of 2000, Public Law 106-554. Information concerning the next repayment contract negotiation meeting will be announced on the above web site and on Reclamation's toll-free phone number at (866) 720-0918.

###

Bureau of Reclamation
Western Colorado Area Office
835 E 2nd Ave, Suite 300
Durango CO 81301



JOHN WHIPPLE
WATER RESOURCE ENGINEER
NEW MEXICO INTERSTATE STREAM COMMISSION
PO BOX 25102
SANTA FE NM 87504-5102



12819

Handwritten notes:
+ Ave 1
[unclear]
[unclear]

ADDENDUM TO MEMORANDUM DATED OCTOBER 1, 2001
October 3, 2001

From: Philip B. Mutz
Subject: Review- AMENDATORY FUNDING AGREEMENT AND REPAYMENT
CONTRACT --- U.S.-SAN JUAN WATER COMMISSION – REVISED
DRAFT ---- 9/28/01

The following items are in addition to those listed in the review memorandum dated 10/1/01.

Pg.4.(c). In the first line change “participating” to “Participating” and in the second line, after “Project” insert “authorized by Title V of the Colorado River Basin Project Act, approved September 30, 1968”. Public Law 106-554 does not modify the Participating Project.

Pg.24, Sec.18.(a). fourth line. After “Works” insert “, subject to and not inconsistent with State law and applicable Federal law and interstate compacts”.

**SAN JUAN WATER COMMISSION
RESOLUTION NO. 2002-02**

**TO GIVE FINAL APPROVAL TO AND RECOMMENDATION FOR THE
AMENDATORY FUNDING AGREEMENT AND REPAYMENT CONTRACT
BETWEEN THE UNITED STATES AND THE SAN JUAN WATER COMMISSION FOR
THE ANIMAS-LA PLATA PROJECT**

WHEREAS, the San Juan Water Commission ("Commission") has worked since January 2001 to negotiate an amendment to its existing Repayment Contract No. 0-07-40-1080, dated January 8, 1990, with the United States (the "Amended Contract"); and

WHEREAS, pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554) ("the Act"), in order to avoid payment of Interest During Construction, the Commission after unanimous decision made its up-front capital payment prior to the initiation of construction on November 9, 2001; and

WHEREAS, the Commission negotiators reached agreement October 23, 2001, with the Bureau of Reclamation on terms of the Amended Contract for the purpose of allowing for a federal review period of 30 days, which began October 29, 2001; and

WHEREAS, the federal review period expired on November 30, 2001; and

WHEREAS, the Commission has considered comments received by the Bureau and from its members since November 30, 2001; and

WHEREAS, the modifications accepted and hereby incorporated do not substantively change the intent of the Amended Contract as negotiated; and

WHEREAS, the Amended Contract now before the Commission, as negotiated and modified in consideration of comments received, does meet the goals set forth by the Joint Powers Agreement to protect the interests and the needs of the people of San Juan County.


NOW, THEREFORE, THE SAN JUAN WATER COMMISSION RESOLVES:

That it is approving the form of the Amended Contract, as attached to this resolution; and

That the Commission is recommending execution of the Amended Contract by its members.

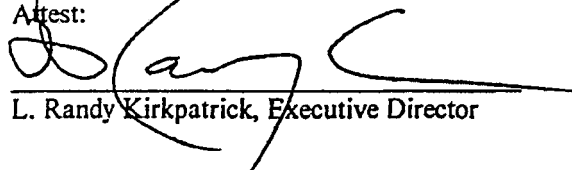
RESOLVED BY THE SAN JUAN WATER COMMISSION this 7th day of February 2002, in a properly called and noticed Regular Meeting of the Commission.

**APPROVED THE 7TH DAY OF FEBRUARY, 2002
SAN JUAN WATER COMMISSION**



Mark Duncan, Chairman

Attest:



L. Randy Kirkpatrick, Executive Director

35-1
J.L. Conroy



2005 DEC 22 AM 9:49

OFFICE OF THE
STATE ENGINEER
A.S.D. SANTA FE, NM

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

John R. D'Antonio, Jr., P.E.
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6175

December 20, 2005

Mr. Randy Kirkpatrick
Executive Director
San Juan Water Commission
7450 E. Main Street, Suite B
Farmington, NM 87402

CERTIFIED RETURN RECEIPT REQUESTED

RE: Application No. 4818 to Appropriate the Public Surface Waters of the State of New Mexico, received on January 18, 2001.

Dear Mr. Kirkpatrick:

In my letter to you dated October 3, 2005 under "Assignment of Permit No. 2883" several issues are raised which affect our handling of your above referenced application. I state that New Mexico's schedule of anticipated depletions in the Upper Basin prepared for the proposed San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement includes the reduced depletion amounts for project uses, and that the Settlement Agreement, which was signed by the State of New Mexico and the Navajo Nation in April 2005, provides that any additional allocations of project water in New Mexico under Permit No. 2883 would be shared equally between the Navajo Nation and the SJWC's member entities, subject to approval of the Interstate Stream Commission. In light of this, I am hereby returning an original date stamped application.

If you are aggrieved by this decision, you should so advise this office in writing before the expiration of thirty days after receipt of this letter and request that the previous action of the State Engineer be set aside and that a date for a hearing be set by the State Engineer. Requests for hearing may be filed by mail to 100 Gossett Dr. Suite A, Aztec, NM 87410, or facsimile to (505) 334-4575, provided the original request is mailed and postmarked within 24 hours of the facsimile. The applicant must indicate the date and time of transmission of the facsimile on the mailed copy, and also provide a cover letter with the facsimile confirming that the original will be mailed within 24 hours.

Sincerely,

Jim L. Sizemore, P.E.
Director, Water Rights Division

Enclosure: Application (one original)
cc w/out encl: Robert Genualdi, District V ✓
John Whipple, ISC staff ✓

Whipple, John J., OSE

From: Sizemore, Jim L., OSE **Sent:** Fri 12/16/2005 1:38 PM
To: Genualdi, Robert B., OSE; Romero, John, OSE; Whipple, John J., OSE
Cc:
Subject: RE: 2883 Rights - SJWC
Attachments:

I think your letter is OK. I wouldn't say we're holding a copy of the application in abeyance - it sounds like we may take some future action on it. I'd say that an application may be filed when the issues related to the 2883 water are resolved.

Thx,

Jim L. Sizemore, PE
Director, Water Rights Div.
505-827-6120
Fax 505-827-6682

From: Genualdi, Robert B., OSE
Sent: Thu 12/15/2005 3:58 PM
To: Sizemore, Jim L., OSE
Subject: RE:

Jim:

Yes...I sent my earlier email before this one came to me.

I have attach the draft letter of a month (or so) ago which attempts to return their application. It may be worth looking at again...or something like that. Because of the legislation they had passed regarding federal projects 72-5-33 part B, they may be interested in keeping their OSE file date.

Thanks.

Robert Genualdi
Office of the State Engineer
100 Gossett Dr., Suite A
Aztec, NM 87410
Ph: 505-334-4571
FAX: 505-334-4575

From: Sizemore, Jim L., OSE
Sent: Thu 12/15/2005 3:04 PM
To: Genualdi, Robert B., OSE
Cc: Romero, John, OSE; Whipple, John J., OSE
Subject:

Hi Robert,

Just a question. Didn't Whipple's response to the SJWC (in my Oct. 3rd letter) address the question of the application to appropriate that you just faxed me? I think he (we) stated that assignment of the rights under 2883 would not be made until the Navajo Settlement was signed off on by the feds. Also it stated that ultimate assignment would be made to the member entities - not the SJWC - because they would put the water to beneficial use.

If that is all true, I think we should return the application to the SJWC with a letter stating that the application is not acceptable for the above stated reasons. What do you think?

Jim L. Sizemore, PE
Director, Water Rights Div.

OSE-1430

505-827-6120
Fax 505-827-6682

OSE-1431

Whipple, John J., OSE

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Cc:
Subject: RE: 2883 Rights - SJWC
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Director, Water Rights Div.
505-827-6120
Fax 505-827-6682

RRP
4

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Robert Genualdi
Office of the State Engineer
100 Gossett Dr., Suite A
Aztec, NM 87410
Ph: 505-334-4571
FAX: 505-334-4575

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Cc: Romero, John, OSE; Whipple, John J., OSE
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If that is all true, I think we should return the application to the SJWC with a letter stating that the application is not acceptable for the above stated reasons. What do you think?

Jim L. Sizemore, PE
Director, Water Rights Div.

OSE-1432

505-827-6120
Fax 505-827-6682

OSE-1433

MEMORANDUM

October 3, 2000

TO: FILE

FROM: Philip B. Mutz, Upper Colorado River Commissioner

SUBJECT: Water right permits held by the U.S. Department of the Interior – San Juan River

The purpose of this memorandum is to list certain water right permits held by the Department of the Interior (Department) for use of San Juan River water in New Mexico and to discuss the inter-relationship of the priorities of the several permits as well as one permit not held by the Department.

- Permit No. 2847 – Priority 6/17/55 for 235,000 acre-feet diversion for the San Juan-Chama Project.
- Permit 2849 – Priority 6/17/55 for 630,000 acre-feet diversion from Navajo Reservoir for the Navajo Indian Irrigation Project.
- Permit No. 2873 – Priority 1/17/56 for 28,800 acre-feet for Navajo Reservoir evaporation.
- Permit Nos. 2847, 2849, 2873 and 2917 combined. Interior filed Notice of Intention No. 2917 on 9/16/57 for diversion of 225,000 acre-feet from Navajo Reservoir for miscellaneous purposes including irrigation, domestic, industrial, mining, municipal and power purposes. Interior filed Application for Permit Nos. 2847, 2949, 2873 and 2917 Combined on 3/6/58, which together with Permit No. 2848 for the Hammond Project, covers all of the unappropriated water in the San

Juan River and its tributaries in New Mexico above Navajo Dam. Permit Nos. 2847, 2949, 2973 and 2917 Combined was acknowledged by the State Engineer on 6/17/58. The priorities of the individual permits and of Notice of Intention No. 2917 were retained in the combined permit. The explanatory statement attached states that the application "is made to secure a direct diversion right for the San Juan-Chama Project, a right to divert store and release water in the proposed Navajo Reservoir Unit for use of Navajo Indian Irrigation Project, and San Juan-Chama Project, (by exchange), and for miscellaneous purposes, including the generation of power, all as a part of and as contemplated by the Colorado River Storage Project, authorized by Congress April 11, 1956 (70 Stat. 105)."

- Permit No. 3215 – Priority 8/28/67 for diversion of 500 cubic feet per second from the San Juan River and its tributaries downstream from Navajo Dam for municipal and industrial purposes.
- Permit No. 2883 – Priority 5/1/56 for diversion of 49,510 acre-feet from the Animas and La Plata Rivers to cover the New Mexico portion of the Animas-La Plata Project (ALP). The estimated depletion under this permit originally was 34,100 acre-feet for the project contemplated in the 1979 Definite Plan Report.

The ALP as presently configured in legislation before the Congress would require a smaller depletion for the New Mexico portion of about 14,500 acre-feet or 19,600 acre-feet less than the amount originally assigned to the project. The legislation before the Congress also contains a provision for assignment, upon the request of the New Mexico State Engineer, of the United States interest in Permit No. 2883 to the project beneficiaries in New Mexico or to the New Mexico

Interstate Stream Commission of such portion of the permit as is included in a request.

Because the priority of Permit No. 2883 is senior to the priority of Permit No. 3215 it is imperative that any amount of depletion available under Permit No. 2883 not required for the ALP as presently configured remain unassigned or be held by the State of New Mexico.

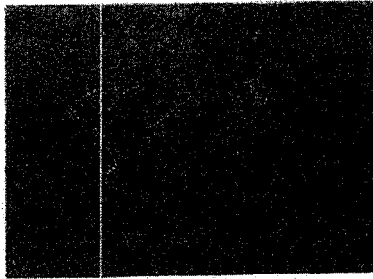
Flexibility must be retained because it cannot be ascertained at this time what use, if any, should be assigned the remaining available depletion from Permit No. 2883, amounting to about 19,600 acre-feet. Further, flexibility must be maintained to take advantage of the water supply available at different locations for the remaining depletion. The senior and junior priorities of the permits other than # 2883 held by the Department, together with the junior priority, 8/20/59, of Permit 2995, held by the Town of Farmington for 7,200 acre-foot diversion for municipal purposes, can effect all of the remaining depletion.

PBM:rav

cc: Tom Turney
Norman Gaume
John Whipple
John Stroud

rsanjuanvm-file3.f00

AP
2.4



RFP 4

Privileged Docs 23-35

San Juan Water Commission

800 MUNICIPAL DRIVE • FARMINGTON • NEW MEXICO • 87401 • 505-599-1462 • FAX 505-599-1463

Whipple 21

MEMBERS:
City of Aztec
City of Bloomfield
City of Farmington
San Juan County
S. J. County Rural Water Users Assoc.

September 14, 2001

*San Juan - 7
Navajo - Gallup*

Mr. Tom Turney
Secretary, Interstate Stream Commission
PO Box 25102
Santa Fe, NM 87504-5102

Re: Proposed New Mexico Anticipated Depletion Schedule

Dear Secretary Turney:

Thank you for sending us the draft Proposed New Mexico Anticipated Depletion Schedule ("Proposed Schedule"). We appreciate the opportunity to review it and comment upon it before you send it to the Bureau of Reclamation to make a determination that Navajo Reservoir water supply is available through 2060 to meet the demands of the Navajo-Gallup Water Supply Project.

One overriding concern we have is that the Proposed Schedule does not accurately reflect the status of anticipated depletions in the Animas-La Plata Project. For example, it is correct that the Colorado Ute Settlement Act Amendments of 2000 (the "Act") provided for 10,400 acre feet per year of depletions for the San Juan Water Commission, but the Animas-La Plata Project itself authorizes 15,400 AFY of depletions for the Commission. According to Section 2(a)(1)(C) of the Act, the facilities "become" the Animas-La Plata Project only if they are built and operated. If they are not constructed and operated, that provision does not take effect. In other words, until the facilities are built and operating, the "old" Animas-La Plata is still authorized. With that authorization, of course, comes the full water supply for the Commission of 15,400 AFY. Thus, the Proposed Schedule is incomplete in reporting only 10,400 AFY for the Commission at this time, because the facilities authorized by the Act have not been constructed. Until the facilities are constructed, the total for the Commission should be 15,400, because that is the amount authorized, and it also is the amount of demand accepted by the State Engineer in the process that approved diversion Permit Nos. 4487 through 4501.

On the other hand, if the Proposed Schedule is an acknowledgement that the larger ALP has been deauthorized, then the water has been released to the state, and it is available for appropriation under NMSA 1978 § 72-5-33. The Commission has applied through Application No. 4818 to appropriate the water available under this provision of New Mexico law. If the project has been deauthorized, the Commission should be awarded the water quickly. In either event, the full 15,400 AFY of depletions permitted by the State Engineer's office should be included as an "anticipated depletion."

Further, the Proposed Schedule does not accurately reflect use of ALP water by SJWC members now. In year 2000 column, the number should reflect the use of at least 1,000 AFY and ramp it up by year 2007 to 10,400 AFY. The full 15,400 could be in use by 2015. These projections are taken from the Cielo Report you prepared in the mid-1990s in support of the applications for Permit Nos. 4487 through 4501. Nothing has happened since then that would indicate any significant slowing in growth; in fact, the actual growth rate has exceeded predictions in the Cielo Report.

We understand from John Whipple that the Proposed Schedule is not a reflection or determination of water rights, but rather a planning document to determine whether the Navajo Reservoir supply would be available for the Navajo-Gallup Pipeline project. We further understand that any Navajo-Gallup Pipeline project would be part of a comprehensive settlement of the Navajo Nation's water rights claims. Also included in the settlement, we understand, would be uses at the Navajo Indian Irrigation Project, rehabilitation of the Fruitland and Hogback areas, and other uses on the Navajo Nation. That settlement, of course, would need to muster support throughout the San Juan River basin to be successful. We believe it may be time soon to engage the Commission in the process to participate in and ultimately approve of the settlement.

We also understand that there is no attempt to predict the rate or extent of the shift from agricultural uses of water to municipal and industrial uses of water. That point, and the point that this does not reflect water rights per se, should be made prominently in any publication that uses the Proposed Schedule. Otherwise, the public and policy-makers could be confused and assume, incorrectly, that the State Engineer's office has made legal determinations where none are intended.

Similarly, it should be clarified that any lease by the Jicarilla Apache Tribe to the City of Gallup would be subject to public notice and an opportunity to comment, particularly by the local communities that could be affected. Related to that point, please advise the Commission as to the procedure and permits that you anticipate will be followed to accomplish all of these transfers and new uses. The Commission and its member entities do not oppose these uses at this time, but we want to be able to assure our constituents that they will be accomplished without detrimental effects on our vital water supply.

We are continuing our review of the Proposed Schedule, and we may have additional comments as the review proceeds. Please feel free to contact me if you have any questions about these issues.

Sincerely,



L. Randy Kirkpatrick
Executive Director

Copy to

San Juan Water Commission Commissioners & Alternates

Mr. John Whipple

Mr. Norm Gaume

Mr. Richard Cheney

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*San Juan - 7
Navajo - Gallup*

NEW MEXICO INTERSTATE STREAM COMMISSION

COMMISSION MEMBERS

RICHARD P. CHENEY, Chairman, Farmington
HOYT PATTISON, Vice-Chairman, Clovis
THOMAS C. TURNEY, PE., Secretary, Santa Fe
PALEMON A. MARTINEZ, Valdez
JOHN S. BULSTERBAUM, Deming
PHILIP R. GRANT, Albuquerque
HAROLD HOUGHTALING, Jr., Lake Arthur
NARENDRA N. GUNAJI, Las Cruces
PHIL H. BIDEGAIN, Tularosa



BATAAN MEMORIAL BUILDING, ROOM 101
STATE CAPITOL
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102

(505)827-8160
FAX:(505)827-8188

August 1, 2001

Mr. Randy Kirkpatrick
San Juan Water Commission
800 Municipal Drive
Farmington, New Mexico 87401

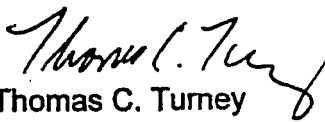
Mr. Joe Schmitz
Director of Community Development
City of Farmington
800 Municipal Drive
Farmington, New Mexico 87401-2663

Dear Mr. Kirkpatrick and Mr. Schmitz:

Transmitted herewith for your information is a copy of a proposed depletion schedule for water uses from the San Juan River Basin in New Mexico. The depletion schedule is being reviewed by the Interstate Stream Commission and the Navajo Nation for possible use by the Bureau of Reclamation to make a determination that Navajo Reservoir water supply is available through 2060 to meet the demands of the Navajo-Gallup Water Supply Project in addition to other water supply contracts.

Please contact John Whipple of the Commission staff with any comments or questions you may have regarding the proposed depletion schedule.

Sincerely,


Thomas C. Turney
Secretary

TCT:JW:rav

Enclosure

Asanjuan\kirkpat5.f01

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

ended July 30, 2001

Year	1990	2000	2010	2020	2030	2040	2050	2080
CURRENT DEPLETIONS (1)								
Agricultural- Irrig. & Stock (rounded)	248	248	248	248	248	248	248	248
Navajo Irrigation:								
NIP	149.4	149.4	149.4	149.4	149.4	149.4	149.4	149.4
Fruitland-Cambridge	7.9	7.9	7.9	7.9	7.9	7.9	7.9	7.9
Hogback-Cudde	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
Chaco River	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Crystal	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo Irrigation Subtotal	173.7	173.7	173.7	173.7	173.7	173.7	173.7	173.7
Non-Indian Irrigation:								
Above Navajo Dam (Inc. Jicarilla)	1.3	1.3	1.3	1.3	1.7	1.7	1.7	1.7
Upper San Juan	8.2	8.2	8.2	8.2	8.2	8.2	8.2	8.2
Hammond	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2
Animas	31.7	31.7	31.7	31.7	31.7	31.7	31.7	31.7
La Plata	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1
Farmers Mutual Ditch	8.7	8.7	8.7	8.7	8.7	8.7	8.7	8.7
Webster	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Jewett Valley	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Chaco River	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Non-Indian Irrigation Subtotal	67.8	67.8	67.8	67.8	68.2	68.2	68.2	68.2
Stockpond Evap and Stock	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
Ag.- Irrig. & Stock Total	245.8	245.8	245.8	245.8	248.2	248.2	248.2	248.2
Municipal/Domestic (rounded)								
Municipal and Industrial	8.9	8.9	8.9	8.9	8.9	8.9	8.9	8.9
Scattered Rural Dom. (Inc. Jicarilla)	1.4	1.4	1.4	1.4	1.5	1.5	1.8	1.8
Municipal/Domestic Total	10.3	10.3	10.3	10.3	10.4	10.4	10.5	10.5
Power/Industrial (rounded)								
PHM (lease from Jicarilla after 2005)	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2
Utah International (Inc. lease to PHM)	37.0	37.0	37.0	38.0	39.0	39.0	39.0	39.0
Bloomfield Industrial	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Power/Industrial Total	55.7	55.7	55.7	56.7	57.7	57.7	57.7	57.7
Minerals								
Export - San Juan-Chama Project	108	108	108	108	108	108	108	108
Reservoir Evaporation (rounded)								
Navajo Reservoir Evap	28.3	28.3	27.5	27.0	27.0	27.0	27.0	27.0
Small Reservoir Evap	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Reservoir Evaporation Total	29.5	29.5	28.7	28.2	28.2	28.2	28.2	28.2
TOTAL CURRENT DEPLETIONS	449	449	449	449	450	450	450	450
ANTICIPATED DEPLETIONS								
Agricultural- Irrig. & Stock (rounded)	0	0	91	120	115	110	110	110
NIP Completion (2)								
NIP Groundwater Buildup- new land	0.0	0.0	80.0	104.8	104.8	104.8	104.8	104.8
Fruitland/Hogback Rehabilitation	0.0	0.0	10.8	10.8	5.0	5.0	5.0	5.0
Ag.- Irrig. & Stock Total	0.0	0.0	90.8	120.2	114.8	109.8	109.8	109.8
Municipal/Domestic (rounded)								
Animas-La Plata:								
SJWC	0.0	0.0	5.0	7.0	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	0.0	5.0	9.9	13.6	13.6	13.6	13.6
Jicarilla (3)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	0.0	5.0	10.7	15.0	15.4	15.4	15.4
Power/Industrial (Jicarilla)								
Minerals	0	0	0	0	0	0	0	0
Export	0	0	0	0	0	0	0	0
Reservoir Evaporation	0	0	0	0	0	0	0	0
TOTAL ANTICIPATED DEPLETIONS	449	449	545	580	580	575	575	575
POTENTIAL DEPLETIONS								
Agricultural- Irrig. & Stock	0	0	0	0	0	0	0	0
Municipal/Domestic (NGP- Navajo)	0	0	0	6	10	12	12	12
Power/Industrial (rounded)								
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Navajo Fry Factory	0.0	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Small Navajo Res. Contracts	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Power/Industrial Subtotal	0.1	0.6	0.6	1.3	1.3	1.3	1.3	1.3
Minerals								
Export - Navajo/Gallup (rounded)	0	0	0	6	9	13	13	13
Gallup (lease from Jicarilla)								
Navajo in NM	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Export Subtotal	0.0	0.0	0.0	2.0	4.0	5.6	5.6	5.6
Reservoir Evaporation	0	0	0	0	0	0	0	0
TOTAL POTENTIAL DEPLETIONS	0	1	1	13	20	26	26	26
Summary of Depletions								
Evap- CRSP Storage Units	58	58	58	58	58	58	58	58
TOTAL DEPLETIONS	507	508	604	651	658	659	659	659
State Share of 8.0 MAF (4)	669	669	669	669	669	669	669	669
Remaining Available (4)	182	161	85	18	11	10	10	10
Percent of State Share	24%	24%	10%	3%	2%	1%	1%	1%

(1) Does not reflect post-1985 transfers from irrigation to municipal and industrial uses. 930 a-l of current non-Indian depletions supplied through short-term leases from Jicarilla as of 2001.

(2) Total NIP depletion by 2020 is 254,000 a-l.

(3) Jicarilla may use 1,200 a-l of total through Navajo/Gallup Project on south part of reservation.

(4) Does not include salvage by use.