



10. If used for MANUFACTURING, MINING, POWER OR LIKE PURPOSES fill in the following:  
 (a) Application is hereby made for \_\_\_\_\_ second feet of water to be used for \_\_\_\_\_ purposes;  
 (b) power to be generated \_\_\_\_\_ horsepower; (c) conducted by \_\_\_\_\_  
 \_\_\_\_\_ (give size and description of conduit)  
 \_\_\_\_\_ feet in length; (d) from a point in the \_\_\_\_\_ quarter of \_\_\_\_\_ quarter of Section \_\_\_\_\_ Township  
 Range \_\_\_\_\_ N. M. P. M., (e) to a point where the water will be returned to the stream substantially undiminished in quantity in the \_\_\_\_\_ quarter of \_\_\_\_\_ quarter of Section \_\_\_\_\_ Township  
 Range \_\_\_\_\_ whence the \_\_\_\_\_ of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ bears \_\_\_\_\_ feet distant; (f) the amount of water which will be consumptively used in the above operation is: \_\_\_\_\_

11. Describe diversion dam, stating construction materials, character of foundation, dimensions, etc. \_\_\_\_\_  
See Explanatory

12. Hydraulic properties of main canal or conduit See Explanatory (name or number);  
 Bottom width \_\_\_\_\_ feet; depth of water at full operating capacity \_\_\_\_\_ feet;  
 total depth including freeboard \_\_\_\_\_ feet; side slopes \_\_\_\_\_ horizontal to 1 vertical;  
 diameter (pipe line or circular flume) \_\_\_\_\_ feet; slope \_\_\_\_\_ feet per 1000 feet;  
 hydraulic radius \_\_\_\_\_ feet; coefficient of roughness (n) \_\_\_\_\_; velocity at full capacity \_\_\_\_\_ feet per second; capacity \_\_\_\_\_ cubic feet per second;  
 length of canal \_\_\_\_\_ the location being as shown on the filling maps accompany this application.

12a. Hydraulic properties of main canal or conduit \_\_\_\_\_ (name or number)  
 Bottom width \_\_\_\_\_ feet; depth of water at full operating capacity \_\_\_\_\_ feet;  
 total depth including freeboard \_\_\_\_\_ feet; side slopes \_\_\_\_\_ horizontal to 1 vertical;  
 diameter (pipe line or circular flume) \_\_\_\_\_ feet; slope \_\_\_\_\_ feet per 100 feet;  
 hydraulic radius \_\_\_\_\_ feet; coefficient of roughness (n) \_\_\_\_\_; velocity at full capacity \_\_\_\_\_ feet per second; capacity \_\_\_\_\_ cubic feet per second;  
 length of canal \_\_\_\_\_ the location being as shown on the filling maps accompanying this application.

13. Hydraulic properties of <sup>Meadows</sup> storage dam; Maximum height above foundation \_\_\_\_\_ 65 feet;  
 length of crest \_\_\_\_\_ 1475 feet; maximum width at base \_\_\_\_\_ 355 feet;  
 crest width \_\_\_\_\_ 30 feet; slope of upstream face \_\_\_\_\_ 3:1  
 slope of downstream face \_\_\_\_\_ 2:1; elevation at crest of dam \_\_\_\_\_ feet; elevation of spillway crest \_\_\_\_\_ 5622 feet; elevation of flow line of outlet conduit \_\_\_\_\_ 5584 feet; freeboard (above high water line at maximum spill) \_\_\_\_\_ 6 feet; width of spillway \_\_\_\_\_ 40 feet;  
 discharge capacity of spillway \_\_\_\_\_ 300 cubic feet per second; size and character of outlet conduit \_\_\_\_\_

discharge capacity of outlet under full head \_\_\_\_\_ 220 cubic feet per second;  
 type of dam, construction material, etc. rolled earth-fill with impervious earth section.

Elevation or Depth Above Outlet	Area of Water Surface, Acres	Storage Capacity, Acre Feet	Remarks
5622	615	12,600	Normal water storage spillway crest
5620	583	11,265	
5615	490	8,585	
5610	393	6,375	
5605	318	4,600	
5600	246	3,190	
5595	195	2,085	
5590	147	1,230	
5585	104	605	
5584	94	600	Flow line - Dead Storage

14. Additional data or explanations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

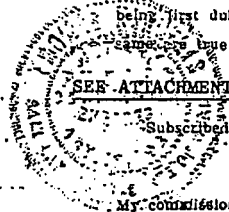
15. Estimated costs: Main canal or conduit . . . . . \$ See Explanatory  
Storage Dam . . . . . \$ \_\_\_\_\_  
\_\_\_\_\_

Total cost \_\_\_\_\_ \$ Subject to authorization and appropriation

16. Time required to begin construction of funds by Congress \_\_\_\_\_;  
time required to complete the works Ten years \_\_\_\_\_;  
time required to fully apply water to beneficial use Ten years after completion of construction.

17. References: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ applicant  
being first duly sworn, upon my oath, depose and say that I have read the foregoing statements and that the  
contents are true to the best of my knowledge and belief: United States Department of the Interior  
c/o Regional Director, Reg. 4, Bureau of Reclamation



SEE ATTACHMENT

By: Thomas Reynolds  
Regional Director, Reg. 4, Bureau of Reclamation  
Subscribed and sworn to before me this 12th day of April, 1956.  
Thomas Reynolds  
(Notary Public)

My commission expires Dec 31, 1956

ENDORSEMENT OF STATE ENGINEER

Number of this filing 2883

Recorded in Book M-3

Page 2883

Notice of Intention received May 1, 1956

It is hereby acknowledged that the attached plans for proposed works to develop and use 49,510 acre feet of water per annum from the Animas and La Plata Rivers have been submitted in compliance with Section 75-5-31, New Mexico Statutes Annotated, 1953 Compilation.

Witness my hand and seal this 12th day of May, A.D., 1959.



State Engineer  
State Engineer

Water to be applied to beneficial use on or before \_\_\_\_\_

This is to certify that I have examined the above application for permit to appropriate the public surface waters of the State of New Mexico and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

\_\_\_\_\_  
State Engineer

## Instructions and Explanations for Filling Out This Form

### SEE MANUAL OF RULES AND REGULATIONS

This form shall be filled in by typewriter in duplicate and shall be accompanied by the proper filing fee. Maps, plans, specifications, etc., must also be submitted at the time of filing formal application.

Before filling in this form, it is suggested that applicant read the Manual of Rules and Regulations for proceeding before the State Engineer. Section I, VII, VIII and the foreparts of Section II and V, particularly, are pertinent.

If application is to enlarge an existing project or amend a permit, fill out application to cover only the enlarged or amended portion, then, under Section 8, give the data necessary to define or describe the original works.

Sec. 1. This section to be filled in by the State Engineer.

Sec. 2. Fill in the name and address of the applicant.

Sec. 3. If applicant is a corporation, company or firm, fill in blanks under this section. If a corporation, give date of filing certificate of incorporation with the Corporation Commission.

Sec. 4. The quantity of water to be appropriated for irrigation purposes shall be stated in acre feet delivered on the land. Applicant shall apply for no more water than can be put to reasonable beneficial use (see pgs. 5, 177 and 22 of Manual). Excessive and wasteful uses do not constitute a valid water right.

The quantity to be used wholly or in part by direct diversions when a higher rate is permissible, in part by storage, in (b). Under (c) give any additional information necessary to properly describe or define the proposed use.

The rate of delivery of water shall not exceed the statutory limit of one cubic foot per second for each 70 acres delivered on the land, excepting in the case of flood water diversions when a higher rate is permissible.

Sec. 5. For irrigation purposes, the period of annual use shall be limited to that period when water may be reasonably applied to beneficial use on the land (see Sec. 9).

Sec. 6. Fill in each blank in this section. Even though the source of water supply may not normally reach the main stream to which the supply is theoretically tributary shall be given.

Sec. 7. The point of diversion shall be fixed by course and distance to some legal subdivision corner if within reasonable distance thereof, or, if on unsurveyed land, shall be tied to some permanent easily located natural object. If located on unsurveyed lands, the point of diversion shall be described as accurately as possible by legal subdivision "as projected" from the nearest government survey.

In a direct diversion project, or in case of diversion to an off-channel reservoir, the point of diversion is the location of the canal headgates on the bank of the stream or water-course. If water is to be stored behind a dam across the source of supply, the point of diversion then becomes the location of the outlet gates from the reservoir.

Sec. 8. State all purposes for which water is to be used.

Sec. 9. Fill in this section only if water is to be used for irrigation and domestic purposes. Need must be shown for the use of any water claimed during the non-irrigation season. When necessary to clearly define the acreage to be irrigated the lands shall be described to the nearest 2<sup>1</sup>/<sub>2</sub> acre subdivision.

Sec. 10. Fill in this section only if water is to be used for manufacturing, mining, power or like purposes. The application shall give the maximum flow in second feet required for the above purpose. It is important to show the point of return to the stream and also the amount of water, if any, which will be consumed in the operation.

Sec. 11. This section should describe the pertinent features of the diversion dam and appurtenances.

Sec. 12 and 12a. Fill in all blanks detailing the hydraulic properties of the main canal or canals in the system.

Sec. 13. Fill in blanks detailing the hydraulic properties of the storage dam and spillway. Under "type of dam, construction material, etc.," state whether dam is gravity, arch, gravity-arch, etc.; whether of concrete, earth and rock, masonry, etc.; type and thickness of riprap and of cut-off or core wall. Areas and capacities should be given in the table for each 5-foot interval or less, if necessary in obtaining reasonable accuracy. Under "Remarks" indicate notations such as "lowline," "crest of spillway," "high water line," etc., applicable to the corresponding elevations.

If more space is needed, continue under Sec. 14 or use separate sheet of paper and attach securely hereto.

Sec. 14. Give any additional data necessary to describe or define the proposed works, or old works to be amended or enlarged hereby.

Sec. 15. In this section give reasonable estimates of the cost of the main canal or canals and of the storage dam or dams.

Sec. 16. Give applicant's estimates of the time necessary to start and to complete construction and to apply water to beneficial use.

Sec. 17. Give references of a bank and of a merchant with whom applicant does business or to whom he is well known.

Applicant must sign affidavit before a Notary Public or other proper official qualified to administer oaths.

(If additional space is necessary in filling out any part of application, use a separate sheet of paper and attach securely hereto.)

The area to be irrigated consists of 20,600 acres located and described by legal sub-division as follows:

Section	McDermott Area		Acres
	Twp. (N)	Range (W)	
1	31	13	306
12	"	"	124
13	"	"	109
36	32	"	100
3	31	12	50
4	"	"	446
5	"	"	243
6	"	"	202
7	"	"	142
8	"	"	215
9	"	"	25
17	"	"	127
18	"	"	96
20	"	"	34
9	32	12	53
10	"	"	281
11	"	"	139
12	"	"	161
14	"	"	276
15	"	"	498
16	"	"	339
19	"	"	42
20	"	"	251
21	"	"	478
22	"	"	288
23	"	"	19
27	"	"	220
28	"	"	431
29	"	"	264
30	"	"	226
31	"	"	417
32	"	"	376
33	"	"	472
Total			7450

Section	La Plata-New Mexico Area		Non-Irrigated Acres	Irrigated Acres
	Twp. (N)	Range (W)		
6	29	13	25	-
5	30	13	18	88
8	"	"	117	92
16	"	"	34	25
17	"	"	64	38
20	"	"	11	13
21	"	"	45	137
28	"	"	77	-
29	"	"	93	-
31	"	"	6	-
32	"	"	38	-
1	31	13	24	-
2	"	"	41	152
3	"	"	27	356
4	"	"	139	171
5	"	"	9	-
8	"	"	40	-
9	"	"	297	232
10	"	"	24	377
11	"	"	8	89
14	"	"	7	46
15	"	"	72	214

Section	Twp. (N)	Range (W)	Non-Irrigated Acres	Irrigated Acres
16	31	13	259	115
17	"	"	164	-
20	"	"	214	-
21	"	"	257	159
22	"	"	54	215
27	"	"	31	61
28	"	"	175	17
29	"	"	36	-
32	"	"	41	17
33	"	"	102	60
31	32	12	2	-
10	32	13	8	80
15	"	"	8	125
22	"	"	19	73
25	"	"	223	-
26	"	"	252	-
27	"	"	88	165
28	"	"	5	6
33	"	"	8	78
34	"	"	19	364
35	"	"	107	63
36	"	"	144	-
Total La Plata-New Mexico Area			3432	3628

Section	Meadows Area		Acres
	Twp. (N)	Range (W)	
2	30	14	56
3	"	"	22
5	"	"	236
6	"	"	573
7	"	"	331
8	"	"	9
18	"	"	15
1	30	15	182
2	"	"	8
11	"	"	49
12	"	"	461
13	"	"	368
14	"	"	444
15	"	"	134
21	"	"	205
22	"	"	271
23	"	"	198
24	"	"	56
28	"	"	192
33	"	"	81
34	"	"	5
18	31	13	29
13	31	14	17
24	"	"	196
25	"	"	207
26	"	"	21
27	"	"	122
28	"	"	83
29	"	"	3
31	"	"	188
32	"	"	431
33	"	"	312
34	"	"	196
35	"	"	190
36	"	"	199
Total			6,090

EXPLANATORY STATEMENT

General

1959 MAY 11 AM 10:02  
STATE ENGINEER OFFICE  
SANTA FE, N. M.

This application is in conformity with the Upper Colorado River Basin Compact, dated October 11, 1948, approved February 2, 1949, by the State of New Mexico, and is filed to acquire a water right in the Animas and La Plata Rivers for the portion of the Animas-La Plata Project located in New Mexico. The Animas-La Plata Project is a potential participating unit of the Colorado River Storage Project authorized by the Act of April 11, 1956.

The water applied for was reserved by Notice of Intention No. 2883, filed by the State of New Mexico, May 1, 1956, and assigned to this applicant, United States of America, Department of the Interior, April 6, 1959,

The following documents are attached and by this reference made a part of this application.

1. "Attachment A" - A map showing in general the New Mexico portion of the project features, location, and irrigable lands.
2. "Attachment B" - Paragraph 9 - Description of acres to be irrigated.
3. "Attachment C" - Status report of the Animas-La Plata Project, Colorado and New Mexico, dated November 1954.

Paragraph 4

As described under Paragraph 7, water will be diverted from natural streamflows of the Animas and La Plata rivers to the extent natural flows are available. Any deficiencies in natural flow in supplying the water sought to be appropriated will be made up by storage releases from project reservoirs.

Paragraph 7

The points of diversion for the New Mexico portions of the Animas-La Plata Project are:

(1) McDermott Area - Natural river flows and storage water in Teft Reservoir will be diverted at Teft Dam site and conveyed by a system of canals and tunnels to a point on the Ring Cone Canal and the Colorado-New Mexico State line whence the Northeast Corner of Section 1, Township 32 N., Range 12 W., bears east 1,850 feet distant. Teft Dam site is located in unsurveyed territory but when surveys are made it appears the dam site would be located in the SW $\frac{1}{4}$  of Section 5, and the NW $\frac{1}{4}$ , Section 8, Township 32 N., Range 8 W., N.M.P.M.

(2) La Plata - New Mexico Area - The points of diversion will be at various points along the La Plata River in New Mexico. From Teft Dam site water will be transported by a system of canals and tunnels to the Hay Gulch Dam and Reservoir site in Colorado. Hay Gulch Dam site is located in Lot 4, Section 12, Lots 1 and 2, Section 11, and Lots 2 and 3, Section 3U, in Township 34 N., Range 12 W., N.M.P.M. From Hay Gulch Dam, canals will convey water west to the Dry Side and east to Red Mesa to lands in Colorado. Residual inflows to the La Plata River from these areas, plus direct releases from Hay Gulch Reservoir, will be diverted in New Mexico into various existing ditches to provide a supplemental water supply for 5,540 acres of land presently being irrigated, and full service to 1,520 acres.

(3) Meadows Area - Water for the Meadows Area will be obtained in the same manner as described for the La Plata-New Mexico Area. The water will be diverted from the La Plata River into the Meadows Diversion Canal at the Meadows Diversion Dam which is located in the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, Township 32 N., Range 13 W., N.M.P.M., a point whence the SE corner of Section 15, Township 32 N., Range 13 W., bears S 65°33' E., 2,090 feet distant.



Paragraph 11

The Meadows Diversion Dam would include a concrete overflow section 240' long, and a headworks 10' wide and 60' long controlled by an 8'x10' radial gate. The wier section would be designed to pass 14,500 c.f.s. at an approximate depth of 7'. A 4' wide sluiceway with a 4' lower sill than the headworks would be controlled by a 10'x4' radial gate.

Paragraph 12

The hydraulic properties of Main Canals or conduits for the various areas are:

(1) McDermott Area - Ring Cone Canal: Bottom width 14 feet; depth of water at full operating capacity 3.4 feet; total depth including freeboard 6.1 feet; side slopes 1-1/2 horizontal to 1 vertical; slope 0.43 feet per 1000 feet; hydraulic radius 2.47 feet; coefficient of roughness (n) 0.0225; velocity at full capacity 2.47 feet per second; capacity 160 cubic feet per second with reduction in capacity at successive turnouts to the end; length of canal 6.9 miles, the location being as shown on the filing maps accompanying this application.

(2) Meadows Area - Meadow's Diversion Canal from Diversion dam to Station 101+00 (portion carrying Hillside Ditch flows); Unlined Canal - Bottom width 14 feet; depth of water at full operating capacity 4.2 feet; total depth including freeboard 6.5 feet; side slopes 1-1/2 horizontal to 1 vertical; slope 0.20 feet per 1000 feet; hydraulic radius 2.93 feet; coefficient of roughness (n) 0.0225; velocity at full capacity 1.94 feet per second; capacity 165 cubic feet per second. Earthlined Canal - Bottom width 14 feet; depth of water at full operating capacity 4.0 feet; total depth including freeboard 6.3 feet; side slopes 2 horizontal to 1 vertical; slope 0.21 feet per 1000 feet; hydraulic radius 2.76 feet; coefficient of roughness (n) 0.0225; velocity at full capacity 1.88 feet per second; capacity 165 cubic feet per second. Siphons - Diameter 5.0 feet; Slope 3.4 feet per 1000 feet; hydraulic radius 1.25 feet; coefficient of roughness (C<sub>s</sub>) 0.37; velocity at full capacity 8.4 feet per second; capacity 165 cubic feet per second. Meadows Diversion Canal from Station 101+00 to end: - Unlined Canal - Bottom width 14 and 12 feet; depth of water at full operating capacity 4.0 and 3.6 feet; total depth including freeboard 6.3 and 5.7 feet; side slopes 1-1/2 horizontal to 1 vertical; slope 0.20 and 0.38 feet per 1000 feet; hydraulic radius 2.81 and 2.51 feet; coefficient of roughness (n) 0.0225; velocity at full capacity 1.88 and 2.39 feet per second; capacity 150 cubic feet per second. Earthlined Canal - Bottom width 14 feet; depth of water at full operating capacity 3.8 feet; total depth including freeboard 6.1 feet; side slopes 2 horizontal to 1 vertical; slope 0.21 feet per 1000 feet; hydraulic radius 2.65 feet; coefficient of roughness (n) 0.0225; velocity at full capacity 1.83 feet per second; capacity 150 cubic feet per second. Siphons - Diameter 5.0 feet; slope 2.82 feet per 1000 feet; hydraulic radius 1.25 feet; coefficient of roughness (C<sub>s</sub>) 0.37; velocity at full capacity 7.6 feet per second; capacity 150 cubic feet per second. Bench Plume - Bottom width 6 feet; depth of water at full operating capacity 3.55 feet; total depth including freeboard 4.15 feet; rectangular cross section; slope 2.25 feet per 1000 feet; hydraulic radius 1.64 feet; coefficient of roughness (n) 0.014; velocity at full capacity 7.0 feet per second; capacity 150 cubic feet per second. The length of the Meadows Diversion Canal is 11.6 miles, the location being shown on the filing maps accompanying this application.

Paragraph 15

Estimated Costs:

Ring Cone Canal (New Mexico portion)	258,000
Meadows Diversion Canal	883,000
Meadows Diversion Dam	223,000
Meadows Dam and Reservoir	950,000
Canals from Meadows Dam	<u>92,000</u>
Total Cost (New Mexico portion)	2,406,000



Thomas C. Turney, P.E.  
State Engineer  
P.O. Box 25102  
Santa Fe, New Mexico 87504-5102

Re: Assignment of New Mexico Permit No. 2883

Dear Mr. Turney,

The members of the San Juan Water Commission wants to express their personal appreciation for your long-standing support of the Animas La Plata Project. We also appreciate your help in passing the revised ALP via the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. We are now ready to work with you to implement the legislation to the benefit of the citizens of New Mexico, in particular the residents of San Juan County.

As you know, under Section 15(a) of the Amendment as passed, the New Mexico State Engineer can request the Secretary of the Interior to assign his interest in Permit No. 2883 back to the beneficiaries of the Animas La Plata Project. We request now that you ask the Secretary to assign the part of Permit No. 2883 that was contracted to the San Juan Water Commission back to the Commission. The San Juan Water Commission already is putting part of the water to beneficial use, and it makes sense to return the permit as directed in the legislation.

Attached for your convenience is a draft letter to the Secretary that would request the assignment pursuant to the statute. We would like to work with you and your staff as quickly as possible to begin the assignment process. As we discussed preliminarily two year ago, it may be best for the Secretary to assign the permit interests directly to the Commission after making the appropriate findings. The amounts of water requested for the Commission should be 30,800 AF (15,400 AF consumptive use) or amounts reflective of our pending return flow plan for the Animas La Plata water supply. Please advise us as to when we can meet to further the assignment.

Sincerely,

  
Mark Duncan, Chairman, SJWC

STATE ENGINEER OFFICE

JAN 09 2001

SANTA FE, NEW MEXICO

## EXAMPLE

The Honorable Bruce Babbitt  
Secretary, Department of the Interior  
1849 c St., NW  
Washington, D.C. 20240

Dear Secretary Babbitt,

Pursuant to Section 15(a) of the "Colorado Ute Settlement Act Amendments of 2000," I hereby request the return of 30,800 acre feet per year ("AFY") to the non-Navajo New Mexico beneficiaries, originally held by the State of New Mexico, in New Mexico Notice of Intention No. 2883, and assigned by the New Mexico Interstate Stream Commission to the Department of Interior ("DOI") on April 6, 1959, to reserve the necessary water rights to develop the New Mexico portion of the Animas-La Plata Project. As New Mexico State Engineer, I may transfer these rights to the San Juan Water Commission (30,800 AFY) pursuant to State Law and as indicated in the "Colorado Ute Settlement Act Amendments of 2000."

**DRAFT**

Sincerely,

Office of NM State Engineer

## EXAMPLE

Thomas C. Turney, Secretary  
New Mexico Interstate Stream Commission  
P.O. Box 25102  
Santa Fe, NM 87504-5102

Dear Mr. Turney,

**DRAFT**

By letter dated April 6, 1959, S. E. Reynolds, Secretary of the New Mexico Interstate Stream Commission, assigned to the United States Department of the Interior ("DOI") the New Mexico Notice of Intention No. 2883, filed on May 1, 1956 by the State of New Mexico, to provide the necessary water right to develop the proposed Animas-La Plata Project. The DOI hereby reassigns to the State of New Mexico, for assignment of the Animas-La Plata Project water, New Mexico Permit No. 2883, in accordance with applicable law, 30,800 acre-feet of the total 49,510 acre-feet, to the non-Navajo New Mexico beneficiaries. The DOI, in compliance with the Act of Congress - the "Colorado Ute Indian Water Rights Settlement Amendments of 2000," will retain for the Navajo Nation 4,680 acre-feet of the rights, of the total 49,510 acre-feet in New Mexico Permit No. 2883.

Sincerely,

Department of the Interior

## DRAFT

### BEFORE THE STATE ENGINEER STATE OF NEW MEXICO

#### FINDINGS AND ASSIGNMENT OF WATER RIGHTS

1. On May 1, 1956, the State of New Mexico, by S. E. Reynolds, State Engineer, filed a Notice of Intention to Make Formal Application for a Permit to appropriate the Natural Public Surface Waters of the State of New Mexico, Application No. 2883, on behalf of the State of New Mexico, for 49,510 acre-feet (34,000 acre-feet of consumptive use) from the Animas and La Plata Rivers, to provide the water right associated with the New Mexico portion of the Animas-La Plata Project.
2. By letter dated April 6, 1959, S. E. Reynolds, Secretary of the New Mexico Interstate Stream Commission, assigned to the United States Department of the Interior ("DOI"), Notice of Intention No. 2883.
3. On March 5, 1986, non-Navajo beneficial users of the Animas-La Plata Project water in the State of New Mexico, comprising the cities of Aztec, Bloomfield, and Farmington, San Juan County and the San Juan Rural Water Users Association, formed the San Juan Water Commission ("SJWC") pursuant to a Joint Powers Agreement.
4. On January 8, 1990, the SJWC and the DOI entered into repayment contract 0-07-40-R1080 providing the SJWC a diversion amount of 30,800 acre-feet (15,400 acre-feet of depletion) of Animas-La Plata Project water for municipal and industrial uses.
5. Article 11(a) of the repayment contract provides that the SJWC may commence diversion of the contract water prior to construction and operation of the Animas-La Plata Project.
6. The SJWC with the individual beneficial users applied to the New Mexico State Engineer for permit to divert the Animas-La Plata Project water pursuant to the above-stated contract, which applications 4487 through 4501.
7. On January 11, 1996, upon finding that the applications were consistent with the State's obligations pursuant to the Colorado River Compact, Section 72-15-5, N.M.S.A. 1978, and the Upper Colorado River Basin Compact, Section 72-15-26 N.M.S.A. 1878, and the terms of the repayment contract, the Office of the State Engineer granted applications numbered 4487 through 4501 subject to certain conditions of approval.
8. The State Engineer retained jurisdiction of each permit to ensure that the exercise of any permit would not result in detriment to or impairment of any

DRAFT

existing water right having a priority senior to May 1, 1956, would not be contrary to the conservation of water in the State and would not be detrimental to the public welfare of the State.

9. On \_\_\_\_\_, 2000, the DOI reassigned to the State Engineer, State of New Mexico for disposition to SJWC and the beneficial users in accordance with State law, 30,800 acre-feet (15,400 acre-feet consumptive use) per year.
10. The DOI, as trustee, retains the surface water rights for the Navajo Nation, 4680 acre feet of diversion (2340 acre feet consumptive use) provided by the State of New Mexico.
11. Pursuant to Section 72-5-22 N.M.S.A. 1978, the State Engineer hereby accepts for filing the Animas-La Plata Project surface water rights to the SJWC and the designated beneficial user of the State of New Mexico, subject to the jurisdiction of the State Engineer to ensure that the exercise of such rights will not result in detriment to or impairment of any existing water right having a priority senior to May 1, 1956, will not be contrary to the conservation of water in the State and will not be detrimental to the public welfare of the State, as follows:
  - (a) SJWC – City of Aztec – diversion of a maximum of 3,000 acre-feet per annum provided that a return flow of fifty percent is established;
  - (b) SJWC – San Juan Rural Water User Association (SJRWUA) – Blanco Water Users Association – diversion of a maximum of 139.2 acre feet per annum provided that a return flow of fifty percent is established;
  - (c) SJWC – City of Bloomfield and SJWC – SJRWUA – North Heights Water User Association – diversion of a maximum of 3,093.12 acre-feet per annum provided that a return flow of fifty percent is established.
  - (d) SJWC – City of Farmington – diversion of a maximum of 10,000 acre-feet per annum provided that a return flow of fifty percent is established.
  - (e) SJWC – SJRWUA – Flora Vista Water User Association – diversion of a maximum of 465.64 acre feet per annum provided that a return flow of fifty percent is established.
  - (f) SJWC – SJRWUA – Lee Acres Water User Cooperative Association – diversion of a maximum of 882.72 acre-feet per annum provided that a return flow of fifty percent is established.
  - (g) SJWC – SJRWUA – Lower Valley Water Users Cooperative Association – diversion of a maximum of 1998.24 acre feet per annum provided a return flow of fifty percent is established.
  - (h) SJWC – SJRWUA – Navajo Dam Domestic Water Consumers and Mutual Sewer Works Cooperative, Inc. – diversion of a maximum of 23.04 acre-feet per annum provided that a return flow of fifty percent is established.
  - (i) SJWC – SJRWUA – North Star Water Consumers & Mutual Sewer Works Cooperative, Inc. – diversion of a maximum of 209.28 acre-feet per annum provided that a return flow of fifty percent is established.
  - (j) SJWC – SJRWUA – Riverside Water Users Association – diversion of a maximum of 107.04 acre-feet per annum provided that a return flow of fifty percent is established.
  - (k) SJWC – diversion of a maximum of 10,000 acre-feet per annum provided that a return flow of fifty percent is established.

**DRAFT**

- (l) SJWC – SJRWUA – Southside Water Users Association – diversion of a maximum of 185.76 acre-feet per annum provided that a return flow of fifty percent is established.
- (m) SJWC – SJRWUA – Upper La Plata Water Users Association – diversion of a maximum of 301.92 acre-feet per annum provided that a return flow of fifty percent is established.
- (n) SJWC – SJRWUA – West Hammond Domestic Water Association – diversion of a maximum of 395.04 acre-feet per annum provided that a return flow of fifty percent is established.

NOW, THEREFORE, IT IS HEREBY ORDERED that the surface water right filing denominated above hereby are accepted for the parties named in Item 11(a).

**DRAFT**

Date \_\_\_\_\_

\_\_\_\_\_  
Thomas C. Turney P.E.  
State Engineer



United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Colorado Regional Office  
125 South State Street, Room 610  
Salt Lake City, Utah 84135-1102

STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

94 NOV 8 AM 11 26

IN REPLY REFER TO

DUR-700/UC-700  
RIM-4.00

NOV - 4 1994

Honorable Pete V. Domenici  
427 Dirksen Senate Office Building  
Washington DC 20510-3101

Dear Senator Domenici:

Thank you for your recent letter on behalf of the San Juan Water Commission. I appreciate your writing to share your concerns regarding the Animas-La Plata Project. Because the project is an integral part of the Colorado Ute Indian Water Rights Settlement Act, the Department of the Interior and the Bureau of Reclamation support and intend to proceed with the Animas-La Plata Project as expeditiously as possible in order to meet the requirements of the Act. Initiation of construction work in 1996 is contingent upon completing the work necessary for compliance with the National Environmental Policy Act, implementing a new Record of Decision, and approval of a construction start by late 1995.

In reference to your question concerning water rights assigned to the United States for the Animas-La Plata Project in New Mexico, the New Mexico Interstate Stream Commission's filing for water rights for the Animas-La Plata Project was assigned to the Department of the Interior by letter dated April 6, 1959. This filing (permit - File No. 2883) was specifically for the Animas-La Plata Project and will be kept for this purpose until the project is built. If the project is deauthorized, the Secretary of the Interior would formally relinquish this permit back to the State of New Mexico. The Department of the Interior has no legal authority to transfer the water rights (permit) over to another entity in New Mexico. However, Reclamation will continue to work with the State of New Mexico and the San Juan Water Commission on this issue.

Again, thank you for your correspondence. I appreciate hearing from you and encourage you to contact me any time you wish to discuss this further.

Sincerely,

Charles A. Calhoun  
Regional Director

Identical letters sent to:

Honorable Jeff Bingaman  
110 Hart Senate Office Building  
Washington DC 20510-3102

Honorable Bill Richardson  
2349 Rayburn House Office Building  
Washington DC 20515-3103

cc: Eluid Martinez  
New Mexico State Engineer  
PO Box 25102  
Santa Fe NM 87504



Sherry Galloway, President  
San Juan Water Commission  
800 Municipal Drive  
Farmington NH 87401  
(ea w/copy of incoming letter)

2



United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Colorado Regional Office  
125 South State Street, Room 6107  
Salt Lake City, Utah 84138-1102

IN REPLY REFER TO  
DUR-700/UC-700  
RIM-4.00

NOV - 4 1994

STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO  
94 NOV 8 AM 11 26

Honorable Jeff Bingaman  
110 Hart Senate Office Building  
Washington DC 20510-3102

Dear Senator Bingaman:

Thank you for your recent letter on behalf of the San Juan Water Commission. I appreciate your writing to share your concerns regarding the Animas-La Plata Project. Because the project is an integral part of the Colorado Ute Indian Water Rights Settlement Act, the Department of the Interior and the Bureau of Reclamation support and intend to proceed with the Animas-La Plata Project as expeditiously as possible in order to meet the requirements of the Act. Initiation of construction work in 1996 is contingent upon completing the work necessary for compliance with the National Environmental Policy Act, implementing a new Record of Decision, and approval of a construction start by late 1995.

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United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Colorado Regional Office  
125 South State Street, Room 6107  
Salt Lake City, Utah 84136-1102

STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

NOV 8 AM 11 26

PLEASE REFER TO

DUR-700/UC-700  
RIM-4.00

NOV - 4 1994

Honorable Bill Richardson  
2349 Rayburn House Office Building  
Washington DC 20515-3103

Dear Representative Richardson:

Thank you for your recent letter on behalf of the San Juan Water Commission. I appreciate your writing to share your concerns regarding the Animas-La Plata Project. Because the project is an integral part of the Colorado Ute Indian Water Rights Settlement Act, the Department of the Interior and the Bureau of Reclamation support and intend to proceed with the Animas-La Plata Project as expeditiously as possible in order to meet the requirements of the Act. Initiation of construction work in 1996 is contingent upon completing the work necessary for compliance with the National Environmental Policy Act, implementing a new Record of Decision, and approval of a construction start by late 1995.

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427 Dirksen Senate Office Building  
Washington DC 20510-3101

cc: Eluid Martinez  
New Mexico State Engineer  
PO Box 25102  
Santa Fe NM 87504

Sherry Galloway, President  
San Juan Water Commission  
800 Municipal Drive  
Farmington NM 87401  
(ea w/copy of incoming letter)

2

16/11/84 09:03 202 208-5503

REGIONAL LIAISON RD / CORRESPOND @001/002

JEFF BINGAMAN  
NEW MEXICO

110 HART SENATE OFFICE BLDG.  
WASHINGTON, DC 20510-3102  
(202) 224-5521  
IN NEW MEXICO—1-800-443-8858  
TDD (202) 224-1792

'94 NOV 8 AM 11 26  
STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

United States Senate

October 3, 1994

OFFICIAL FILE	
DATE DUE	
Date	Initial
	WLB/HB
FILES	
Y-2015	
CUM. WTR-4.10	
Y-11/82	
CONTROL: 94020707	
KEY	

The Honorable Daniel Beard  
Commissioner  
Bureau of Reclamation  
U.S. Department of the Interior  
Washington, D.C. 20240-0001

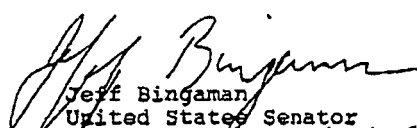
Dear Commissioner Beard:

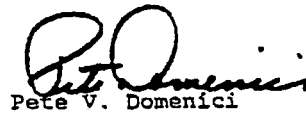
We are writing to seek your views regarding the future of the Animas-La Plata Project and the water rights which are associated with it. On behalf of our constituents, the San Juan Water Commission, we wish to be informed of the intentions of the United States regarding construction and development of the Animas-La Plata Project and the agreement the U.S. has with the Commission. Will this Project be built? When will construction begin?


Further, we would like your views as to the disposition of the water rights should the Animas-La Plata Project not be built. Would the United States assign its rights under its New Mexico permit to the San Juan Water Commission?

As you know, the Animas-La Plata Project is very important to the San Juan Water Commission and to northwestern New Mexico. We look forward to your prompt response to these questions.

Sincerely,

  
Jeff Bingaman  
United States Senator

  
Pete V. Domenici  
United States Senator

  
Bill Richardson  
Member of Congress

JB/tlo

ALBUQUERQUE  
505 274-1474

LAS CRUCES  
505 511-8681

ROSWELL  
505 877-7111

SANTA FE  
505 424-6427

2883

File No: 2883

RS

Aztec New Mex.

State Engineer Off  
Aztec

Feb 8, 1993

Please we want to go on your  
Record as opposed to the Animas  
La Plata  
Project

I was at the January meeting  
and asked about this and we  
have been donating money  
to oppose the Animas La Plata Project.

Former Secretary,

Mrs Irvin L. Randlemon  
Nelie M.

229 Rd 2800  
Aztec, New Mex. 87410

93 FEB 12 AM 10 03  
STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

93 FEB 9 P2:10  
STATE ENGINEER OFFICE  
AZTEC, NEW MEXICO

ELEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF SAN JUAN  
STATE OF NEW MEXICO

SEP 30 9 38 AM '91

MARGARET E. MATHERS, and  
BETTY R. HUNT,

'92 NOV 23 AM 9 41

Plaintiffs,

STATE ENGINEER OFFICE  
SANTA FE NEW MEXICO

vs.

SAN JUAN COUNTY, DANNY CARPENTER,  
SHERRY GALLOWAY, DONALD BENALLY,  
B.J. BAGGETT, SAN JUAN WATER  
COMMISSION, THOMAS C. TAYLOR, and  
DOES 1-15,

Defendants.

No. CV 89-875-801

and

IN RE THE JUDICIAL EXAMINATION,  
APPROVAL, AND CONFIRMATION OF  
THE CONTRACTS BETWEEN THE UNITED  
STATES BUREAU OF RECLAMATION AND  
THE SAN JUAN WATER COMMISSION FOR  
THE PURCHASE OF WATER DATED JUNE 30,  
1986 AND JANUARY 8, 1990.

SAN JUAN WATER COMMISSION,

Petitioner,

vs.

THE TAXPAYERS AND WATER USERS  
OF SAN JUAN COUNTY AND UNKNOWN  
CLAIMANTS IN INTEREST,

Respondents.

No. CV 90-95-3  
(CONSOLIDATED)

FINAL JUDGMENT

THIS MATTER, having come before the Court on January 9, 1991 for hearing on Petitioner's Motion for Summary Judgment and Motions for Summary Judgment of all Respondents appearing herein, the Court hearing arguments of counsel and Gary Horner,

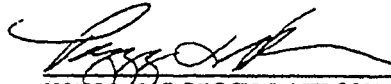


STATE ENGINEER OFFICE  
ALBUQUERQUE, MEXICO

32 NOV 25 P 2 : 0 1

pro se, and being otherwise fully advised in the premises, rules that Petitioner's Motion is granted and that Respondents' Motions for Summary Judgment are denied. There are no remaining issues of law or fact and, thus, it is appropriate that final judgment be entered at this time.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Motions for Summary Judgment of all Respondents appearing herein are denied. All issues raised by any of the parties appearing herein are resolved in favor of the validity of the Contracts in question, and judgment is granted in favor of Petitioner. The contracts between the San Juan Water Commission and the United States Bureau of Reclamation dated June 30, 1986 and January 8, 1990 are valid under applicable law.

  
\_\_\_\_\_  
HONORABLE PEGGY J. NELSON  
District Judgment, Division I

Submitted by:

SHEEHAN, SHEEHAN & STELZNER, P.A.  
Attorneys for Petitioner

By: \_\_\_\_\_  
Cindy S. Murray  
Charles T. DuMars

Approved as to form:

---

Neil Stilling, Esq.  
Attorney for Respondent, Animas River  
Water Users Association

---

Gary Horner, pro se

COPIES MAILED  
TO COUNSEL  
OF RECORD

~~Murray~~  
Stilling  
Horner

3898231\bm081991.001



REP  
6

PRESENTATION TO THE  
UPPER COLORADO RIVER COMMISSION ON THE  
DRAFT HYDROLOGIC DETERMINATION

Estevan Lopez, State of New Mexico  
June 5, 2006

The State of New Mexico has proposed the Navajo-Gallup Water Supply Project to provide a needed renewable water supply from the San Juan River for municipal and domestic uses for Indian and non-Indian communities located within New Mexico. Uses under the project by the Jicarilla Apache Nation and the City of Gallup would be supplied through the Jicarilla Apache Nation's Navajo Reservoir water supply contract approved by Congress in 1992. Uses in New Mexico under the project by the Navajo Nation would be supplied through a proposed new Navajo Reservoir water supply contract that is a component of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement (hereinafter referred to as the Settlement Agreement) that the State of New Mexico and the Navajo Nation executed on April 19, 2005. The new contract also would supersede the existing Navajo Reservoir water supply contract for the Navajo Indian Irrigation Project (NIIP).

The Upper Colorado River Commission on June 19, 2003, resolved that the States of the Upper Division consent to the Navajo-Gallup Water Supply Project provided that water diverted by the project for use in New Mexico shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Upper Colorado River Basin Compact. The maximum amount of consumptive use through the project by the Navajo Nation in New Mexico that would be permitted in any one year under the Settlement Agreement and the proposed contract is 20,780 acre-feet.

Public Law 87-483 requires that no long-term contract, except contracts for the NIIP and the San Juan-Chama Project, shall be entered into for the delivery of water stored in Navajo Reservoir, or any other waters of the San Juan River and its tributaries to which the United States is entitled, until the Secretary of the Interior has determined by hydrologic investigation that sufficient water to fulfill such contract is reasonably likely to be available for use in the State of New Mexico under the allocations made in Articles III and XIV of the Upper Colorado River Basin Compact, has submitted such determination to Congress, and Congress has approved the contract. The last such determination approved by the Secretary was the 1988 Hydrologic Determination.

The Bureau of Reclamation has prepared a draft hydrologic determination for the purpose of contracting for water from the Navajo Reservoir water supply for the Navajo Nation's uses in New Mexico under the Navajo-Gallup Water Supply Project. The Bureau of Reclamation prepared the hydrologic investigation in consultation with the Upper Colorado River Commission because of the critical nature of this determination of the Upper Basin water supply. The Upper Colorado River Basin Compact created and defines several areas of responsibility for the Commission that directly and indirectly relate to this investigation. The Engineering Committee has reviewed the contents both of the draft hydrologic determination report and of a proposed resolution drafted for the Commission's consideration that would support the findings of the draft determination, and their comments have been addressed. The Bureau of Reclamation agreed that it would append the resolution, if adopted, to the report. New Mexico for use in this investigation provided to the Bureau of Reclamation a preliminary revised schedule of anticipated depletions through 2060 from the Upper Basin in New Mexico that includes irrigation depletions calculated using the modified Blaney-Criddle method so that demands and supply for the hydrologic investigation are evaluated using consistent methodologies.

The draft hydrologic determination considers and uses many of the same basic assumptions as the 1988 Hydrologic Determination, without relying on a critical compact interpretation regarding obligations of the Upper Basin under Article III(c) of the Colorado River Compact. The draft determination concludes that depletions by the Upper Basin states from the Upper Colorado River Basin can be reasonably allowed to rise to an annual average of 5.76 million acre-feet (maf) per year, exclusive of Colorado River Storage Project (CRSP) reservoir evaporation from Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit, and that sufficient water is reasonably likely to be available from the Navajo Reservoir water supply through at least 2060 to fulfill the contract that is proposed by the Settlement Agreement to provide water for the Navajo Nation's uses in New Mexico under both the Navajo-Gallup Water Supply Project and the NIIP. These conclusions are reached under the same shortage criteria upon which the allowable Upper Basin yield was determined in the 1988 Hydrologic Determination, though the computations of shortage in this analysis give conservatively large estimates of annual shortages at Lee Ferry and do not fully reflect all factors, including physical shortages in the Upper Basin, that might contribute or relate to a shortage condition at any given time. The computed shortages in the draft hydrologic determination do not equate to administrative calls to curtail Upper Basin uses.

Under the conditions assumed in the draft hydrologic determination, the shared CRSP evaporation averages about 0.25 maf per year for the 1953-1977 period to about 0.5 maf per year over the 1906-2000 period of record used in the analysis. Thus, with Upper Basin uses by the states averaging 5.76 maf per year, the total Upper Basin depletion, including both Upper Basin uses and CRSP reservoir evaporation, would average about 6.0 maf per year during the most critical reservoir draw down period 1953-1977. This result is consistent with the total Upper Basin depletion of 6.0 maf per year determined to be available for the same period by the 1988 Hydrologic Determination. The result of the current draft hydrologic determination essentially is to refine the 1988 Hydrologic Determination by deducting the critical period evaporation, rather than the long-term average evaporation, from the critical period total depletion to determine the availability of water for use by the states during the period. This refinement makes more of the critical period yield available for use by the states.

The draft hydrologic determination would provide for the continuation of Upper Basin water development, provide a mechanism for resolving certain long-standing disputes within the Upper Basin as to procedures for accounting consumptive uses in the basin, and assist in moving forward the Navajo Nation water rights settlement. In addition, under the settlement, the Navajo Nation would agree that its rights to the use of water in the San Juan River Basin in New Mexico, and its exercise of these rights, are subject to both the Upper Colorado River Basin Compact and New Mexico state water law.

New Mexico would appreciate your continued support of its right to develop its compact allocation, and more specifically, your support of the hydrologic determination update, through approval of the proposed Upper Colorado River Commission resolution on this subject.

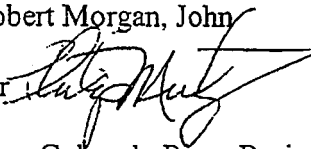
1991-2001 UC  
Depletion  
Schedule



**MEMORANDUM**

December 5, 2001

TO: Larry Anderson, Scott Balcomb, Tom Davidson and Frank Maynes, Upper Colorado River Commissioners, with copies to Robert Morgan, John Shields, Randy Seaholm and Wayne Cook

FROM: Philip Mutz, Upper Colorado River Commissioner 

SUBJECT: Revised Depletion Schedule for New Mexico-Upper Colorado River Basin

---

Earlier this year at a meeting in Denver, I briefed the proposed Navajo-Gallup Municipal Water Supply Project which would include diversion of water from the San Juan River in New Mexico to provide a domestic/municipal water supply to communities on the Navajo Reservation and the City of Gallup in New Mexico and also to the Window Rock-Ft. Defiance area on the Navajo Reservation in Arizona. As currently planned, the project would consumptively use water apportioned to New Mexico by the Upper Colorado River Basin Compact in both the Upper and Lower Basin areas of New Mexico. To my knowledge, the water supply for the planned use in Arizona has not been formalized.

Water for the use in New Mexico would be by contract with the Secretary of the Interior and possibly by subcontract with the Jicarilla Apache Tribe for a part of the total. Also, Jicarilla is looking at a branch line that would provide water to communities in the southern portion of the Jicarilla Reservation, and that amount of water would come under the existing contract between the Secretary and Jicarilla. Potential contracts could extend to the year 2060. To determine that water is available to contract for the planned use, the Bureau of Reclamation must extend the 1988 Hydrologic Determination to the year 2060.

The Upper Colorado River Commission by resolution dated December 15, 1999, adopted for planning purposes, depletion schedules for the Upper Division States dated January 2000, that include estimates of depletions through the year 2060. A review of the January 2000 depletion projection for New Mexico has been made in light of subsequent changes in planning for the Navajo-Gallup Project, changes to the Animas-La Plata Project by the Colorado Ute Settlement Act Amendments of 2000, changes in depletion by NIIP, negotiation of subcontracts between Jicarilla and other existing users of water from the Navajo Reservoir Supply and other small changes to certain depletions contained in the January 2000 projections. In light of the review, a revised depletion schedule for New Mexico has been prepared and may be proposed to replace the January 2000 schedule for New Mexico adopted by the Commission. The revised schedule is attached and following are changes made in the revised schedule.

- Under Current Depletions: for the periods 2020 through 2060 the totals have each been reduced 1,000 to a new total of 449, 000 in 2020 and to a new total of 450,000 in each of the periods 2030 through 2060. The reduction is in reservoir evaporation.
- Under Anticipated Depletions: for the period 2010 agricultural has been increased 10,000 for Navajo Indian Irrigation Project (NIIP), municipal has been increased 5,000 for Animas-La Plata Project (ALP) and evaporation has been reduced 1,000 for a total increase of 14,000; for the periods 2020 through 2060 agricultural has been decreased 11,000 to reflect reduction in transfer of depletion back to Fruitland and Hogback projects from NIIP, municipal has been reduced up to 3,000 for minor changes in ALP and Jicarilla. power has been decreased 4,000 for a change in Jicarilla and evaporation has been reduced 1,000; a decrease in total of up to 19,000 in 2060.
- Under Potential Depletions: for the periods 2020 through 2060 municipal has been increased up to 3,000 for Navajo-Gallup Project, power has been decreased 4,000 for a change in Jicarilla and export has been increased 4,000 for Navajo-Gallup; an increase in total of 2,000 for the periods 2040 through 2060.
- For Total Depletions: a decrease of up to 18,000 in 2060.
- For Remaining Available: an increase of up to 18,000 in 2060.

The existing contract between the Secretary of the Interior and Public Service Company of New Mexico (PNM) for 16,200 from the Navajo Reservoir Supply expires in 2005. PNM and Jicarilla have subcontracted for the same amount of water from the same source effective 2006-2027 with commitment to negotiate for contract extension.

The total depletion by NIIP is 254,000 assuming 5 % average fallow acreage.

The total depletion by ALP including reservoir evaporation is 14,000 by 2020.

The Navajo-Gallup Project on-line by 2020 with total depletion of 26,000 by 2040; of the total depletion, 7,500 assumed by subcontract with Jicarilla; total of export is 13,000 of which 12,000 would be to the Little Colorado River Basin and 1,000 to the Rio Grande Basin.

Upper Colorado River Division States Depletion Schedule (New Mexico)

Item	Year							
	1991-95	2000	2010	2020	2030	2040	2050	2060+
<b>CURRENT DEPLETIONS</b>								
Agricultural-Irrig. & Stock	246	246	246	246	246	246	246	246
Municipal/Domestic	10	10	10	10	10	10	10	10
Power/Industrial	56	56	56	57	58	58	58	58
Minerals	0	0	0	0	0	0	0	0
Export	108	108	108	108	108	108	108	108
Reservoir Evaporation	29	29	29	28	28	28	28	28
<b>TOTAL CURRENT DEPLETIONS</b>	<b>449</b>	<b>449</b>	<b>449</b>	<b>449</b>	<b>450</b>	<b>450</b>	<b>450</b>	<b>450</b>
<b>ANTICIPATED DEPLETIONS</b>								
Agricultural-Irrig. & Stock	0	0	90	110	110	110	110	110
Municipal/Domestic	0	1	10	14	15	15	15	15
Power/Industrial	0	0	0	0	0	0	0	0
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
<b>TOTAL ANTICIPATED DEPLETIONS</b>	<b>0</b>	<b>1</b>	<b>100</b>	<b>124</b>	<b>125</b>	<b>125</b>	<b>125</b>	<b>125</b>
<b>POTENTIAL DEPLETIONS</b>								
Agricultural-Irrig. & Stock	0	0	0	0	0	0	0	0
Municipal/Domestic	0	0	0	6	10	12	12	12
Power/Industrial	0	1	1	1	1	1	1	1
Minerals	0	0	0	0	0	0	0	0
Export	0	0	0	6	9	13	13	13
Reservoir Evaporation	0	0	0	0	0	0	0	0
<b>TOTAL POTENTIAL DEPLETIONS</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>13</b>	<b>20</b>	<b>26</b>	<b>26</b>	<b>26</b>
Summary of Depletions	449	451	550	586	595	601	601	601
Evap-Storage Units	58	58	58	58	58	58	58	58
<b>TOTAL DEPLETIONS</b>	<b>507</b>	<b>509</b>	<b>608</b>	<b>644</b>	<b>653</b>	<b>659</b>	<b>659</b>	<b>659</b>
State Share of 6.0 MAF	669	669	669	669	669	669	669	669
Remaining Available	162	160	61	25	16	10	10	10
Percent of State Share	24%	24%	9%	4%	2%	1%	1%	1%

NOTE: This depletion schedule does not attempt to interpret the Colorado River Compact, the Upper Colorado River Basin Compact, or any other element of the "Law of the River." This schedule should not be construed as an acceptance of any assumption that limits the Upper Colorado River Basin's depletion.

In this schedule, the Upper Division Allocation is listed, for planning purposes only, as 5,950,000 acre-feet. For planning purposes, the total Upper Colorado River Basin Allocation is 6,000,000 acre-feet, of which 50,000 acre-feet is the Upper Basin allocation to Arizona. This estimate does not constitute an endorsement of the Bureau of Reclamation's 1988 Hydrologic Determination.

"Evap-Storage Units" refers to the total and individual States portions of evaporation from the major reservoirs constructed under the Colorado River Storage Project Act. These include Flaming Gorge, Curecanti and Glen Canyon.



MEMORANDUM  
November 16, 2001

To: Philip Mutz, Upper Colorado River Commissioner for New Mexico  
From: John Whipple, Staff Engineer, ISC  
Subject: Revised Upper Colorado River Basin Depletion Schedule for New Mexico

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The Bureau of Reclamation must extend its 1988 Hydrologic Determination to determine that water is available to contract from the Navajo Reservoir Supply for potential water uses by the Navajo-Gallup Water Supply Project through the year 2060. The Project would consumptively use Upper Basin water in New Mexico and Arizona. The Upper Colorado River Commission by resolution of December 15, 1999, adopted for planning purposes depletion schedules, dated January 2000, for each of the Upper Division States that include estimates of future depletions through 2060. The January 2000 depletion schedule for New Mexico indicates possible reliance of the Navajo-Gallup Project on other States' unused apportionments.

A review of the January 2000 depletion schedule has been made in light of subsequent changes in planned depletions for the Navajo-Gallup Project, changes to the Animas-La Plata Project as now authorized by the Colorado Ute Settlement Act Amendments of 2000, and negotiations of water subcontracts between the Jicarilla Apache Nation and other users of the Navajo Reservoir Supply. Based on said review, I propose for your presentation to the Upper Colorado River Commission the attached revision, dated January 2002, to the table entitled: "Upper Colorado River Division States Depletion Schedule (New Mexico)." The revised depletion schedule for New Mexico is proposed to replace the schedule of the same title adopted by the Commission in 1999. The revised depletion schedule includes the Navajo-Gallup Project within New Mexico's Upper Basin apportionment.

Also attached for your information is a table, dated November 2001, entitled: "New Mexico Anticipated Depletion Schedule." Said table presents some detail of the depletions by project or water user included in the proposed revision to the Upper Colorado River Division States Depletion Schedule for New Mexico. Please note that the 6.0 million acre-feet yield to the Upper Basin assumes that the Upper Basin must deliver half of the Mexican Treaty obligation at Lee Ferry and that the Upper Basin States are not entitled to salvage of water by use above Lee Ferry. New Mexico does not agree with these assumptions; and consequently, the Upper Basin yield used in the attached tabulations is conservatively low. Also, the attached depletion schedules make no attempt to predict the rate or extent of transfers of uses from agricultural to domestic uses. Nor does the November 2001 New Mexico Anticipated Depletion Schedule represent a quantification or legal determination of water rights. The attached depletion schedules are proposed for use solely for long-term planning purposes and to indicate water availability for potential Navajo-Gallup Project uses in New Mexico.

January 2002

Upper Colorado River Division States Depletion Schedule (New Mexico)

Item	Year							
	1991-95	2000	2010	2020	2030	2040	2050	2060+
<b>CURRENT DEPLETIONS</b>								
Agricultural-Irrig. & Stock	246	246	246	246	246	246	246	246
Municipal/Domestic	10	10	10	10	10	10	10	10
Power/Industrial	56	56	56	57	58	58	58	58
Minerals	0	0	0	0	0	0	0	0
Export	108	108	108	108	108	108	108	108
Reservoir Evaporation	29	29	29	28	28	28	28	28
<b>TOTAL CURRENT DEPLETIONS</b>	<b>449</b>	<b>449</b>	<b>449</b>	<b>449</b>	<b>450</b>	<b>450</b>	<b>450</b>	<b>450</b>
<b>ANTICIPATED DEPLETIONS</b>								
Agricultural-Irrig. & Stock	0	0	90	110	110	110	110	110
Municipal/Domestic	0	1	10	14	15	15	15	15
Power/Industrial	0	0	0	0	0	0	0	0
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
<b>TOTAL ANTICIPATED DEPLETIONS</b>	<b>0</b>	<b>1</b>	<b>100</b>	<b>124</b>	<b>125</b>	<b>125</b>	<b>125</b>	<b>125</b>
<b>POTENTIAL DEPLETIONS</b>								
Agricultural-Irrig. & Stock	0	0	0	0	0	0	0	0
Municipal/Domestic	0	0	0	6	10	12	12	12
Power/Industrial	0	1	1	1	1	1	1	1
Minerals	0	0	0	0	0	0	0	0
Export	0	0	0	6	9	13	13	13
Reservoir Evaporation	0	0	0	0	0	0	0	0
<b>TOTAL POTENTIAL DEPLETIONS</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>13</b>	<b>20</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>Summary of Depletions</b>	<b>449</b>	<b>451</b>	<b>550</b>	<b>586</b>	<b>595</b>	<b>601</b>	<b>601</b>	<b>601</b>
Evap-Storage Units	58	58	58	58	58	58	58	58
<b>TOTAL DEPLETIONS</b>	<b>507</b>	<b>509</b>	<b>608</b>	<b>644</b>	<b>653</b>	<b>659</b>	<b>659</b>	<b>659</b>
State Share of 6.0 MAF	669	669	669	669	669	669	669	669
Remaining Available	162	160	61	25	16	10	10	10
Percent of State Share	24%	24%	9%	4%	2%	1%	1%	1%

NOTE: This depletion schedule does not attempt to interpret the Colorado River Compact, the Upper Colorado River Basin Compact, or any other element of the "Law of the River." This schedule should not be construed as an acceptance of any assumption that limits the Upper Colorado River Basin's depletion.

In this schedule, the Upper Division Allocation is listed, for planning purposes only, as 5,950,000 acre-feet. For planning purposes, the total Upper Colorado River Basin Allocation is 6,000,000 acre-feet, of which 50,000 acre-feet is the Upper Basin allocation to Arizona. This estimate does not constitute an endorsement of the Bureau of Reclamation's 1988 Hydrologic Determination.

"Evap-Storage Units" refers to the total and individual States portions of evaporation from the major reservoirs constructed under the Colorado River Storage Project Act. These include Flaming Gorge, Curecanti and Glen Canyon.

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

November 2001

Year	1990	2000	2010	2020	2030	2040	2050	2060
<b>CURRENT DEPLETIONS (1)</b>								
<b>Agricultural- Irrig. &amp; Stock (rounded)</b>	246	246	246	246	246	246	246	246
<b>Navajo Irrigation:</b>								
NIIP	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
<b>Non-Indian Irrigation:</b>								
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
Washwater	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
<b>Stockpond Evap and Stock</b>	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
<b>Ag.- Irrig. &amp; Stock Total</b>	245.8	245.8	245.8	245.8	246.2	246.2	246.2	246.2
<b>Municipal/Domestic (rounded)</b>	10	10	10	10	10	10	10	10
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	1.6	1.6
Municipal/Domestic Total	10.3	10.3	10.3	10.3	10.4	10.4	10.5	10.5
<b>Power/Industrial (rounded)</b>	56	58	56	57	58	58	58	58
PNM - Navajo Reservoir supply (2)	16.2	16.2	16.2	16.2	16.2	16.2	16.2	16.2
Utah International, inc. lease to PNM	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
<b>Minerals</b>	0	0	0	0	0	0	0	0
Export - San Juan-Chama Project	108	108	108	108	108	108	108	108
<b>Reservoir Evaporation (rounded)</b>	29	29	29	28	28	28	28	28
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
<b>TOTAL CURRENT DEPLETIONS</b>	449	449	449	449	450	450	450	450
<b>ANTICIPATED DEPLETIONS</b>								
<b>Agricultural- Irrig. &amp; Stock (rounded)</b>	0	0	90	110	110	110	110	110
NIIP Completion (3)	0.0	0.0	90.0	104.6	104.6	104.6	104.6	104.6
Fruitland/Hogback Rehabilitation	0.0	0.0	0.0	5.0	5.0	5.0	5.0	5.0
Ag.- Irrig. & Stock Total	0.0	0.0	90.0	109.6	109.6	109.6	109.6	109.6
<b>Municipal/Domestic (rounded)</b>	0	1	10	14	15	15	15	15
Animas-La Plata:								
SJVC	0.0	1.0	10.4	10.4	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	1.0	10.4	13.3	13.6	13.6	13.6	13.6
Jicarilla (4)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	1.0	10.4	14.1	15.0	15.4	15.4	15.4
<b>Power/Industrial (Jicarilla)</b>	0	0	0	0	0	0	0	0
<b>Minerals</b>	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
<b>TOTAL ANTICIPATED DEPLETIONS</b>	449	450	549	573	575	575	575	575
<b>POTENTIAL DEPLETIONS</b>								
<b>Agricultural- Irrig. &amp; Stock</b>	0	0	0	0	0	0	0	0
Municipal/Domestic (NGP- Navajo)	0	0	0	6	10	12	12	12
<b>Power/Industrial (rounded)</b>	0	1	1	1	1	1	1	1
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
<b>Minerals</b>	0	0	0	0	0	0	0	0
<b>Export - Navajo/Gallup (rounded)</b>	0	0	0	6	9	13	13	13
Gallup (lease from Jicarilla)	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	4.0	5.6	5.6	5.6
Export Subtotal	0.0	0.0	0.0	5.5	9.0	13.1	13.1	13.1
<b>Reservoir Evaporation</b>	0	0	0	0	0	0	0	0
<b>TOTAL POTENTIAL DEPLETIONS</b>	0	1	1	13	20	26	26	26
<b>Summary of Depletions</b>	449	451	550	586	595	601	601	601
Evap- CRSP Storage Units	58	58	58	58	58	58	58	58
<b>TOTAL DEPLETIONS</b>	507	509	608	644	653	659	659	659
State Share of 6.0 MAF (5)	689	689	689	689	689	689	689	689
Remaining Available (5,6)	162	160	61	25	16	10	10	10
Percent of State Share	24%	24%	9%	4%	2%	1%	1%	1%

- (1) Does not reflect post-1965 transfers from irrigation to municipal and industrial uses. 800 a-f of current non-indian depletions supplied through short-term leases from Jicarilla as of 2001.
  - (2) PNM contract with Secretary expires 2005; PNM subcontract with Jicarilla effective 2006-2027, with commitment to negotiate in 2022 for a subcontract extension.
  - (3) Total NIIP depletion by 2020 is 254,000 a-f, assuming 5% average fallow acreage.
  - (4) Jicarilla may use 1,200 a-f through Navajo/Gallup Project on south part of reservation.
  - (5) Does not include salvage by use.
  - (6) Available for unspecified uses, including possible additional depletions for Navajo-Gallup or Animas-La Plata projects.
- NOTE: This is a schedule of anticipated depletions for planning purposes only. It is not a tabulation or determination of water rights.

2004 NAV  
SEHIEMENT  
NEGOTTATIONS



July 9, 2004, Draft – Navajo Nation Water Rights Settlement

*Disclaimer. This document is a product of New Mexico Interstate Stream Commission staff, and it is not a settlement document. It is expressly understood that the governing bodies or authorities of the State of New Mexico, the Navajo Nation and the United States have not approved a settlement or settlement documents.*

**STATUS PRESENTATION**

**SAN JUAN RIVER BASIN IN NEW MEXICO  
NAVAJO NATION WATER RIGHTS SETTLEMENT**

July 9, 2004

I. BACKGROUND

1. San Juan River Basin

- a. basin drainage covers much of northwest New Mexico
- b. most of San Juan River flow enters New Mexico from Colorado
- c. the water yield of the basin measured at Bluff, UT, is 2 MAF/year
- d. roughly half the yield of the basin is regulated by Navajo Reservoir
- e. federal law requires contract for water originating above Navajo Reservoir and Congressional approval of contract

2. Interstate Water Compacts

- a. New Mexico is party to the Colorado River Compact and Upper Colorado River Basin Compact
- b. New Mexico's Upper Basin apportionment is 11.25% of the allocation to the Upper Basin by the Colorado River Compact
- c. the San Juan River Basin in New Mexico contributes only 3% of the yield available to the Upper Colorado River Basin
- d. NM's relatively large apportionment was to address Indian rights

3. Indian Water Rights

- a. federal reserved rights for permanent homelands
- b. practicably irrigable acreage standard for quantifying rights
- c. claims for municipal, domestic and other uses
- d. priority dates relate to when lands were reserved for tribes
- e. rights not lost for non-use

4. Indian Tribes

- a. Navajo Nation
  - i. extensive lands in New Mexico, Arizona and Utah
  - ii. capitol is Window Rock, AZ, near New Mexico border
  - iii. existing Fruitland and Hogback projects – San Juan River
  - iv. existing/authorized Navajo Indian Irrigation Project – Navajo Reservoir contract
  - v. proposed Navajo-Gallup Water Supply Project – proposed contract
- b. Jicarilla Apache Nation
  - i. lands in New Mexico
  - ii. Congress approved water rights settlement in 1992
  - iii. leases of Navajo Reservoir supply contract rights for SJGS, Gallup
- c. Ute Mountain Ute Tribe
  - i. lands in Colorado and New Mexico
  - ii. Congress approved water rights settlement in Colorado
  - iii. no resident population or irrigation in New Mexico
  - iv. reservation does not adjoin San Juan River in New Mexico
  - v. minor historic use claims and future use claim

5. Non-Indian Water Users

- a. Cities and San Juan Water Commission
  - i. Farmington
  - ii. Aztec
  - iii. Bloomfield
  - iv. domestic water user associations
  - v. Animas-La Plata Project underway
- b. Power Plants
  - i. San Juan Generating Station – Public Service Co. of NM
  - ii. Four Corners Power Plant – Arizona Public Service Co.
  - iii. coal mines – BHP Billiton
- c. Irrigators
  - i. Hammond Conservancy District – Navajo Reservoir contract
  - ii. San Juan River users – Bloomfield Irrigation District, Farmers Mutual and Jewett Valley ditches
  - iii. Animas River ditches
  - iv. La Plata River ditches

## II. PROPOSED SETTLEMENT

### 1. Major Components

- a. adjudicate reserved senior priority rights for existing acreage under Fruitland and Hogback projects – no PLA claims
- b. recognize and complete NIIP as authorized by Congress in 1962 – supplied under Navajo Reservoir supply contract with junior priority (NIIP buildout continuing and is now about 75% complete)
- c. authorize and construct the Navajo-Gallup Water Supply Project to service domestic needs of Navajo Nation under a Navajo Reservoir contract (also puts Jicarilla contract rights to use and meets needs of Gallup to 2060)
- d. settlement of Navajo claims largely boils down to about 23,000 AF/year of new water allocation for the Navajo share of the NGWSP and construction of the project at a cost of about \$600 million. plus additional funds

### 2. Allocations of Water

- a. New Mexico's Upper Basin apportionment is at least 669,000 AF/year of depletion, including NM share of Colorado River Storage Project evap
- b. settlement respects and fits within New Mexico's compact apportionment
- c. allocations of depletions from NM's apportionment under settlement:
  - i. Navajo Nation 56% (irrigation and domestic uses)
  - ii. Jicarilla Apache Nation 5% (most leased for SJGS, Gallup)
  - iii. San Juan-Chama Project 17% (Rio Grande non-Jicarilla uses)
  - iv. power plants 6% (9% with Jicarilla-SJGS lease)
  - v. non-Indian uses in SJ basin 16% (irrigation and domestic uses)

### 3. Joint Water Rights Administration

- a. Navajo Nation distributes water on its lands
- b. State Engineer administers diversions on San Juan, Animas and La Plata
- c. San Juan River Adjudication court has jurisdiction to enforce decree

### 4. Funding Requirements

- a. federal water development funds requested through settlement legislation:
  - i. NIIP completion \$373 million (occurs w/o settlement)
  - ii. Fruitland/Hogback rehab \$ 23 million (occurs w/o settlement)
  - iii. Navajo-Gallup Project ~~\$590~~ million
  - iv. ground water wells \$ 78 million (associated with NGP)
- b. additional funds requested:
  - i. Hydrographic survey \$ 5 million (uses off San Juan R.)
  - ii. Navajo Water Trust Fund \$ 50 million (half federal, half NM)
- c. Congress must approve funding and Navajo Reservoir supply contract

### III. PUBLIC CONCERNS

#### 1. Public Process

- a. draft settlement released for public review on December 5
- b. written public comments received January 15, oral comments continued
- c. negotiators addressed public concerns to the extent possible or practical in the context of an Indian rights settlement

#### 2. Summary of Public Concerns

- a. possibility of over-allocation with respect to NM's Upper Basin apportionment and related impacts on existing and authorized water uses
- b. consistency in water rights between Fruitland and Hogback project water rights and non-Indian irrigation rights
- c. impacts to non-Navajo water uses of priority calls during drought for senior Fruitland and Hogback project rights
- d. impacts of NIIP and Navajo-Gallup Project contract rights on Hammond Project, Jicarilla Apache Nation and San Juan-Chama Project contracts
- e. need for clarity in Navajo Nation ground water rights
- f. economic costs of settlement

### IV. PROCESS AND SCHEDULE

#### 1. Settlement

- a. revised draft settlement documents and responses to public comments are available for inspection in July
- b. several weeks allowed for public inspection and decision-maker review
- c. Navajo Nation approval processes began after public release of documents
- d. ISC meeting in Farmington in August to consider resolution approving settlement
- e. settlement executed in August if approved
- f. settlement bill introduced to Congress within weeks after execution

#### 2. Related activities

- a. Bureau of Reclamation to complete planning documents, environmental impact statement and ESA compliances for the Navajo-Gallup Project
- b. Adjudication court to hear objections to Navajo water rights decree



Settlement discussion items:

1. Hogback/Fruitland rights

- total and prior rights diversion rates (reduce prior rights rates)
- Hogback acreage (reduce acres)
- priority (use mix of dates vs. 1868 based on reservations/historic use)

*1:40 for 1868 or total  
after rehab. Complete?*

2. NIIP rights

- total diversion (340 vs. 508 based on demand as built)
- acres and consumptive use (reduce per USBR design of 5% roads/buildings)
- ownership/O&M (Navajos take ownership and pay O&M costs)
- completion (federal gov't does not complete blocks 10-11, Navajos do)
- priority (1955 or mix of reserved/acquired land dates and historic use vs. subordinated 1868)

3. Federal water

- Navajo Res. contract or storage space for non-Navajo irrigators
- Navajo Res. contract for SJWC
- use of NIIP facilities to deliver SJWC water or Bloomfield rights
- ALP (dissolve or Navajo remove protest of SJWC application)
- make Navajo Res. junior to SJCP
- reduce NGWSP. esp. Gallup share

4. Waivers

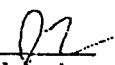
- Navajos do not object to Echo Ditch Decreed rights
- Farmington gets decreed trust rights
- Others do not object to settlement and partial final decree

LEADER to  
MUTZ

Post-It* Fax Note	7671	Date	5/6	# of pages	▶
To	Phil Muntz	From	John Leeper		
Co./Dept.	ISC	Co.			
Phone #		Phone #	505 729 4004		
Fax #	505 827 6188	Fax #	729 4126		

November

TO: Phil Muntz  
OSE

FROM:   
John Leeper  
NDWR

SUBJECT: Using the Little Colorado River Agreements in Concept as a straw man

Attached is the outline of the Little Colorado River (LCR) Agreements in Concept. As you can see by the outline, the overall LCR agreement is very complex. Much of its baggage would be unneeded for the San Juan River.

The main framework for the LCR is that the Navajo Nation will grandfather existing and "recent historic" water uses. These water uses will be free from a Navajo "call". In exchange for this consideration the Navajo Nation will receive all of the unappropriated flow of the LCR. The basis of determining the existing uses will not be an HSR, but a series of "abstracts" on the major water users. The content of the abstracts is limited only to the parameters that actually affect Navajo's interests. If folks do not like the water duties, irrigated acreages, diversions or storage "limits" as described in the abstracts, then values exceeding those limits will be potentially subject to future Navajo challenges. Navajo has been able to "request" abstracts for the largest water users and irrigation districts. Most of the other water uses are associated with very small users that, from Navajo's standpoint, do not amount to much either way. The agreement will place limits on new non-Indian storage and irrigation uses. Limits on new municipal uses are virtually nonexistent. We understand that the LCR is very different hydrologically and under the compact than the San Juan River, but some of these ideas may be useful.

The Navajo Nation was attempted to negotiate groundwater protection. This effort resulted in a series of zones around the reservation with various pumping limits. Perhaps a more suitable approach in New Mexico is a jointly administered groundwater approach based on either the Ute or the Wind River models.

The Navajo Nation's water rights will include all of the unappropriated flows of the LCR. It will also include the entire tributary flows of the Navajo washes. As a practical matter, the washes are worth much to anybody and the non-Indians have very little interest in them.

The agreement describes the performance parameters and the cost of the major wet water development projects.

The agreement includes the grandfathering and sunset agreements negotiated with each of the major industrial entities including APS, Stone Container, SRP, Phelps Dodge etc. The general arrangement is that when those industrial uses stop, they will not be transferred to anyone else.



# LITTLE COLORADO RIVER SETTLEMENT COMMITTEE

## Settlement Agreement for the Resolution of Indian Water Rights Claims in the Little Colorado River Basin

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