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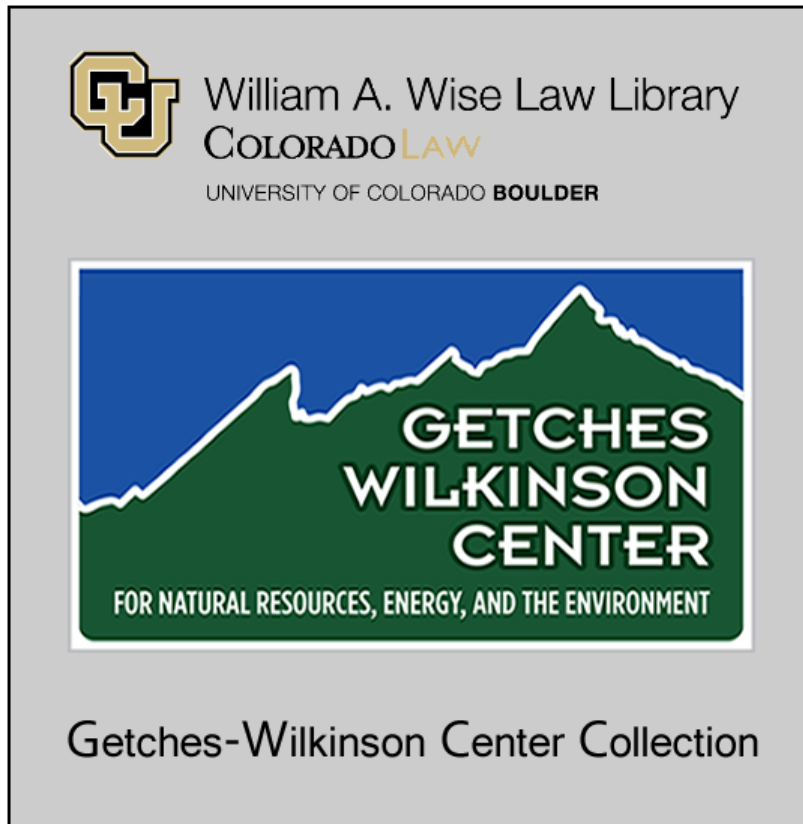


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NEW MEXICO WATER STAKE IN THE COLORADO RIVER

By Estevan R. López

June 9, 2005

New Mexico has a high interest in the water supply of the Colorado River and the five-year drought of 2000-2004 focused attention to the supply from the river system available to the state.

The State of New Mexico, being party to both the Colorado River Compact and the Upper Colorado River Basin Compact, is apportioned a small share of the Colorado River water supply currently conservatively estimated to average 669,000 acre feet annually. The source of the supply available to the state is from the San Juan River and tributaries, most of which originate in the San Juan Mountains of Colorado. Currently, New Mexico is using about 67 percent of the estimated apportionment. With completion of projects currently authorized and under construction the use will rise to about 86 percent of the estimated apportionment. New Mexico's share of mainstream reservoir evaporation (Lake Powell, Flaming Gorge and the Aspinall Unit reservoirs) uses another 9 percent, That leaves about 5 percent for potential use, all of which is currently being planned for the Navajo-Gallup Project, a municipal-domestic water supply proposed to serve a number of Navajo communities in western New Mexico south of the San Juan River and the City of Gallup. The Navajo Gallup Municipal Water Supply Project is included in the Navajo Nation Water Rights Settlement that has been negotiated and signed by the Nation and the State to settle the claims of the Navajo Nation to waters of the San Juan River System in New Mexico.

Completion of the authorized projects and authorization of the Navajo Gallup Project leaves little room for a lesser supply being available without potential large shortage. Never the less, New Mexico's planned use of the water supply from the Colorado River System has been based on the critical water supply period of record, which is the best available data.

The 2000-2004 drought was very severe in the San Juan River System with flows as low as 10-15 percent of average. In such situations, direct flow users that have no storage generally have large shortages. Fortunately, in 2000 Navajo Reservoir storage provided an adequate supply for the reduced demand that year.

In response the extremely low runoff and lowered reservoir levels, a water sharing agreement was developed among water users in 2003 and carried into 2004. Ten major water users on the San Juan River comprising irrigation, industrial and municipal users, including the Jicarilla Apache Nation, the Navajo Nation, Hammond Conservancy District, Public Service Company of New Mexico, BHP- Billiton, Bloomfield Irrigation District, Farmers Mutual Ditch and Jewett Valley Ditch, endorsed the recommendations which included limitations on diversions, criteria for determining a shortage, and shortage-sharing requirements in the event of a shortfall, including sharing of shortages

between water users and flow demand for endangered fish habitat. The New Mexico Interstate Stream Commission, the Bureau of Indian Affairs, the Fish and Wildlife Service and the San Juan Recovery Implementation Program all provided input to the recommendations. The Bureau of Reclamation and the New Mexico State Engineer accepted these recommendations for reservoir operation and river administration purposes.

In addition to the progress made in negotiating a water rights settlement with the Navajo Nation, the New Mexico State Engineer is making progress with the water rights adjudication in the San Juan Basin; nevertheless, completion of the adjudication is many years away. In the meantime however, several years of drought have highlighted the need for New Mexico to better administer available water supply in the near term, particularly in light of increasing demands. To that end, in 2003 the New Mexico state legislature enacted statute 72-2-9.1 clarifying the State Engineer's authority to administer water allocations using the best available information. The State Engineer has since designated the San Juan Basin as one of three top priority Water Master Districts for implementation of his Active Water Resource Management initiative. Under this initiative, the State Engineer has employed a Water Master, directed installation of metering and measuring devices, promulgated general statewide Active Water Resource Management rules and regulations and is currently in the process of developing basin specific rules and regulations to begin regulating actual water use in conformance the prior appropriation doctrine and making use of the "best available" information about individual users' water rights.

The 2000-2004 drought caused major decline in reservoir storage both in Lake Mead and Lake Powell and raised concerns among the seven Colorado River Basin states regarding their operation to meet demands including delivery of water under the Mexican Treaty and maintaining minimum power heads, particularly in Lake Powell. The 2005 Annual Operating Plan for the Colorado River Reservoirs included provision for mid-year review when the 2005 runoff forecast was available. The review was made and in light of improved winter season runoff and forecasted snow-melt runoff no change in the recommended operation was made. In response to these concerns, a number of meetings of the seven state representatives were held to discuss issues. While no consensus of the states has emerged from these discussions, work remains to be done to develop, among several items, shortage criteria for the Lower Basin mainstream users, which could involve Treaty shortage considerations as well. In addition the annual release amount from Lake Powell remains an issue. New Mexico has committed to work with the other states on these important issues concerning the water supply of the Colorado River.