

OVER ALLOCATION AND ITS IMPACTS

Middle Rio Grande Water
Assembly

Albuquerque, NM

June 2006



Thomas C. Turney PE

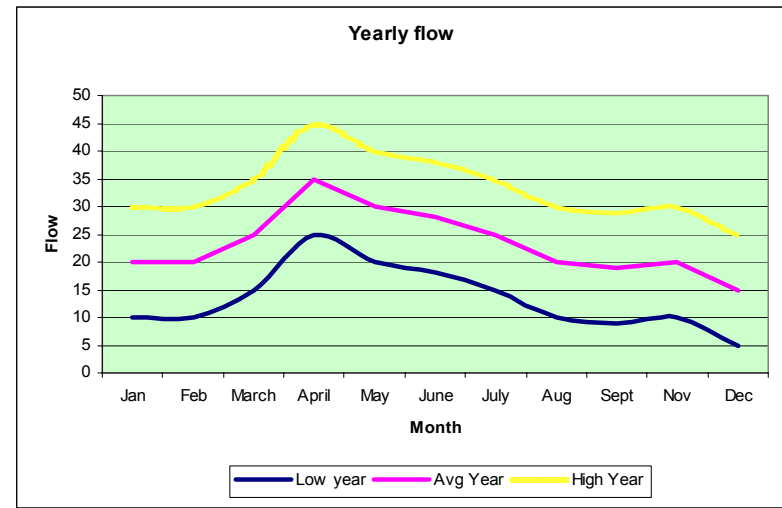
Santa Fe, NM

OVER ALLOCATION

- Over allocation
 - “Don’t worry about it. There is certainty in uncertainty.”
- Fully appropriated--Not in State Vocabulary—might become admission of guilt in Interstate litigation
- Not possible to over allocate because of priority system

HOW DOES OVER ALLOCATION OCCUR?

- Pecos River Under delivery
- Why did it happen?
- Typical Adjudication
 - Water supply considerations not always taken into account
 - Waters adjudicated based on current and historical crop irrigation
 - Results of Court Orders
- Supreme Court Ruling

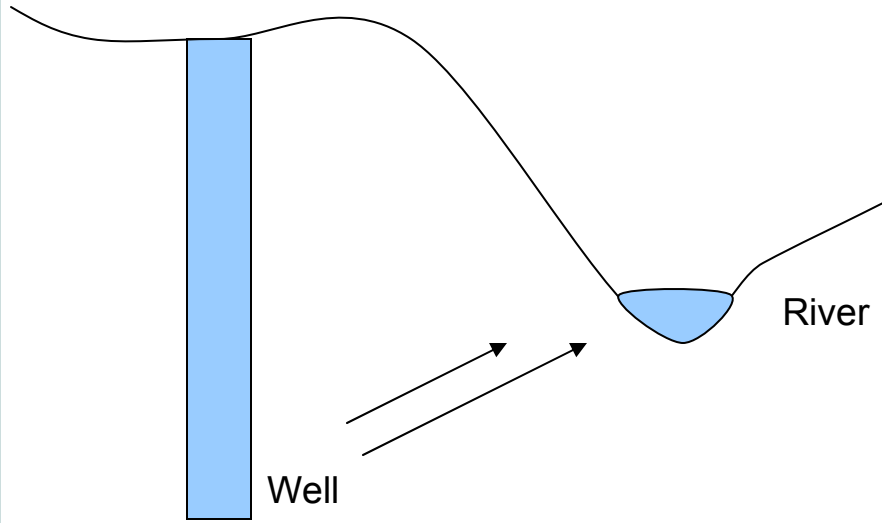


CONSIDERING WATER SUPPLY- BUY OUT OF WATER RIGHTS

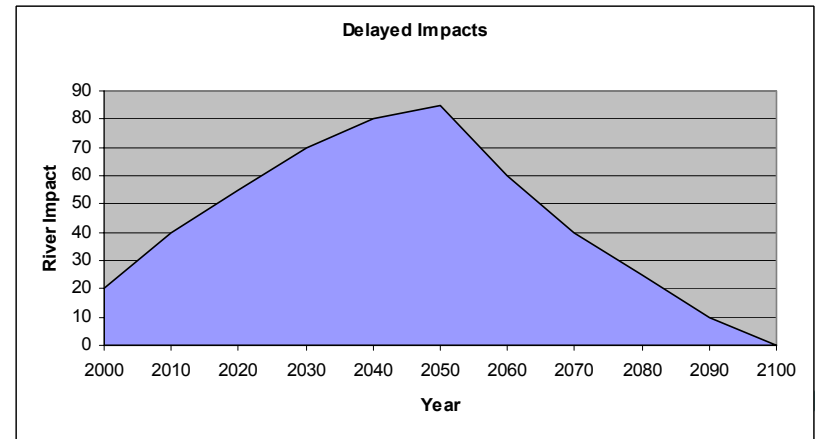
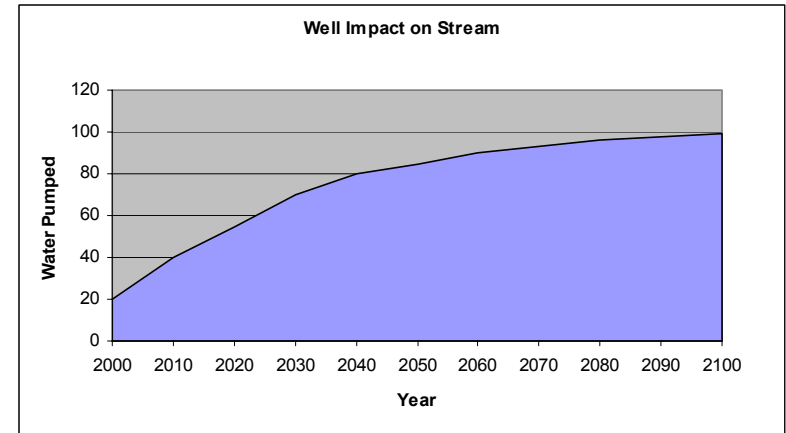
- San Juan Basin
- Jicarilla settlement

(i) The United States agrees that it will make provision for the buy-out of private water rights, effective prior to the year 2040, aggregating 11,000 acre-feet depletion of the San Juan River stream system in order to reconcile total commitments of depletion from the system in New Mexico with the State's allocation of Upper Colorado River Basin water, as reflected on page 24 of the

Well – Some Early Adjudications River Connections Not Understood



One gallon pumped from well will result in one less gallon of water flowing down river



EFFECTS OF PRIORITY CALL

- Announcement in Roswell
- Extreme concern generated
 - Domestic well owners
 - Municipalities
 - Agriculture
- People said they never understood about priority administration—thought water available for perpetuity
- Brought parties to table
- State to pay \$80-100 million to solve problem



IS MIDDLE RIO GRANDE OVER APPROPRIATED?

- No one knows
- Pre 1907 water rights
- Prebasin wells
- Ground water permits issued by State Engineer
- Growth of Bosque
- ESA Compliance



Middle Rio Grande Over Allocation?

- 123,000 acres permitted to MRGCD
 - State's attitude
 - Involvement of this major stakeholder in water operations
 - Release of P & P water



El Vado Reservoir

- P & P rights storage outside of RG Compact
- Indians called for release last week
- State called and said that violation was so serious they felt obligated to Notify Texas and Special Assistant to Secretary of Interior

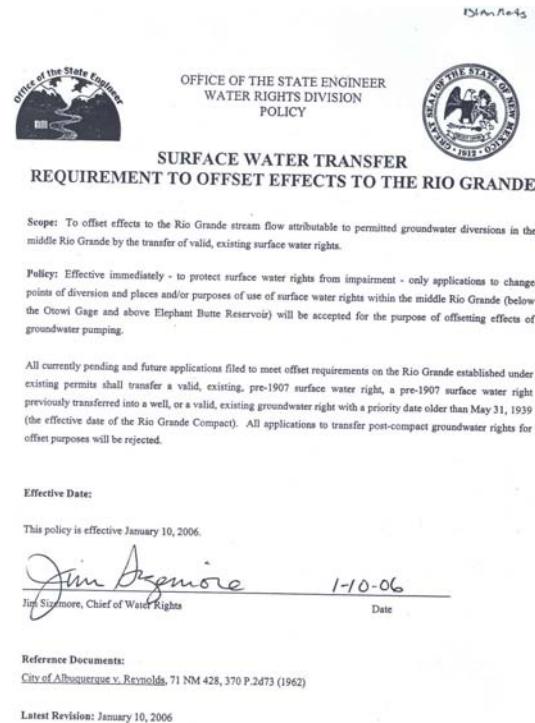
E-mail notification

- Mild e-mail sent last week
- Mailing list included DOJ
- Has the potential of doing a lot of harm
- Hopeful that State will begin to work with the six middle pueblos—comprise 20,000 acres of land



Post compact ground water rights

- Instant devaluation



Middle Rio Grande Over Allocation?

- Municipal and rural water association rights
 - Permits for water since 1950's without offsetting water rights
 - Junior domestic well rights



MIDDLE RIO GRANDE OVER APPROPRIATED?

- Indian claims
 - Potential PIA or economic development claims
 - P&P lands
 - Newly reclaimed lands
 - HIA
- Are Indian claims outside of Rio Grande Compact—P & P water may no longer be available because of development in Colorado



DEDICATION POLICY

- Pump now, pay later
- Pump water out of storage, acquire water rights when river flows begin to diminish
- Selling short
- Where are you going to get rights to cover the pumping?
- No one knows extent of dedications, but may require majority of agriculture in Middle Valley to change its purpose of use

WHEN DID BASIN BECOME FULLY APPROPRIATED ?

- Testified in Pojoaque Pueblo Injunction case that basin was fully appropriated by signing of Rio Grande Compact

EFFECTS OF OVER APPROPRIATION

- State will probably first seek to determine if sharing is possible
- If Indian Claims are found to be outside of Rio Grande Compact, there will be impacts to Colorado and Texas
- Priority administration will impact municipal and agricultural users
- Impact on water users above Otowi gage

MRG Water Balance

- Water Balance

