

Status of Pecos River Settlement Agreement Implementation

**Presentation to the
Association of Western State Engineers**

By

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Topics

💧 Background

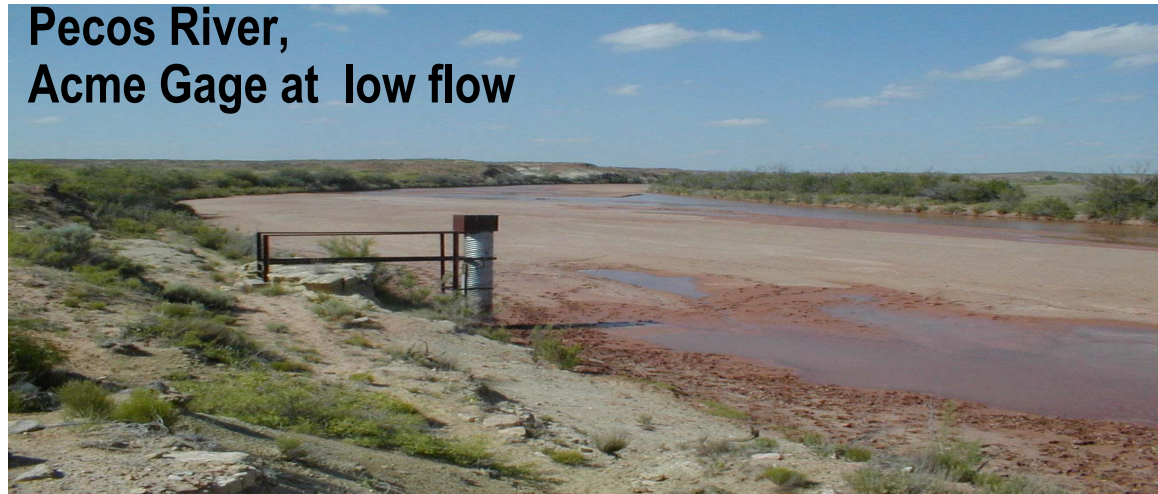
- 💧 Pecos River Compact and Decree
- 💧 Pecos River Adjudication

💧 Consensus Settlement Plan

💧 Components of Pecos Settlement Agreement

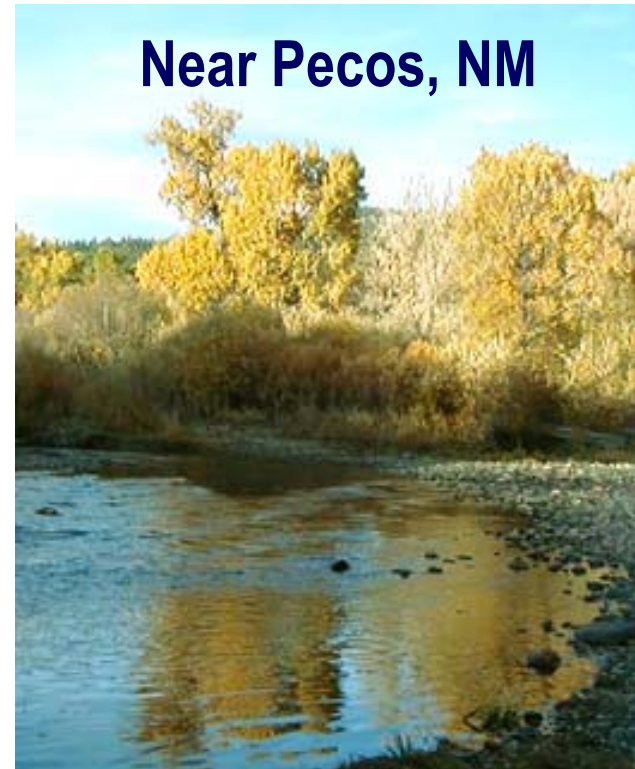
💧 Update on Implementation of Settlement Agreement

**Pecos River,
Acme Gage at low flow**



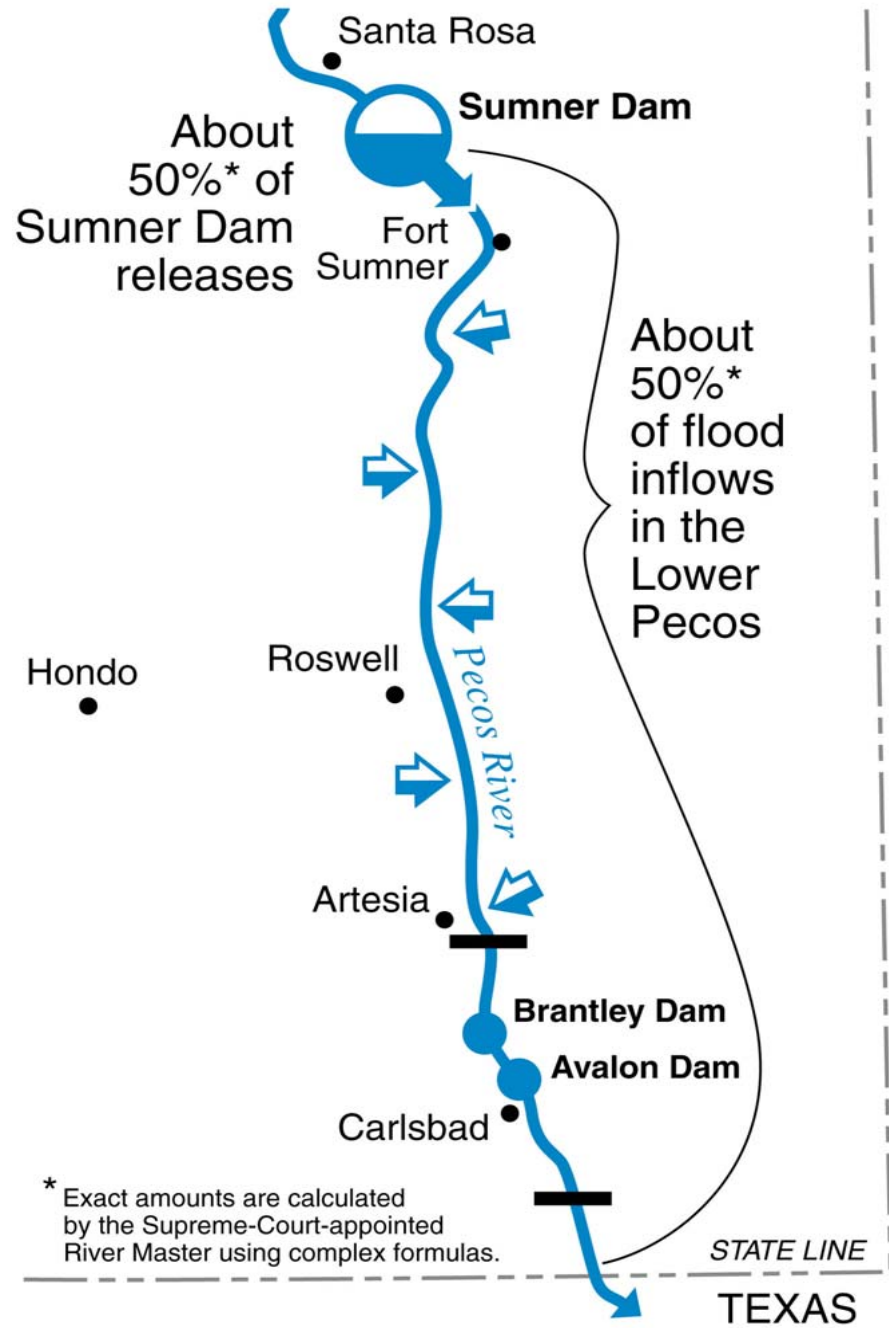
Pecos River Compact

- 💧 Entered 1948
- 💧 “New Mexico shall not deplete by man’s activities the flow of the Pecos River at the New Mexico-Texas state line below an amount which will give to Texas a quantity of water equivalent to that available to Texas under the 1947 condition.”
Art. III (a).

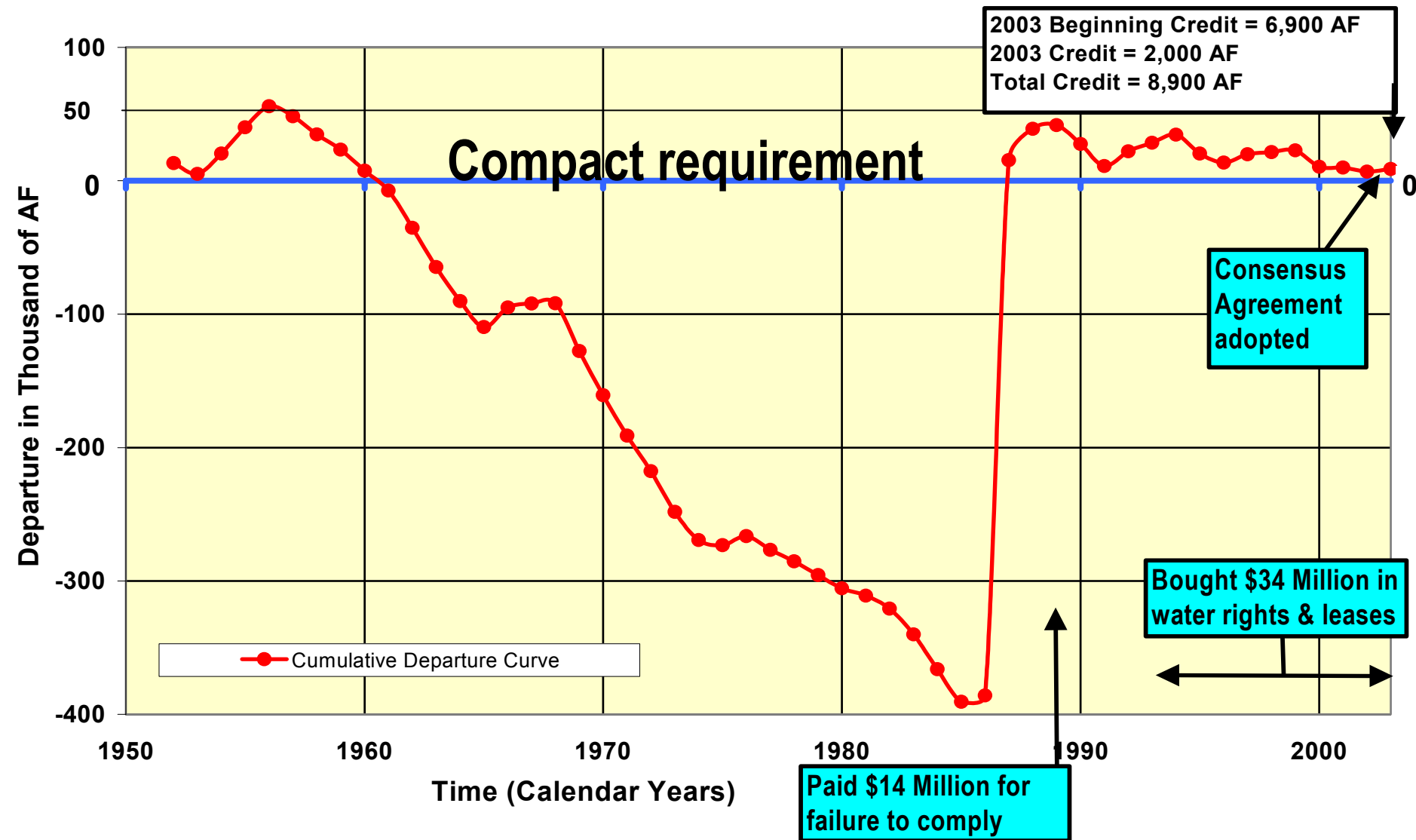


The Compact & 1988 Decree Require:

- Deliveries calculated on a calendar-year basis
- Use of the Supreme Court River Master's Manual & decisions
- Rapid “repayment” of any net shortfalls

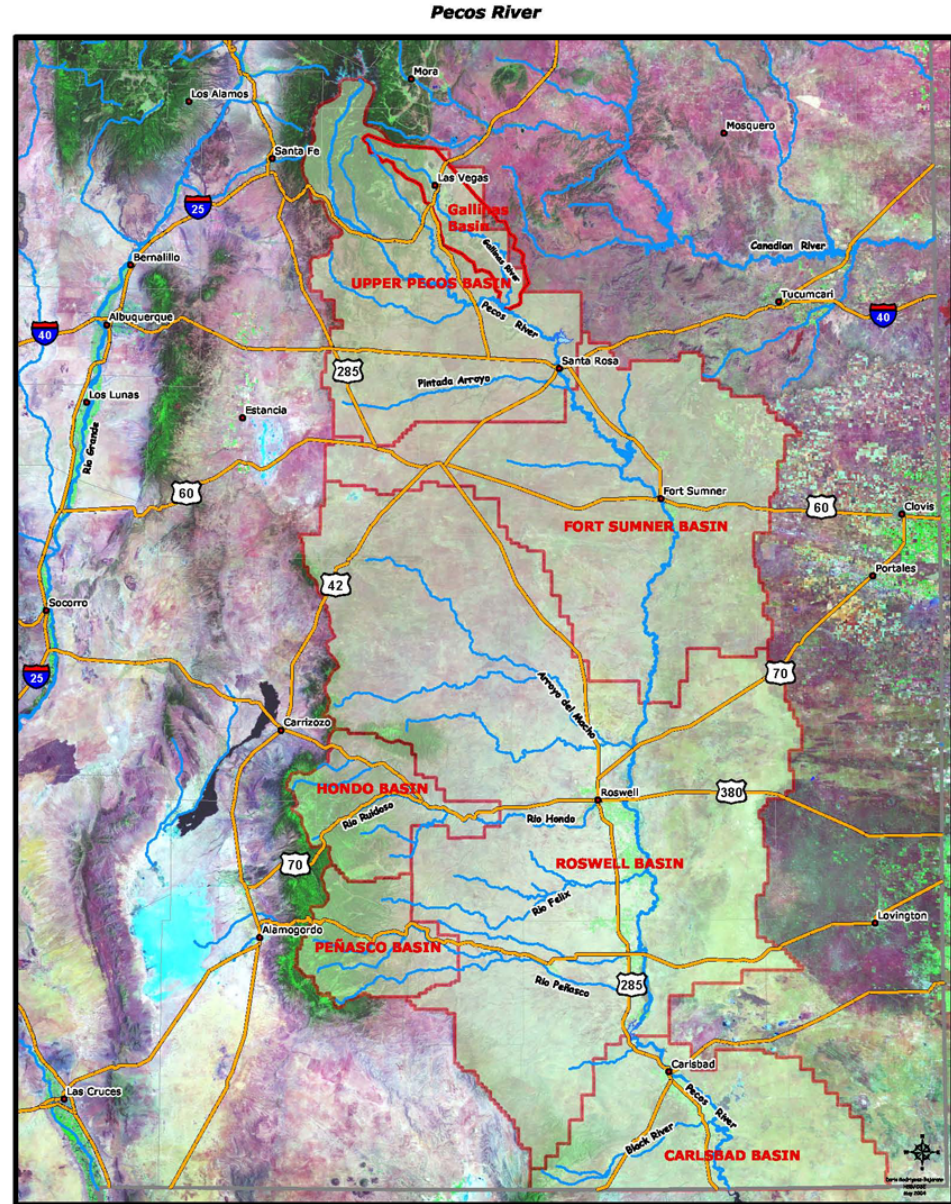


New Mexico's Compliance Record



Pecos Adjudication

- 💧 Pecos River water rights adjudication suit filed in state district court in 1956
- 💧 Initially filed to adjudicate rights to groundwater in Roswell Artesian Basin
- 💧 Other sections added over succeeding decades until entire Pecos River drainage included
- 💧 CID placed a priority call on the river in 1976



Consensus Plan

- 💧 Lower Pecos River Basin Committee of water users worked with ISC to find the least painful way to assure State's continuing ability to meet delivery obligations
- 💧 Committee consensus plan presented to 2002 Legislature as funding request
- 💧 Legislature provided partial funding
 - 💧 appropriated \$30 million, contingent on meeting criteria set out in NMSA 1978, §72-1-2.4 (2002):
 - 💧 execution of Settlement Agreement
 - 💧 acquisition of land with water rights
 - 💧 \$10 million authorized from GO bonds

Settlement Agreement & Adjudication

- 💧 Settlement reached in March 2003
- 💧 Partial Final Decree entered December 2004
- 💧 Conditions Precedent
 - 💧 Entry of a Partial Final Decree
 - 💧 Federal environmental compliance
 - 💧 Partial Implementation of Consensus Plan
 - 💧 Purchase of land with water rights
 - 💧 Augmentation pumping capacity



Sumner Dam

Settlement Agreement Components

- 💧 State funding to buy water rights & retire 18,000 acres of farmland
- 💧 Roswell artesian aquifer pumping to augment downstream supplies
- 💧 Additional vegetation control programs
- 💧 Conservation
- 💧 Water banking
- 💧 Priority Administration – as a last resort



Implementing the Settlement

SHORT TERM

- 💧 Annual compact compliance
- 💧 Meet conditions precedent
- 💧 Negotiate with offerors
- 💧 Plan & design pumping augmentation sites
- 💧 Study the river & impacts on it; refine models

LONGER TERM

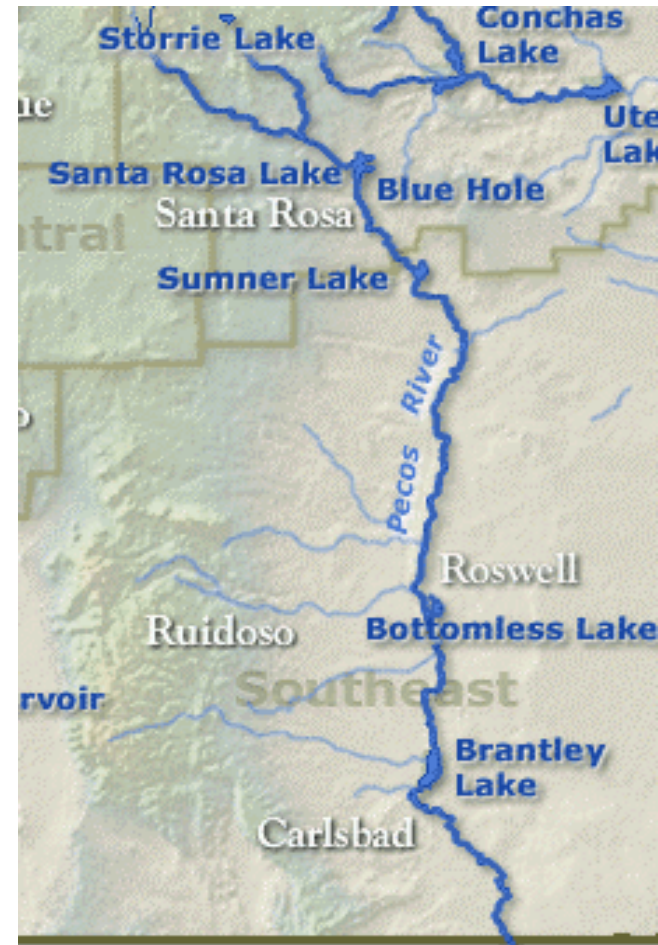
- 💧 Retire farmlands
 - 💧 Complete land maintenance plan
- 💧 Pump from artesian aquifer
- 💧 Water salvage/salt cedar eradication
- 💧 Enhance administration
 - 💧 Adjudicate claims
 - 💧 Priority rules & procedures consistent with Settlement terms (AWRM)



Land/Water Rights Purchases

💧 Criteria

- 💧 First 6,000 acres to be purchased in equal amounts from
 - 💧 CID assessed land
 - 💧 Irrigated land located between Sumner & Brantley Dams
- 💧 Minimum purchases for Settlement to Proceed (condition precedent)
 - 💧 4,500 acres in CID
 - 💧 7,500 acres in PVACD



Land/Water Rights Purchases

💧 Status

- 💧 Settlement legislation required bid process for acquisition of land and water rights
- 💧 ISC obtained bids sufficient to obtain full 18,000 acres
- 💧 ISC negotiated purchase contracts with offerors, and is now performing due diligence to close on contracts
- 💧 ISC has closed on purchase contracts for approximately 1,000 acres to date



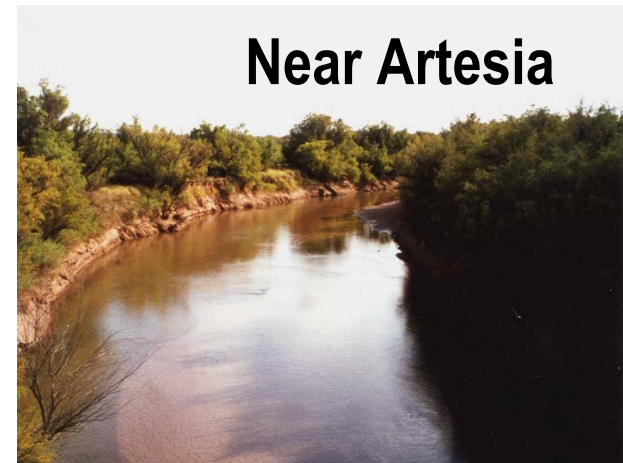
Augmentation Well Field

💧 Criteria

- 💧 Ability to pump at least 15,750 AF/Y
 - 💧 Delivery to Brantley Dam

💧 Status

- 💧 ISC has acquired sites for primary augmentation well field
 - 💧 Located at Seven Rivers, just above Brantley Dam
- 💧 Well development
 - 💧 Exploratory well permits obtained for 4 wells
 - 💧 Now drilling and equipping test wells



Annual Compliance Will Still Be Difficult

- 💧 2001-04 compliance achieved through joint efforts
- 💧 \$12 million appropriated by 2005 legislature
- 💧 \$18 million still needed to satisfy conditions precedent
- 💧 If the Settlement Agreement fails, a priority call may be only alternative to remedy a shortfall

Red Bluff, near the state line

