ISSUES RELATED TO COMPLIANCE WITH RIVER COMPACT WATER DELIVERIES

Elvidio V. Diniz, P.E., D. WRE
Sr. Client Service Manager
Albuquerque, NM
INTRODUCTION

- New Mexico has a large rural population
- Extensive surface water irrigation along all perennial rivers
- Ownership and priority of Water Rights
- Transfer or leasing of Water Rights
New Mexico’s River Basins

(Harris, Blair, and Ortega Klett, New Mexico Water Rights, 2002)
(Harris, Blair, and Ortega Klett, New Mexico Water Rights, 2002)

Adapted from the National Water Summary, USGS, 1984.
Declared Groundwater Basins – Office of the State Engineer

<table>
<thead>
<tr>
<th>Compact</th>
<th>Parties to Compact</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado River Compact</td>
<td>Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming</td>
<td>November 22, 1922</td>
</tr>
<tr>
<td>La Plata River Compact</td>
<td>Colorado, New Mexico</td>
<td>November 27, 1922</td>
</tr>
<tr>
<td>Upper Colorado River Basin Compact</td>
<td>Arizona, Colorado, New Mexico, Utah, Wyoming</td>
<td>October 11, 1948</td>
</tr>
<tr>
<td>Rio Grande Compact</td>
<td>Colorado, New Mexico, Texas</td>
<td>March 19, 1938</td>
</tr>
<tr>
<td>Costilla Creek Compact</td>
<td>Colorado, New Mexico</td>
<td>September 30, 1944</td>
</tr>
<tr>
<td>Pecos River Compact</td>
<td>New Mexico, Texas</td>
<td>December 3, 1948</td>
</tr>
<tr>
<td>Canadian River Compact</td>
<td>Oklahoma, New Mexico, Texas</td>
<td>December 6, 1950</td>
</tr>
<tr>
<td>Animas-La Plata Project Compact</td>
<td>Colorado, New Mexico</td>
<td>June 30, 1986</td>
</tr>
</tbody>
</table>

(Harris, Blair, and Ortega Klett, *New Mexico Water Rights*, 2002)
New Mexico’s Rio Grande Compact Cumulative Delivery Departure
Interstate Stream Commission

New Mexico’s Accrued Debit and Credit
History—Rio Grande Compact

WATER RIGHTS

- Vested in 1907 Water Code
- Senior vs. Junior Water Rights
- Federal Reserved Water Rights
- Indian Water Rights
- Pueblo Water Rights
ENFORCEMENT PROBLEMS

- Aquifers Connected to Surface Water
- Mining of Groundwater Sources
- Fully Appropriated Rivers
- Interstate Compact Impacts
PECOS RIVER COMPACT

- Signed in 1948
- Increasing Groundwater Withdrawals
- NM Falls Behind on Compact Deliveries
- Texas Sues NM
- Stipulated 1990 Judgment - Approved by U.S. Supreme Court
  - NM Pays $14M for Past Water Debt
  - Increase Deliveries to Avoid Shortages
- More Than $50M Spent to Buy and Lease Water Rights
- Construction of Two Rivers Dam Subject to Texas Water Deliveries; and Protects Roswell from Hondo River Flooding
MEMORANDUM OF UNDERSTANDING

- Signed in 2001
- Parties to MOU – USACE, NM (ISC), and Roswell
- Water Stored in Two Rivers Would be Delivered to the Pecos River as Controlled Releases
- Roswell Would Build a 1,000 cfs Capacity Channel
- ISC Would Acquire Easements for the Channel
- Texas Would Monitor Progress of Compliance
Outflow from Rocky Dam

The maximum outflow from Rocky Dam is between 250 and 300 cfs.
Outflow from Diamond A Dam
Maximum average daily outflow to date is 450 cfs.
Instantaneous Peak Outflow Frequency

1,000 cfs outflow peak occurs for 1% frequency only.
SUMMARY

● Determine nature and priority of all Water Rights
● Proceed with Active River Management Program as fast as possible
● Develop sustainable ground water use policies for each aquifer within each basin
● Develop feasible stream eco-restoration plans for all surface waters
● Negotiate practical procedures to comply with river compact requirements