

Public Works

We Make It Happen

Aamodt Settlement and Regional Water System

June 23, 2016



Western Coalition of Arid States

Sandra Ely
Santa Fe County Utilities



Overview

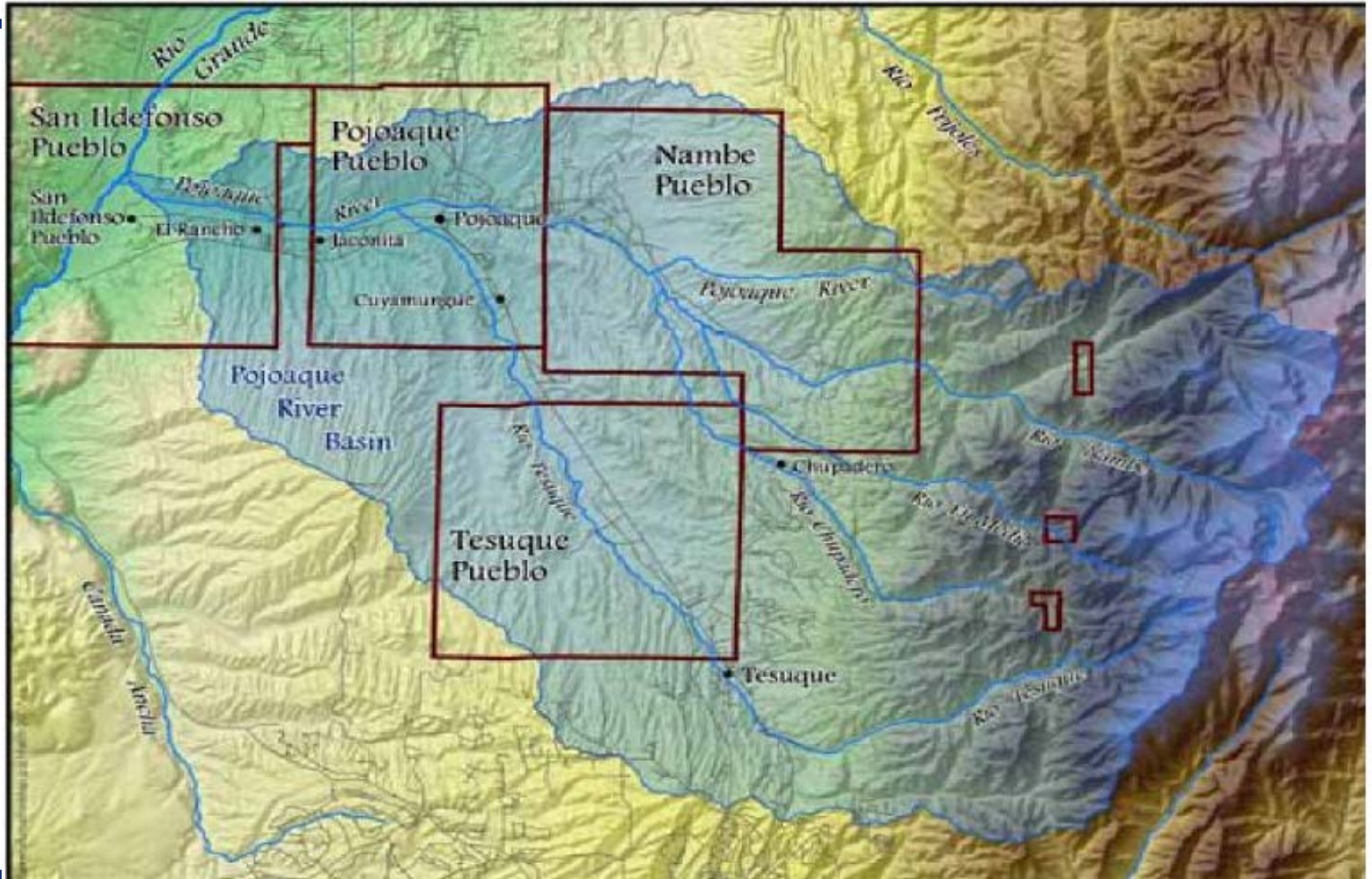
■ Implementation of the Aamodt Settlement

1. Regional Water System
2. Well Election
3. Agreements
 - Joint Powers Agreement
 - Funding Agreement
 - Operating Agreement





Pojoaque Basin and Area of Aamodt Settlement Agreement

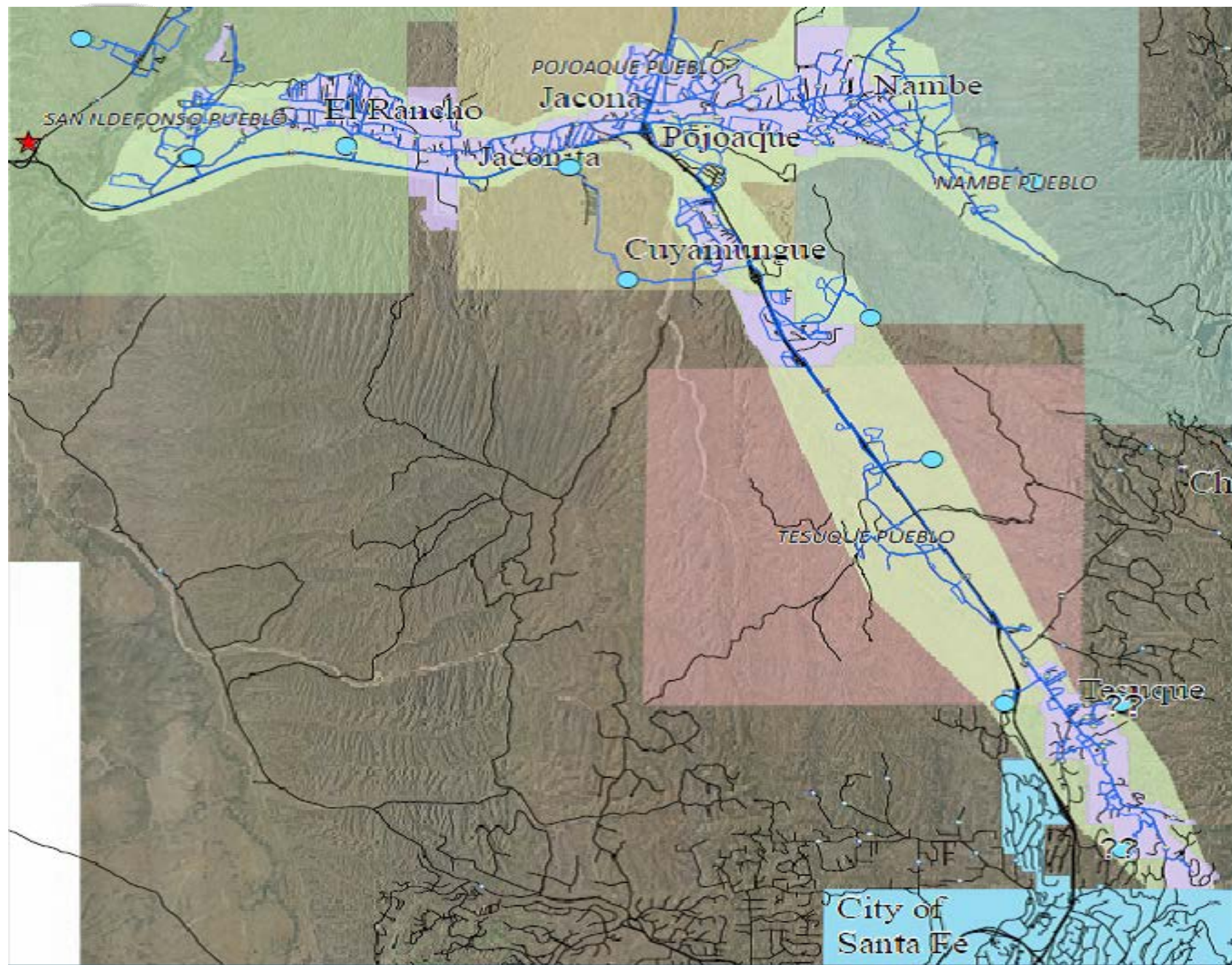


We Make It Happen



The Regional Water System

- **Surface-water-based water Utility in the Pojoaque Basin**
 - **4,000 afy capacity**
 - **2,500 afy for Pueblos**
 - **1,500 afy for Non-Pueblo residents**
 - **611 afy from Top of the World Transfer**
 - **Remainder from water rights transferred upon connection.**
 - **Run by Regional Water Authority joint board**
 - **The majority of the construction costs are covered by the federal government with the non-Pueblo portion paid by state and county.**





Regional Water System

- **Design and construction managed by the Bureau of Reclamation.**
- **Will be constructed in phases.**
- **Anticipated that the Federal Government will operate the system by contract until it is fully constructed.**
- **Anticipated that the County will operate the system under contract with Regional Water Authority board once construction complete.**



Regional Water System

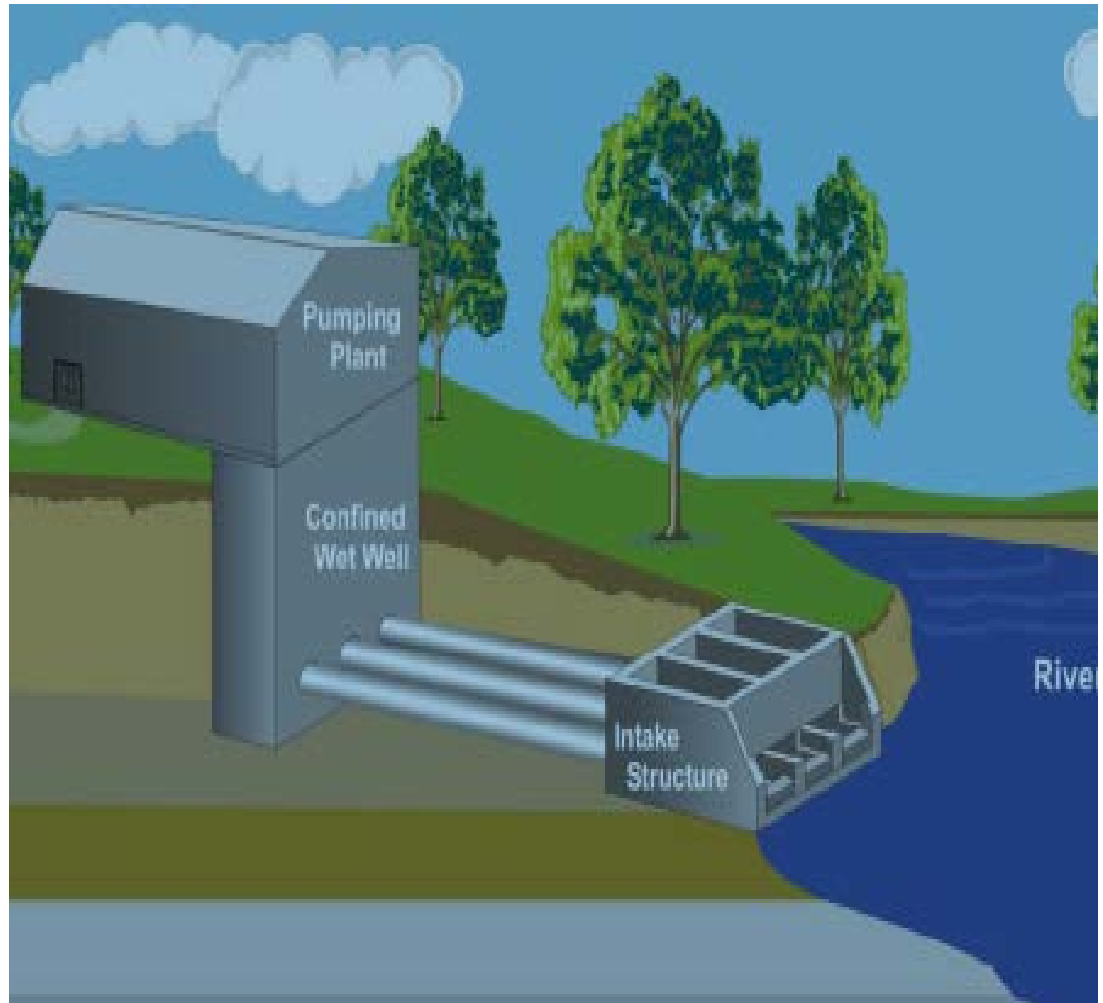
■ **Environmental Impact Statement (EIS)**

- The Bureau of Reclamation is preparing an EIS for the proposed design and construction of the system.
- Draft EIS will be ready for public review and comment November, 2016.
- Currently analyzing alternatives and conducting special studies.
- Final EIS and Record of Decision will be completed January, 2018.



Regional Water System Diversion Alternatives

Side Channel Surface Diversion

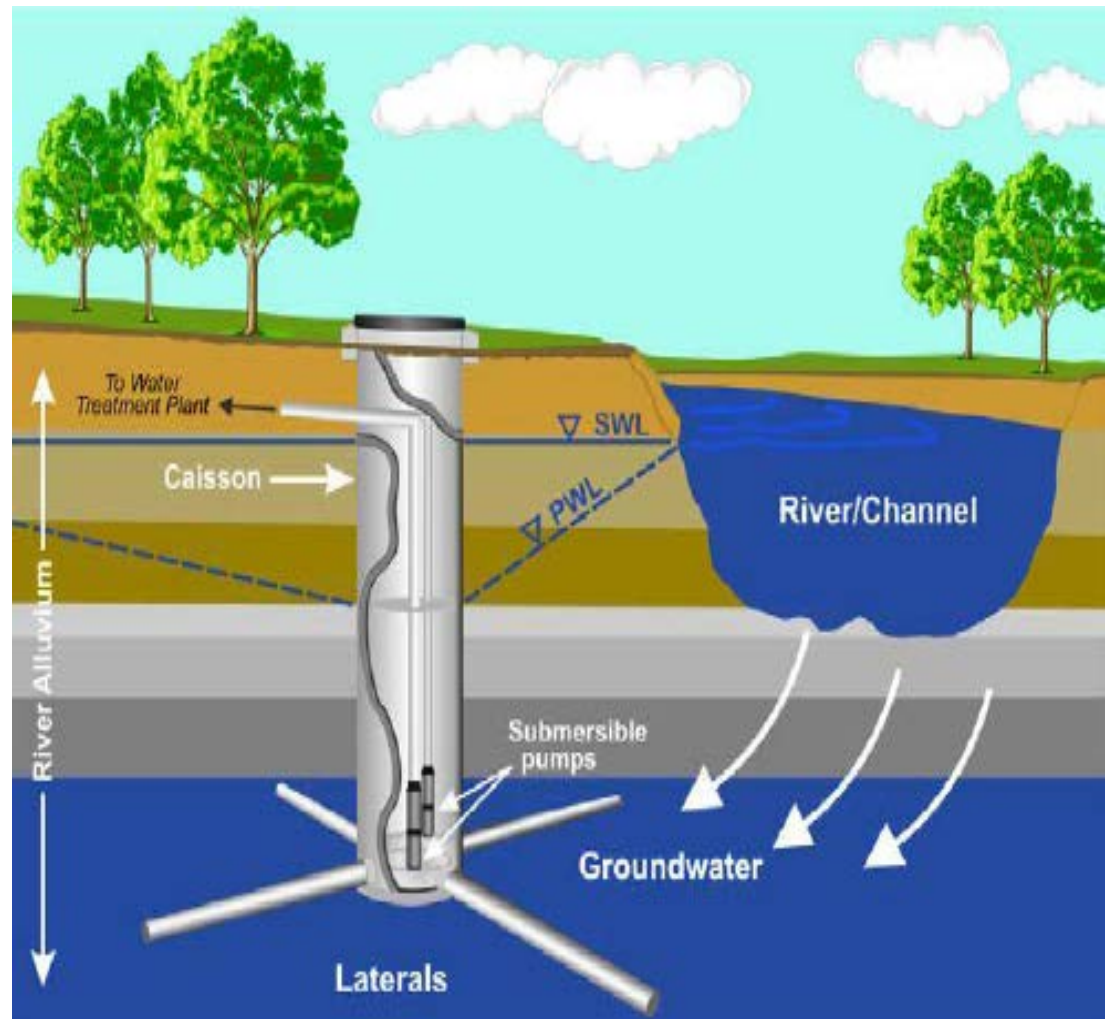


We Make It Happen



Regional Water System Diversion Alternatives

Horizontal Radial Well Collectors

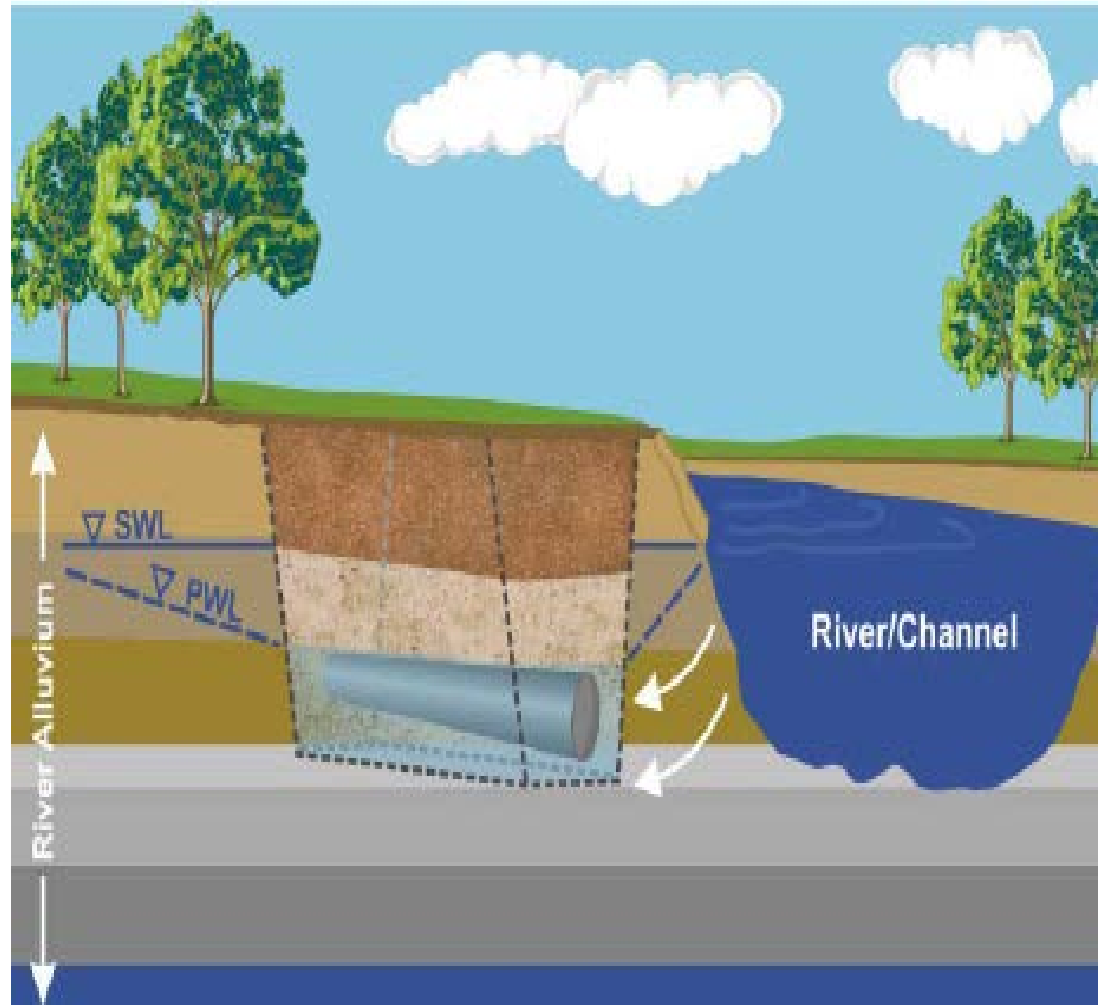


We Make It Happen



Regional Water System Diversion Alternatives

Parallel River Interceptor Drain



We Make It Happen



Regional Water System

■ Design-Build: For first phase

- BOR currently working through a two step RFP process
- Request for Qualifications- August, 2016
- Request for Proposal- November, 2016
- Contract Award- April, 2017

■ Design-Bid-Build: For subsequent phases

- Reclamation's Technical Center will start design this year.
- Will probably start contract process in 2020.

■ Final design for all phases – April, 2018

■ Construction initiated- 2018

■ Substantially complete- 2024



Cost Share

Party	Estimated Construction Cost Share (excluding connection costs) (2006 \$)*
Federal	\$106,400,000
State	\$45,500,000
County	\$7,400,000
Total	\$159,300,000

*Settlement Act allows indexing

Note: Based on 2008 HKM report. State will not pay more than \$45.5M, indexed. Any Non-Pueblo State cost share above that will be County obligation.



Well Election

“Well Election”

- The Court has not yet set a deadline for water users to make a decision about their domestic water rights (aka “well election”).
- Well owners can decide now or wait until the Court ordered deadline. The well election is made by filing an Acceptance form with the Court.



Well Election

The Settlement Agreement provides well owners with three options regarding the use of their well and connection to the County Water Utility.

1. To discontinue use of their well and connect to the County Water Utility as soon as service is available. Service connection paid by County.
 2. To continue using their well in perpetuity but limit their amount of use in accordance with the Agreement.
 3. To continue using their well but limit the amount of use until their property is transferred to a new owner (e.g. by sale or inheritance). The new owner would be required to connect and pay for the connection to the County Water Utility.
-



Why Connect?

- **Priority Protection:**

- The Pueblos will not make priority calls against domestic well owners that are in compliance with the Settlement.

- **Well Maintenance Issues**

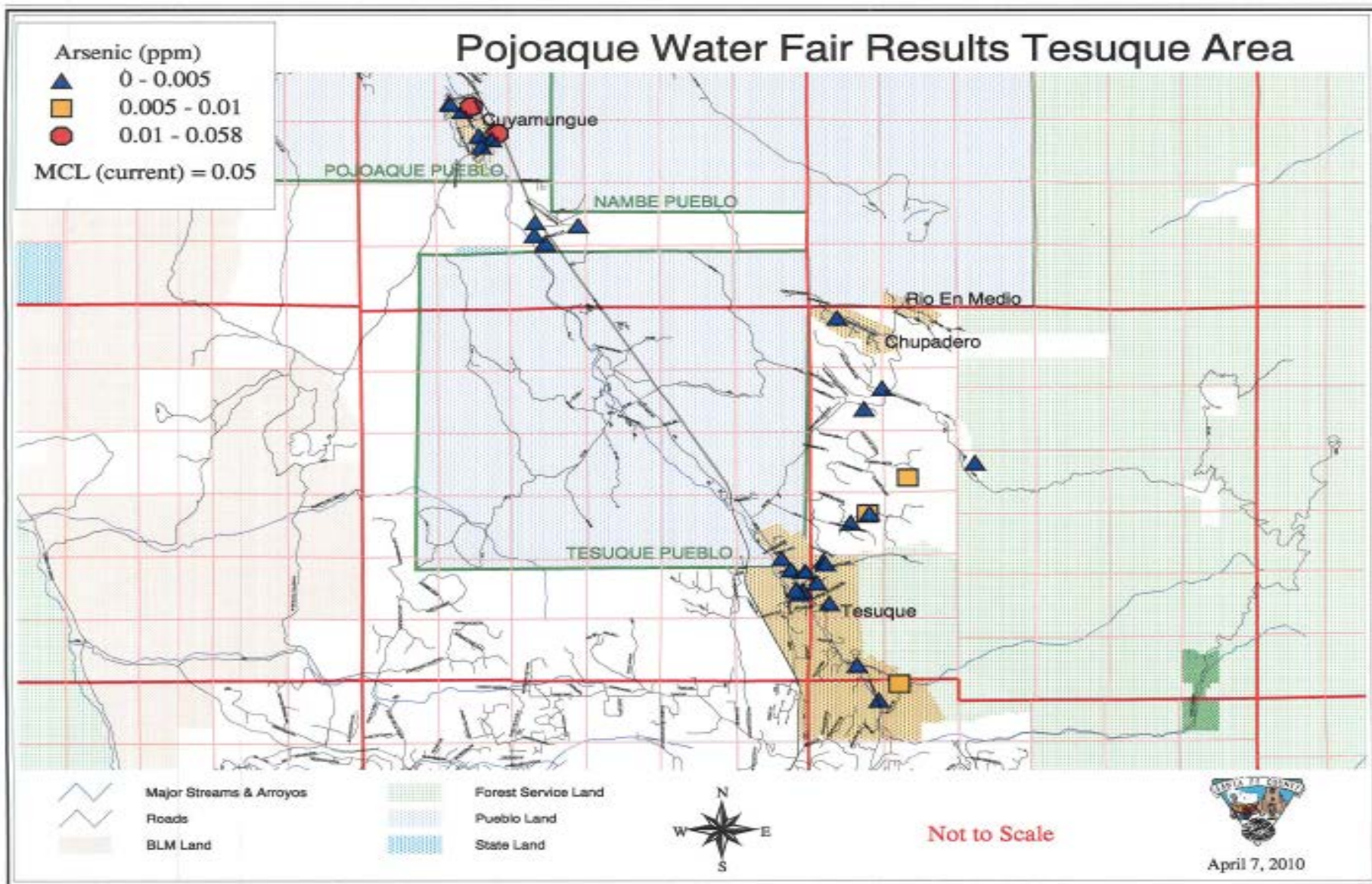
- **Fire Protection**

- **Water Quality**

- Elevated levels of uranium, arsenic, nitrates, and fluoride

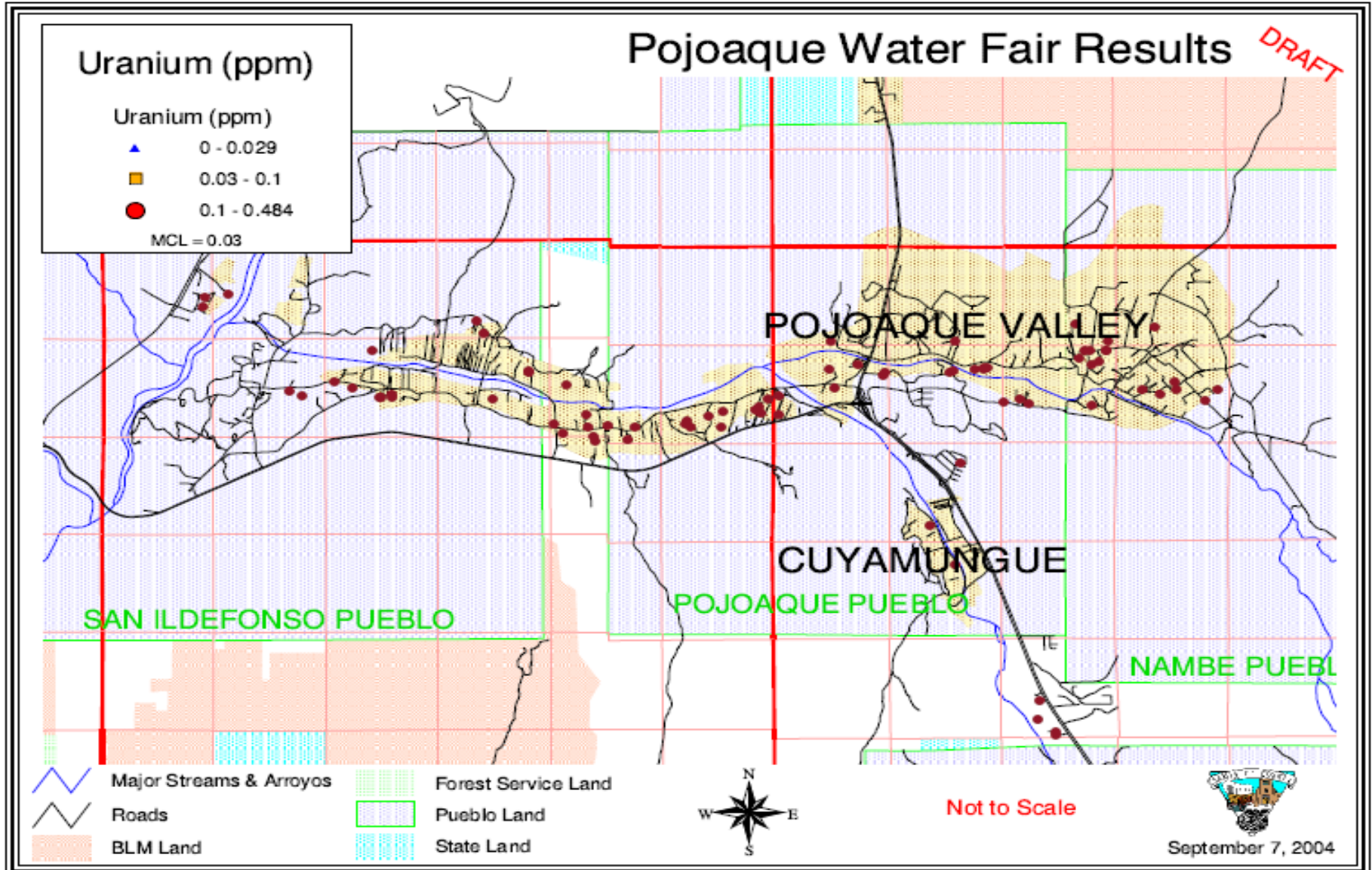


Water Quality in the Basin





Water Quality in the Basin



Aamodt Litigation Settlement Act:

1. Defines Regional Water System (RWS)
2. Allocates Federal funds for RWS
3. Specifies Cost-Sharing and System Integration Agreement
4. Specifies Operating Agreement

DONE

**Settlement Agreement:**

1. Addresses Pueblo water rights
2. Addresses Non-Pueblo water rights
3. Makes creation of Regional Water System a condition of the Agreement

DONE

**Cost-Sharing and System Integration Agreement:**

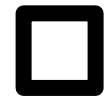
1. Location, Capacity, Management of RWS
2. Allocates costs of RWS:
 - A. Construction and O&M
 - B. Rights-of-way
 - C. Acquisition of water rights

DONE

**Joint Powers Agreement:**

1. Creation of RWS board
2. Duties, powers of board
3. Operations of board
4. RWS operator

DONE

**Operating Agreement:**

1. Distribution of water within RWS
2. Allocation of RWS water capacity
3. Management of unused capacity
4. Shortage-sharing
5. Operation, use of wells
6. Transfer of water rights for Pueblos

DONE





In 2016

- Joint Powers Agreement between the Pueblos and the County
- Operating Agreement
- Funding Agreement between BOR and the County
- Top of the World water transfer
- Water master rules
- Draft EIS and Feasibility Study



Key Milestones

- **September 15, 2017**
 - **Settlement Agreement executed (Final Decree entered)**
 - **All water rights acquired (e.g. Top of the World)**
 - **Permit to divert water issued**
 - **All monies appropriated**
 - **2018**
 - **Record of Decision**
 - **Operating Agreement executed**
 - **2021**
 - **BOR verify that RWS is complete or will be by June 30, 2024**
 - **2024**
 - **RWS construction complete**
-



Additional Information

- **Pojoaque Basin Regional Water System EIS**
<https://sites.google.com/site/pbwatereis/home>
 - **OSE: Access to water right records**
<http://nmwrrs.ose.state.nm.us/nmwrrs/disclaimer.html>
 - **OSE: Adjudication information and court filings**
http://www.ose.state.nm.us/legal_aamodt_adjudication.html
 - **OSE: Settlement information and proposed Agreement**
http://www.ose.state.nm.us/legal_ose_aamodt_info.html
 - **Utton Transboundary Resources Center**
<http://uttoncenter.unm.edu/ombudsman/npt.php>
 - **Santa Fe County Utilities**
http://www.santafecountynm.gov/public_works/utilities/aamodt
-



Questions?

Sandra Ely
Project Manager-Aamodt
(505) 986-2426
sely@santafecountynm.gov



Optional Slides.....

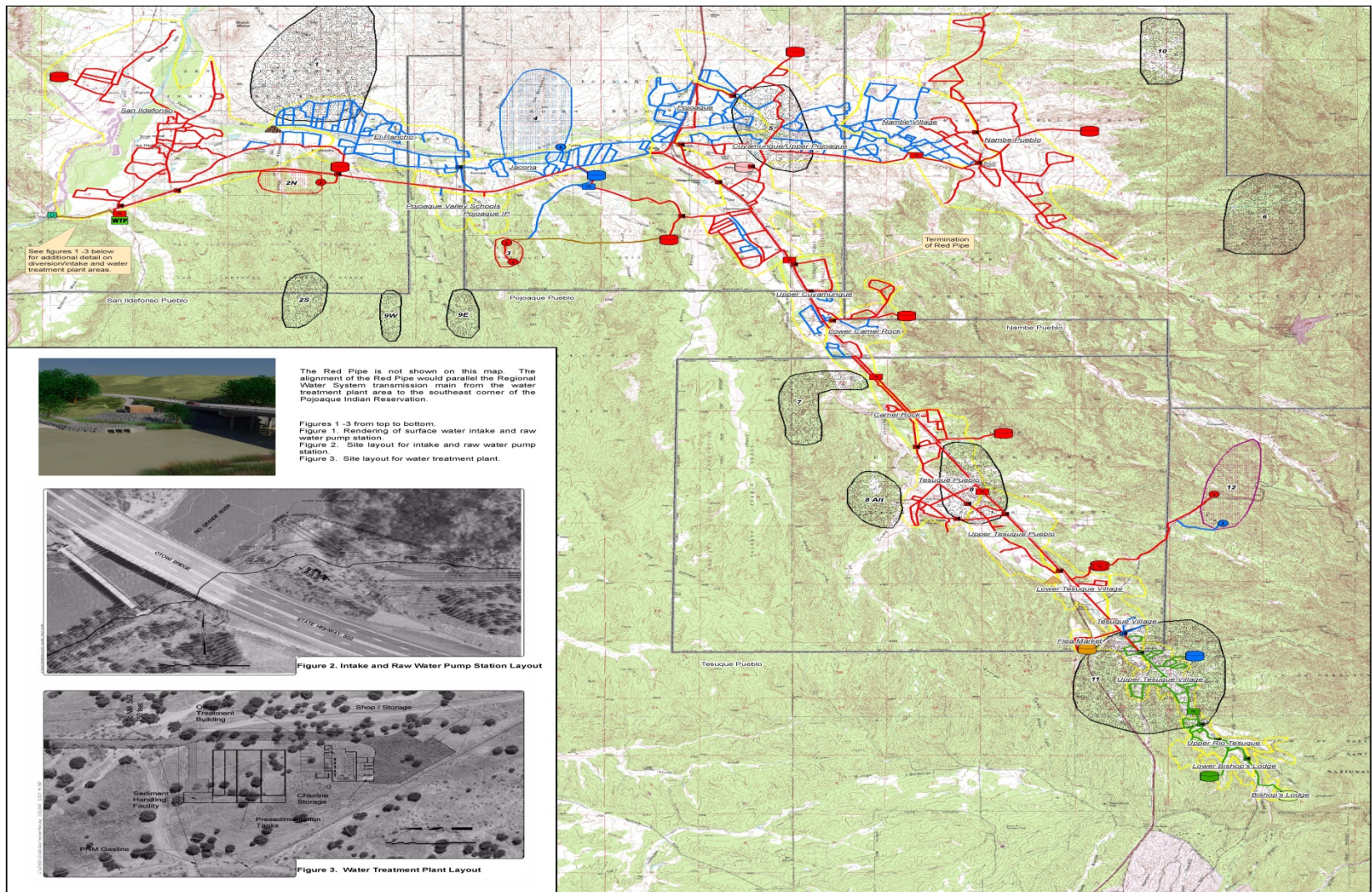
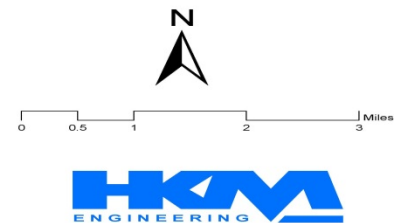
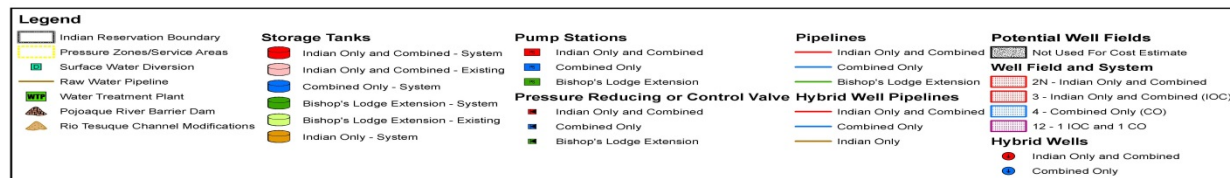
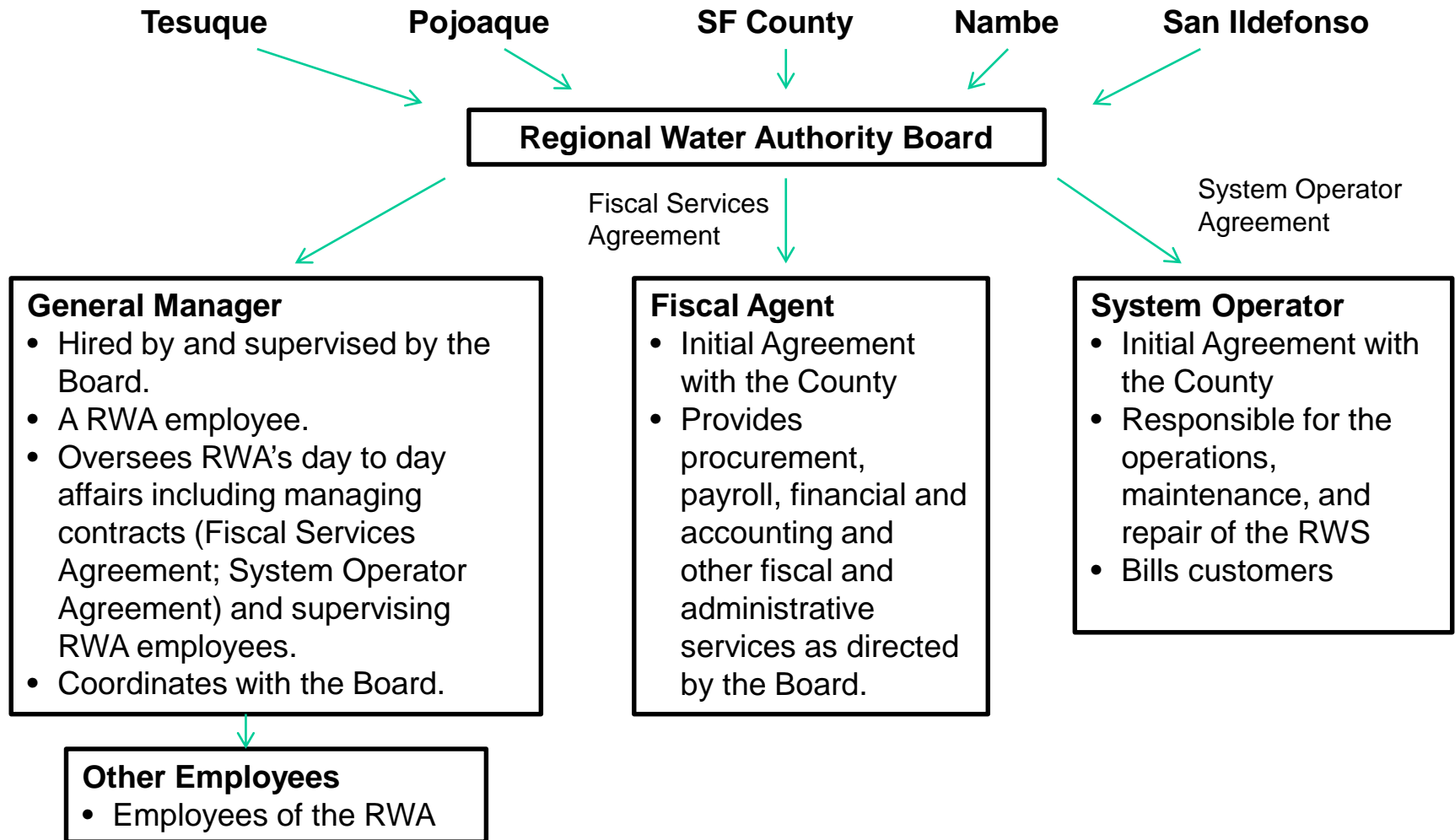


Plate 1 - Regional Water System





Regional Water Authority Organizational Structure





Relationship of RWA Governing Documents

- **Aamodt Litigation Settlement Act**
- **Settlement Agreement**
- **Cost Sharing and System Integration Agreement**

Establishes the RWS, the RWA, the Operating Agreement and provisions for operations, maintenance, repair & replacement of the system.

RWA Joint Powers Agreement

Creates the Board along with duties, powers and operations.

Operating Agreement

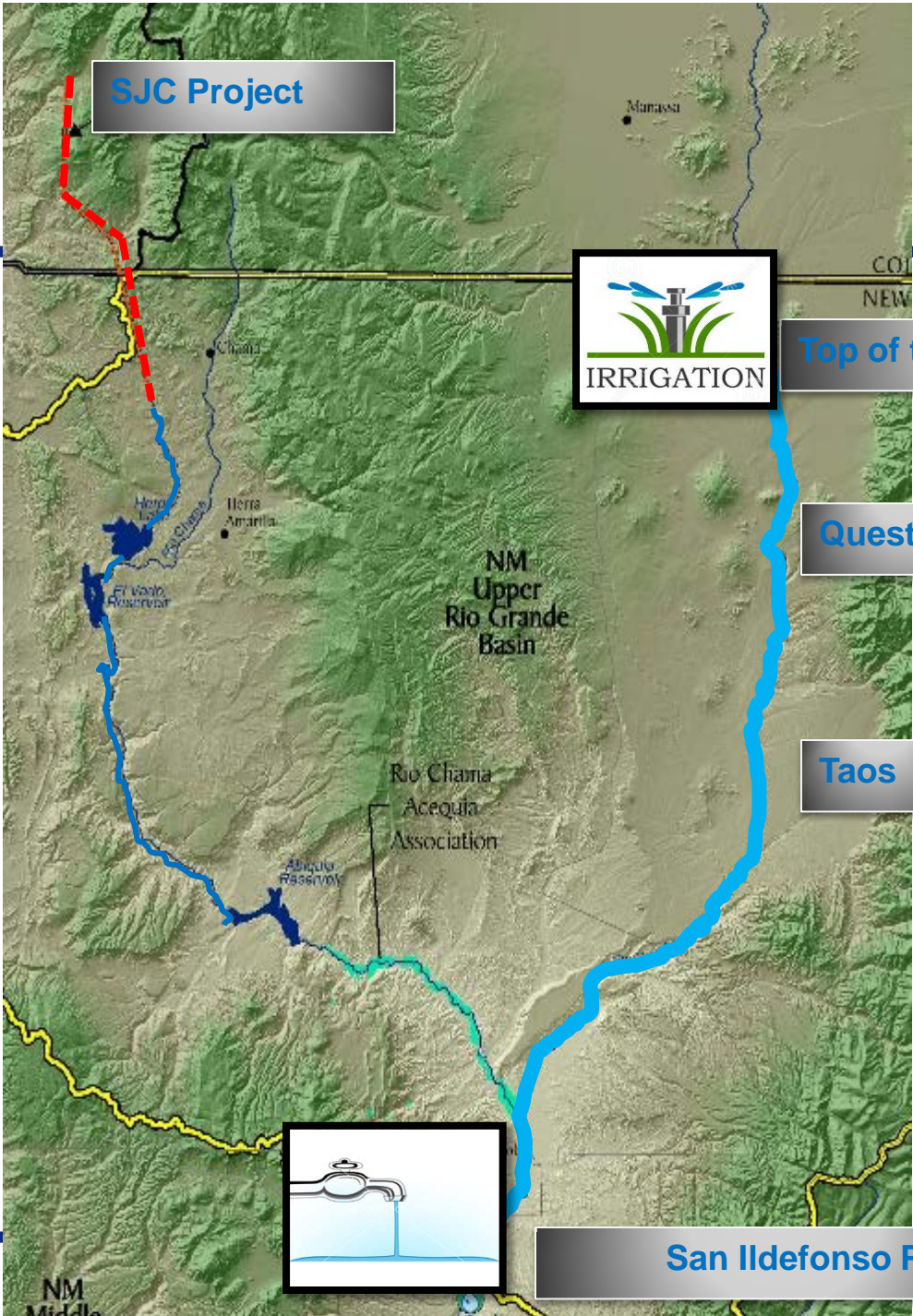
Contains provisions for the distribution of water and costs in the RWS and O & M before and after conveyance from Feds to RWA

System Operator Agreement

Fiscal Services Agreement



New Mexico
Upper Rio Grande Basin



SJC Project



Top of the World Pivots

Questa

Taos



San Ildefonso Pueblo