Rio Grande Compact
Past, Present, and Future

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Commissioner
June 17, 2008
Laws of the Rio Grande

- Treaty’s with Mexico
  - 1906 Convention – Rio Grande above Fort Quitman
  - 1944 Treaty – Rio Grande Below Fort Quitman
- Rio Grande Compact
- Congressional Authorizations
  - Flood Control Act of 1960 (86-645)
  - San Juan-Chama Project (87-483)
  - Cochiti Permanent Pool (88-293)
- State Water Law
The Rio Grande Compact

- Entered between Colorado, New Mexico and Texas in 1938
- Equitably apportions the waters of the Rio Grande above Fort Quitman, Texas
- Annual Delivery Requirements
  - Colorado’s delivery point is the New Mexico state line
  - Since 1949, New Mexico’s delivery point is Elephant Butte Reservoir
  - 57% of the “Texas” Supply is consumed in New Mexico
Compact Administration

- Colorado Commissioner - State Engineer
- New Mexico Commissioner – State Engineer
- Texas Commissioner – Appointed by the Governor
- Technical and legal support provided to each Commissioner
- The Commission meets annually to conduct its business. Special meetings may be called to address issues.
Rio Grande Basin Water Supply

- Rio Grande flows – Native waters
- Imported waters
  - Closed Basin Project - Colorado
  - Trans-mountain water – Colorado
  - San Juan-Chama Project – New Mexico
Rio Grande Compact Implications

- Compact apportions native flows between Colorado, New Mexico and Texas
- Provides an opportunity for development of waters from outside the basin
- Provides an opportunity to construct new reservoirs after approval of the Compact
Rio Grande Compact Implications continued

- Provides for a detailed water accounting to ensure native water deliveries are not impacted
- Specific Compact provisions related to post-compact reservoirs
  - Article VII Rio Grande Compact - 400kaf restriction
  - Article VIII Rio Grande Compact - Release from reservoirs when in debt
Rio Grande Compact Compliance
New Mexico 1940 - 2006

Time (Calendar Years)

January 1, 2007 Credit = 180,100 AF
Colorado Accrued Credit/Debit

Yearly credit/debit vs. Accrued credit/debit graph showing the trend from 1940 to 2005.
Historic Litigation

1951 - New Mexico’s accrued debt had reached 330,000 acre-feet. Texas filed suit in the U. S. Supreme Court against New Mexico and Middle Rio Grande Conservancy District.

- Dismissed because U. S. was not included as an “indispensable party”.

1966 - Colorado’s accrued debt had reached 900,000 acre-feet. Texas and New Mexico filed suit in the U. S. Supreme Court.

- Case was stayed in 1968 on condition that Colorado would meet its annual delivery requirements, which it did.
- Lawsuit was dismissed in 1985 when Elephant Butte spilled, eliminating Colorado’s remaining debt.
Current Activities

- New Mexico’s pilot channel at Elephant Butte
  - Saves approximately 15,000 acre-feet of water annually
- Endangered species
  - Rio Grande silvery minnow
    - Located above Elephant Butte in New Mexico
    - Impacts water deliveries and operations - minimum flows
    - Reintroduction in Big Bend area of Texas as experimental non-essential population
  - Southwestern willow flycatcher
    - Located within conservation pool at Elephant Butte
Pilot Channel Location Map

BOR constructed temporary channel (~7 mi.).

Approximate alignment of ISC contractor-constructed temporary channel (~11 mi.).

Approximate Phase 3 Work Area
A Completed Portion of the Pilot Channel (looking South)
Rio Grande Silvery Minnow
Reservoir Operations

Operations must be in compliance with the Rio Grande Compact.

Operations must be in compliance with federal authorizations.

Water use must be in compliance with federal authorizations and state water laws.
Rio Grande - Where Are We Going?

- Early history of irrigation
  - San Luis Valley of Colorado
  - Middle Rio Grande of New Mexico
  - Rio Grande Project

- Growing municipal demands
  - Albuquerque
  - El Paso
  - Juarez

- Recreation demands
Is there Flexibility

- Rio Grande Compact Commission can accommodate certain deviations
  - Relinquishment of credit water
  - PL86-645 Flood Control Operations
  - Conservation water agreement

- Changes to federal authorizations require Congressional action
Can There Be More Flexibility

- Coordination/cooperation between the states and federal agencies
  - Coordinated releases of water from upstream to downstream
  - Formal operating plan for Elephant Butte Reservoir
- How provisions of the Compact are interpreted
  - Definition of “Project Storage” …storage below Elephant Butte….
  - “Usable Water” …release in accordance with irrigation demands…
Storage

- Elephant Butte and Caballo Reservoirs are the key reservoir components of the Rio Grande Project.

- Elephant Butte serves as the delivery point for New Mexico, and the reservoir also retains any “credits” or “debits” accrued by Colorado and New Mexico under Compact.
Elephant Butte Reservoir
Historical End-of-Month Storage

*Data thru Sep. 2007 is actual; other 2007 data is a projection based on Reclamation's most probable plan.*
Conclusions

- Changing water demands will require more flexibility
  - Municipal needs, environmental needs, variations in water supply
- Changes must be within the terms of the Rio Grande Compact
  - No State supports changing the Rio Grande Compact
- We’ve found ways to address issues before - I think we can and will continue
- Texas will require that it’s Compact entitlement be delivered - but is open to flexible options which do not impact our water supplies