

Rio Grande Compact Past, Present, and Future

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Commissioner

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STONY PASS
ELEVATION 12590 FEET

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

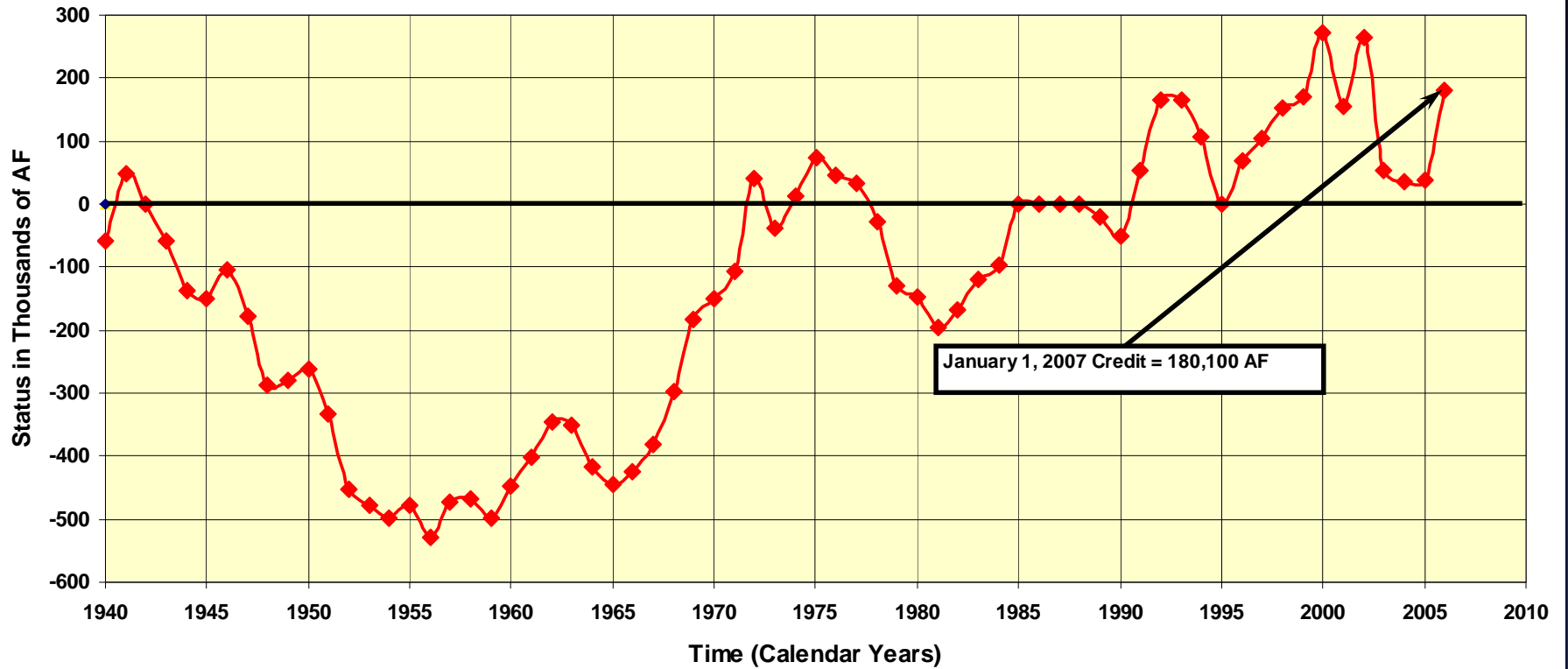
Rio Grande Compact Implications

- 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

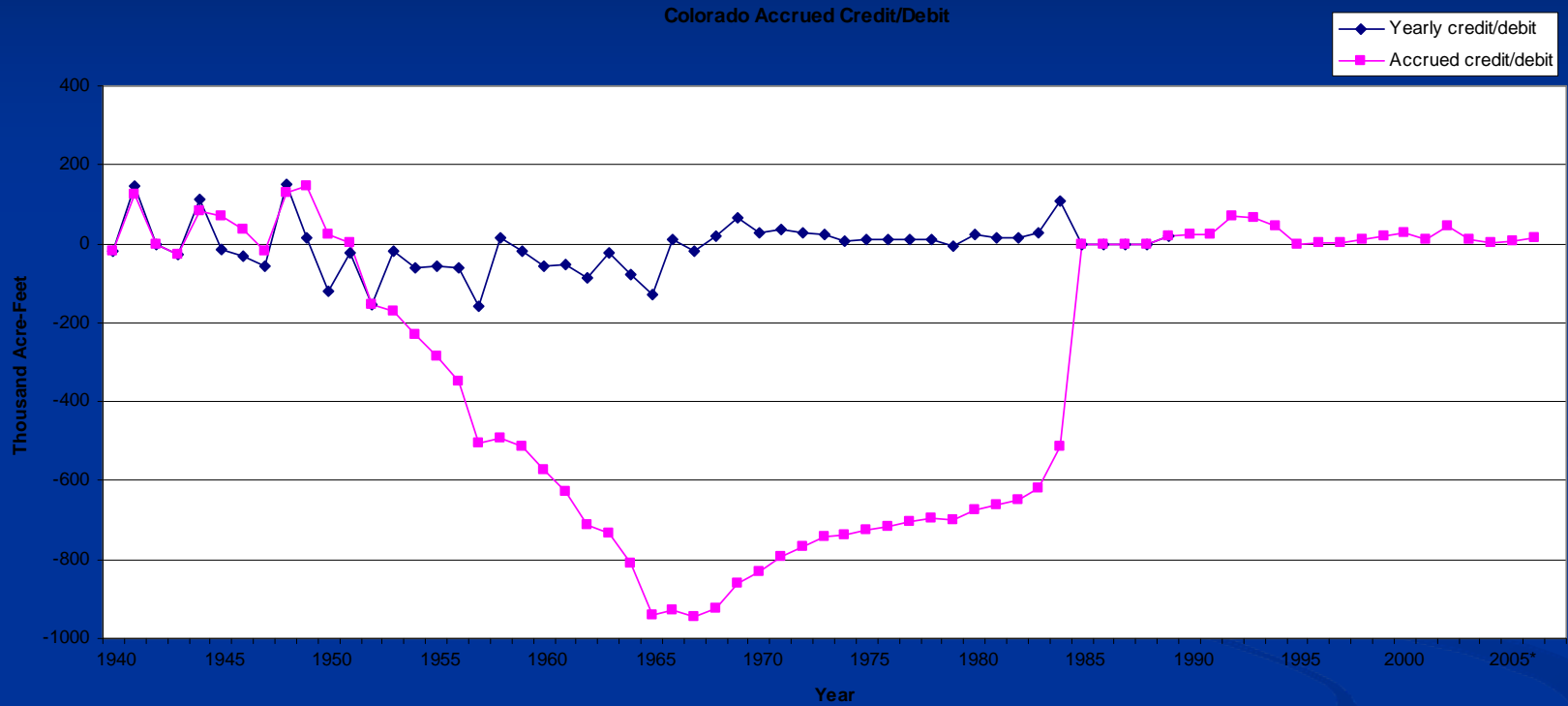
Rio Grande Compact Implications continued

- 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



Colorado Accrued Credit/Debit



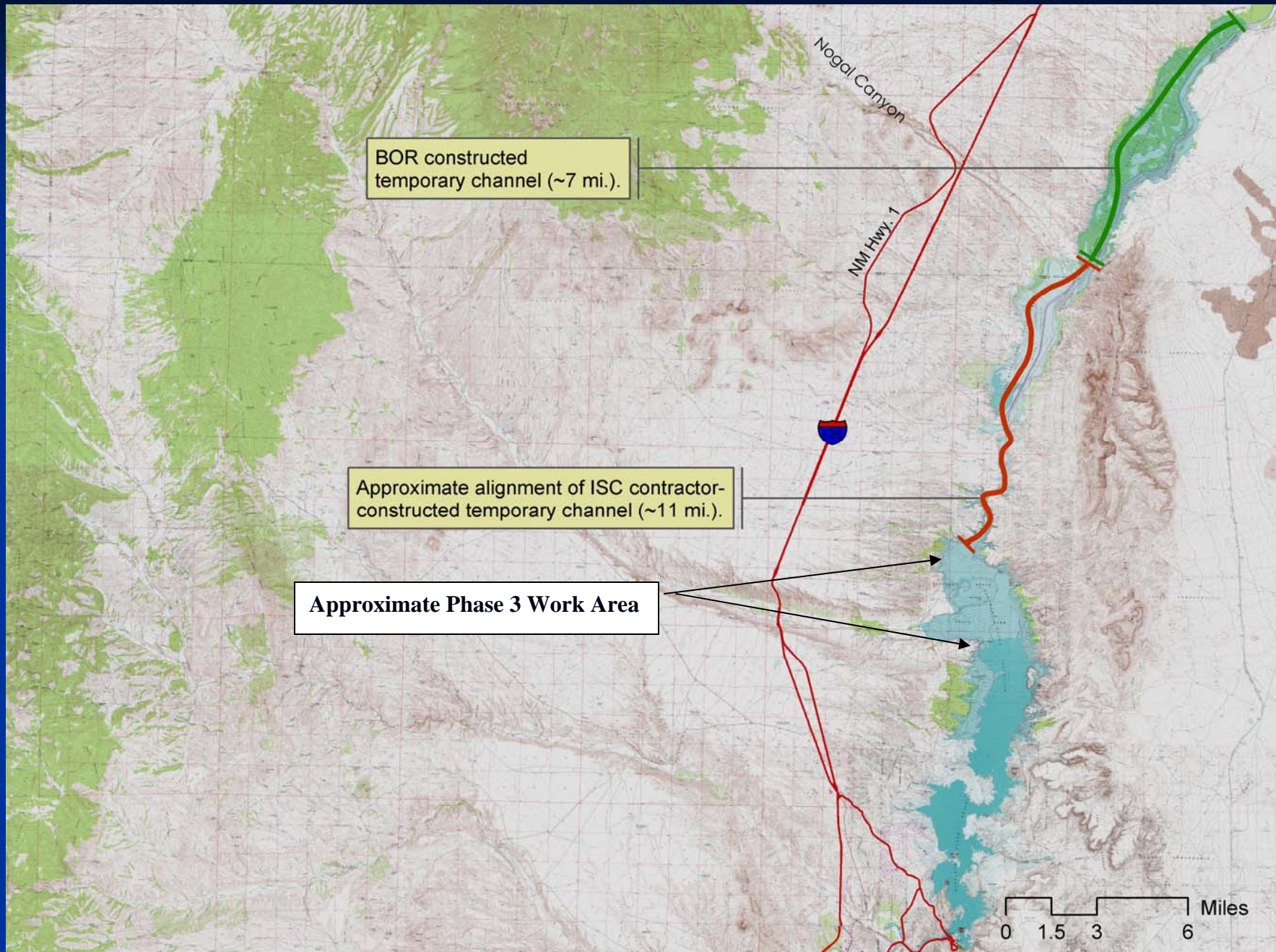
Historic Litigation

- 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



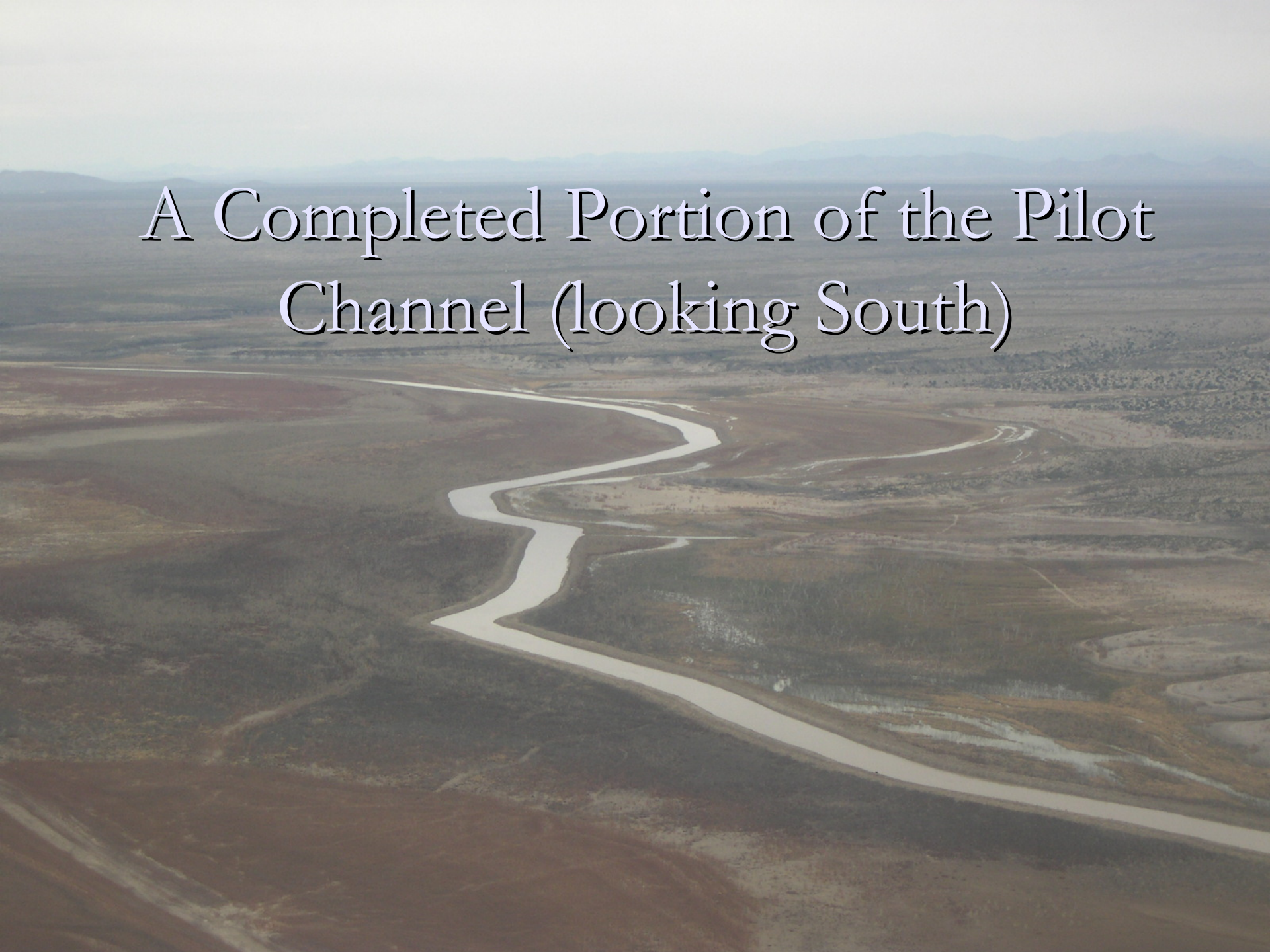
BOR constructed temporary channel (~7 mi.).

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

Approximate Phase 3 Work Area

0 1.5 3 6 Miles

A Completed Portion of the Pilot
Channel (looking South)



Rio Grande Silvery Minnow





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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.

RIO GRAND PROJECT



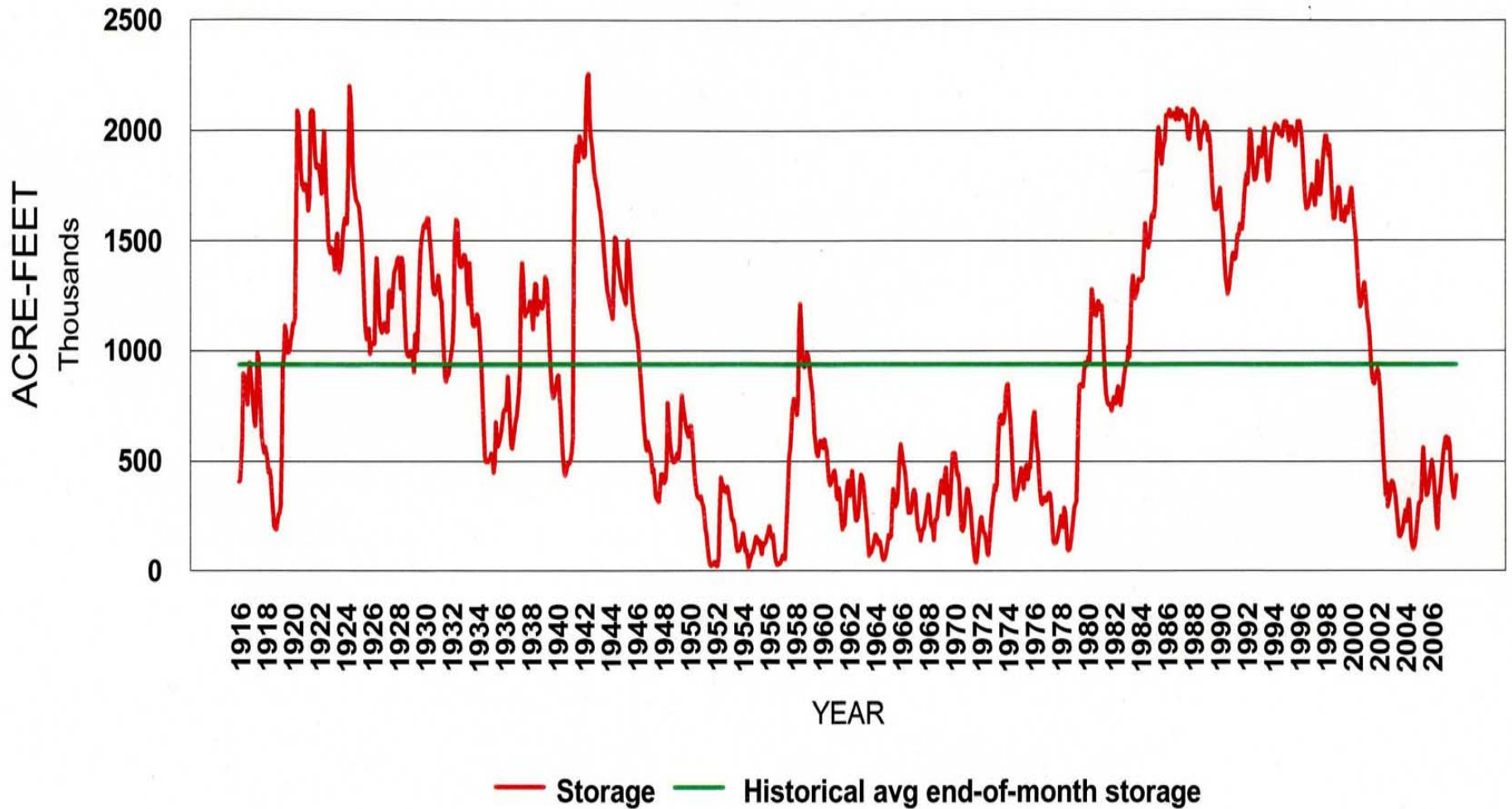


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ELEPHANT BUTTE RESERVOIR

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