



Elephant Butte Irrigation District Of New Mexico

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April 29, 2011

Pat Gordon, Esq.
Texas Rio Grande Compact Commissioner
P.O. Box 1917
El Paso, TX 79950-1917

RE: Alternative Relinquishment Credit Proposal from NM

Dear Commissioner Gordon,

This letter will respond with EBID's perspective to the letter dated April 19, 2011 from New Mexico Compact Commissioner John D'Antonio with respect to Relinquishment of Rio Grande Compact Credit Water.

At the March 30, 2011 Rio Grande Compact Commission Meeting, Commissioner D'Antonio publicly denied EBID's request for relinquishment of credit water which would have helped get the irrigation season started for farmers in Southern New Mexico. Commissioner D'Antonio cited the failure of the 2008 Operating Agreement entered into by EBID, El Paso County Water Improvement District No. 1 (EP No.1), and the United States Bureau of Reclamation as his justification for denying the relinquishment request. Specifically, as the Albuquerque Journal March 31, 2011 article on the subject pointed out, the reason the relinquishment was denied was because too much water would go to Texas. In effect, Commissioner D'Antonio punished Southern New Mexico farmers by withholding water in order to keep EP No.1 farmers from getting their fair share of relinquished water. In light of the denial of our initial request for relinquishment of credit water, the April 19 offer was somewhat of a surprise.

Regardless of the surprising nature of the offer for relinquishment of credit water from Commissioner D'Antonio and EBID's willingness to have that credit water in order to get this irrigation season started, there are several problems with the offer for relinquishment that must be addressed. First, we do not see how, under the Rio Grande Compact, the New Mexico Compact Commissioner can relinquish credit water for use by only one of two irrigation districts in Compact Texas. Once the water is relinquished, the State of New Mexico has no say in how it is used within Compact Texas. Any determination of how the water will ultimately be used once it is relinquished will come from the Allocation Committee, not the State of New Mexico. Second, the relinquishment of 30,000 AF, as proposed by Commissioner D'Antonio, would not be enough to offer even one irrigation for the district members because it would yield only about 2 inches. The fact that Commissioner D'Antonio may consider a second relinquishment in July is not something EBID is able to rely on in making a decision regarding allocation of water for irrigation. We would have to be realistic and conservative and assume that Commissioner D'Antonio would decide against a subsequent relinquishment of additional credit water.

Seeing no help from Commissioner D'Antonio with respect to getting water for the irrigation season through a relinquishment, EBID looked to the Operating Agreement Allocation Committee, which, as you know, is currently studying various issues related to the project operation. The recent main topic of the Allocation Committee's discussions has revolved around compensating EBID for impacts of groundwater pumping in the Texas portion of the Mesilla Valley. These negotiations promise to yield a transfer of several thousand acre feet from the EP No. 1 Project Water Account to the EBID Project Water Account. We would obviously like to have the State of New Mexico relinquish Compact Credit Water, but we refuse to be exploited or manipulated by that relinquishment, especially given the fact that Commissioner D'Antonio clearly has demonstrated that he does not have an interest in protecting New Mexico farmers during a time in which they need it most. That said, there is a way this could all work out according to the intent apparently expressed by New Mexico, which would result in most of the relinquished water being used by EBID. If 100,000 AF were relinquished by New Mexico, as was originally requested, it could be divided according to the Operating Agreement. Any water available to EP No.1 as a result of the relinquishment which is determined to be owed to EBID to offset the effects of Cañutillo pumping would immediately be transferred to EBID's Project Water Account. In short, the intent of the NM Compact Commissioner can be realized, but not through the method employed in his proposal.

The relinquishment of 100,000 AF would not compromise the recreation value of Elephant Butte Lake unduly by the Fourth of July. There would still be unavailable water consisting of 65,000 AF of Compact Credit water and 65,000 AF of San Juan-Chama water. Additionally, the two districts would not use all of their water by that time. In 2003, the lake was lowered to less than 100,000 AF, and we would clearly not reach that point even at the end of the season. Finally, Compact New Mexico's delivery to Compact Texas at Elephant Butte Dam will not be compromised, as it is helped out by substantial Supplemental Water, apparently anticipated to be 75,000 AF this year, which is purchased yearly by the federal government to maintain habitat for the Rio Grande Silvery Minnow. All of this indicates the New Mexico recreation and tourism economy would not be unduly burdened by the relinquishment of credit water Southern New Mexico farmers need.

We are in an oppressive drought in the Lower Rio Grande Basin, and as a result, the New Mexico and Texas Compact Commissioners need to come together to support and advance the interests of the constituency in this area. We hope that, as the Texas Compact Commissioner, you will craft a realistic response to the New Mexico Compact Commissioner's proposal, after considering our letter and input from EP No. 1 and the United States Bureau of Reclamation. If you have any questions regarding the issues we have outlined in this correspondence, please do not hesitate to contact us.

Sincerely,


James Salopek
President, EBID Board

CC:

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Rick Perry, Governor of State of Texas
John D'Antonio, Rio Grande Compact Commissioner for New Mexico
Estevan Lopez, Director, New Mexico Interstate Stream Commission
Amy Haas, General Counsel, New Mexico Interstate Stream Commission
Rolf Schmidt-Peterson, New Mexico Engineer Advisor
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Buford Harris, Commissioner, New Mexico Interstate Stream Commission
Chuy Reyes, El Paso County Water Improvement District No. 1
Herman Settemeyer, Texas Engineer Advisor
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Craig Cotton, Colorado Engineer Advisor
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