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General

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Comments
Of
Thomas C. Turney
Before
San Juan Water Commission
Farmington, NM
August 21, 2001

I appreciate you letting me address the commission this morning. I have wanted to do so for quite some time.

I would like to briefly introduce the following people who have accompanied me.

Norm Gaume, John D'Antonio, Robert Genualdi, John Stroud, John Whipple and Bill Enenbach.

There are several issues I wish to address. All these issues are inter-related. I would like to talk about the water right application filed in January by the Commission. I want to address the State's ongoing negotiations with the Navajos, a preliminary hydrologic determination, the Animas La Plata Project, and finally close with a few words about metering and management of the Animas and San Juan River.

The San Juan Basin is important to the State of New Mexico. It provides the second largest surface water supply in the State, of about which 15%, is being exported for use by communities and agricultural uses within the Rio Grande Basin--including the cities of Albuquerque and Santa Fe as well as the Middle Rio Grande Conservancy District.

intend to protest the application. These include the Navajo Nation, the Department of Interior and the Bureau of Indian Affairs. In addition, one municipality in this basin has indicated they are considering protesting the application.

Because of the large number of players involved, I think it is fairly safe to say that any hearing will be lengthy, sophisticated, and costly. I wonder if instead of going ahead with this application, it would be more in everyone's interest to consider alternate courses of action.

No matter what the decision the State Engineer makes on this application, an appeal is possible. In recent years, as we have begun working through the Agency backlog of applications, we have seen a number of my final decisions being appealed. This is done typically by either the applicant or the protestant, either who is permitted to file an appeal. If an appeal is made, there is a possibility the ultimate decision will somehow find itself thrust into the ongoing San Juan River adjudication court. And in a recent court decision in an adjudication just north of Santa Fe, the Court overturned a special master's decision on a specific issue, ordering instead that the issue be addressed as a part of the global ongoing Indian, non-Indian settlement talks.

As the Commission deliberates on its decision to go ahead with the publishing of this application, I believe it is very important to understand the ongoing Navajo negotiations as well as preliminary data for another hydrologic determination which the Interstate Stream Commission has recently developed.

I want to now discuss the Navajo negotiations. I have made several presentations in this area on the State's preliminary offer. Discussions to date with the Navajos have used this preliminary offer as a framework for possible settlement. Briefly, existing depletions by the Navajo Nation will be recognized. The completion of the Navajo Indian Irrigation Project will be supported, as well as depletions associated with the Navajo-Gallup project. A pipeline to carry San Juan River water to serve Navajo Communities along the front range of the Chusca mountains and the City of Gallup will be constructed. Certain infrastructure projects relating to existing irrigation works for the Fruitland, Hogback and Cudei will be constructed. In return, the State would want the Navajo to settle their water claims in the San Juan Basin.

As the State grows and water becomes more and more scarce, water availability will ultimately define the future of New Mexico.

New Mexico is experiencing a period of rapid population growth. Its population over the past 4 decades has almost doubled. The Denver Post recently carried a projection on its front page that New Mexico's population will grow by almost 85% over the next 50 years.

I want to move now to the hydrologic determination. One of the initial steps in an Indian Settlement is a determination of where the water will come from for the settlement as well as for any infrastructure project that is a part of the settlement. This determination is typically done by the Bureau of Reclamation in concert with the State of NM. This determination is very important.

Last year, the City of Gallup and the Navajo Nation requested a new hydrologic determination be done. Although it appeared for a while that the Bureau was going to not work with the State in preparation of this new hydrologic determination, we are hopeful for a new spirit of cooperation with this Federal Agency. Because the state is a signatory to the Upper Basin and Colorado River compacts, it is appropriate that NM be involved in any hydrologic determination.

The Interstate Stream Commission has developed preliminary data for New Mexico's project depletions for use in another hydrologic determination. The numbers inside this set of computations will include a depletion amount for the Navajo-Gallup Water Supply project, which in turn is a key component to any Indian Water Right Settlement. The data is further key to the amount of water that is available for non-Indian water use in the Basin. John Whipple, who is a staff engineer with the Commission, will explain to you this draft document.

I now want to discuss the Animas La Plata Project. This is a project which has evolved over the decades. 50 years ago, this Project was envisioned to be an irrigation project. Through the years it has transformed into a municipal and industrial water supply project for Indian and non-Indian communities in New Mexico. Throughout this evolution, the New Mexico Interstate Steam Commission has remained an avid supporter of this project—specifically because it has the opportunity to provide a dependable water supply.

To make this request, we must have quantities of water to assign to New Mexico Project Beneficiaries—more specifically how is the 10,400 afy of Project Water to be divided up. In adjudication litigation, both in the Lower Rio Grande and the Carlsbad Irrigation District, we have successfully taken the position that it is not the United States, not the Irrigation Districts, but rather the farmers who have put the water to beneficial use who therefore own the water rights. This same principal applies to the ALP project beneficiary assignment. In this case, it is the Cities or the rural water associations who will put the project water to beneficial use. We are well aware that the Cities and the County have entered into a joint powers agreement and this agreement will be considered in acting on the assignment request.

As I recall, the original joint powers agreement forming the SJWC set forth the breakout of waters from the ALP project, but unfortunately the project that was envisioned a decade ago has now been downsized.

Because of the downsizing, Permits 4487 through 4501 are going to have be revisited so that they can be integrated with the ALP Project as authorized for construction by the Congress.

There is one additional issue each project beneficiary must consider. Municipalities and rural water entities can acquire and hold a water right provided they can reasonably put the water right to beneficial use within 40 years. This 40 year question is going to have be addressed by each project beneficiary. As long as the right is held in the Secretary's name, it is not subject to this 40 year use consideration. Albeit not recently, I have looked at some projected municipal usages and as I recall, there were some communities who had acquired existing water rights and with the addition of this ALP Project right, they would be placed beyond this 40 year planning horizon.

There are other areas of the proposed contract we have concerns over. As an example, we are concerned over the language that gives conclusive decision making authority to the United States during times of shortage. This provision may work against NM interests. Because of our experiences on this issue, we must insure that these types of protection for NM interests are included in any contract.

My last issue relates to installation of metering and appointment of water

Disclaimer: It is expressly understood that the governing bodies or authorities of the proposed signatories have not approved this draft settlement agreement, including the draft partial final decree, draft settlement act, draft settlement contract and draft settlement summary. These draft documents are provided for discussion purposes only.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS (Units: 1000 acre-feet) November 2003

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (4)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	10.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (5)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project								
Navajo Nation in New Mexico (6)	0.0	0.0	0.0	4.0	5.2	6.4	6.4	6.4
City of Gallup (7)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.3	13.9	13.9	13.9

(4) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.
(5) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.
(6) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.
(7) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet in any year, the Jicarilla Apache Nation may use its water for irrigation

Anticipated Depletions and Baseline Depletions for the San Juan River Basin in New Mexico (Depletions in 1,000 acre-feet)

10/25/04

Depletion category	Anticipated Annual Depletion for 2060 from Depletion Schedule	Baseline Depletion from Draft EIS on Navajo Dam Operations	Notes
Animas-La Plata Project	13.6	13.6	
Navajo-Gallup Water Supply Project	29.5	0.0	

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STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (8)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (10)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (11)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (12)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(10) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(11) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(12) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

11/29/04

Anticipated Depletions and Baseline Depletions for the San Juan River Basin in New Mexico
(Depletions in 1,000 acre-feet)

Depletion category	Anticipated Annual Depletion for 2060 from Depletion Schedule	Baseline Depletion from Draft EIS on Navajo Dam Operations	Notes
Animas-La Plata Project	13.6	13.6	
Navajo-Gallup Water Supply Project	29.5	0.0	NGWSP uses in New Mexico: 20.8 for Navajo uses, plus 8.7 supplied through Jicarilla contract

OSE-2830

Anticipated Depletions and Baseline Depletions for the San Juan River Basin in New Mexico
(Depletions in 1,000 acre-feet)

12/2/04

Depletion category	Anticipated Annual Depletion for 2060 from Depletion Schedule	Baseline Depletion from Draft EIS on Navajo Dam Operations	Notes
Animas-La Plata Project	13.6	13.6	
Navajo-Gallup Water Supply Project	29.5	0.0	NGWSP uses in New Mexico: 20.8 for Navajo uses, plus 8.7 supplied through Jicarilla contract.

OSE-2831

Note: The baseline in the September 2004 Biological Assessment for the Navajo-Gallup Water Supply Project includes also 6,570 acre-feet for the Jicarilla Apache Nation's Navajo River Water Supply Project pursuant to the Biological Opinion previously completed on the latter project. However, the Jicarilla depletions associated with the latter project and some of the other Jicarilla depletions above Navajo Dam would be used instead under the Navajo-Gallup Project for Jicarilla uses under the Project and for lease to supply the City of Gallup.

December 2004

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (8)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

OSE-2831-A

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (10)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (11)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (12)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(8) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(10) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(11) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(12) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

Anticipated Depletions and Baseline Depletions for the San Juan River Basin in New Mexico
(Depletions in 1,000 acre-feet per year)

12/8/04

Depletion category	Anticipated Annual Depletion for 2060 from Depletion Schedule	Baseline Depletion from Draft EIS on Navajo Dam Operations	Notes
Animas-La Plata Project	13.6	13.6	Includes NM share of Ridges Basin Reservoir evaporation.
Navajo-Gallup Water Supply Project	29.5	0.0	NGWSP uses in New Mexico: 20.8 for Navajo uses, plus 8.7 supplied through Jicarilla contract.

Note: The baseline in the September 2004 Biological Assessment for the Navajo-Gallup Water Supply Project includes also 6,570 acre-feet for the Jicarilla Apache Nation's Navajo River Water Supply Project pursuant to the Biological Opinion previously completed on the latter project. However, the Jicarilla depletions associated with the latter project and some of the other Jicarilla depletions above Navajo Dam would be "transferred" to uses under the Navajo-Gallup Project, including Jicarilla uses and a lease to supply the City of Gallup. The Biological Assessment for the Navajo-Gallup Project includes about 29,500 acre-feet of depletion for the Project in New Mexico in addition to the baseline depletions shown above.

Disclaimer. This document is the product of the New Mexico Interstate Stream Commission staff only and is not a settlement document. This document is provided for informational purposes.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (5)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (6)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (7)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (8)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(5) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.
(6) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.
(7) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.
(8) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (6)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (7)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (8)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (9)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(6) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(7) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(8) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(9) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (8)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (10)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (11)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (12)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(8) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(10) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

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(12) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (5)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (6)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (7)	0.0	0.0	0.0	4.0	5.2	6.4	6.4	6.4
City of Gallup (8)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.3	13.9	13.9	13.9

(5) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.
(6) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.
(7) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.
(8) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

April 2005

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (8)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (10)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (11)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (12)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(8) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(10) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(11) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(12) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

	April 2005 Depletion Schedule	Proposed Revised Schedule
Animas-La Plata Project:		
San Juan Water Commission (7)	10.4	10.4
Navajo Nation	2.3	2.3
La Plata Conservancy District	0.8	0.8
Ridges Basin Reservoir Evap. - New Mexico share	0.1	0.1
Animas-La Plata Project Subtotal	13.6	13.6
Navajo-Gallup Water Supply Project: (8)		
Navajo Nation	12.5	12.5
Jicarilla Apache Nation	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	13.7	13.7
Navajo-Gallup Water Supply Project - NAPI (12)	0.7	0.7
EXPORTS		
Navajo-Gallup Water Supply Project: (8)		
Navajo Nation in New Mexico	7.6	7.6
City of Gallup	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	15.1	15.1

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS
(continued)

NOTES:

(7) San Juan Water Commission member entities in 2000 used 1,000 af from the Animas River under ALP permits.

(8) NGWSP depletions in New Mexico total 29,500 af, including all project uses in the Upper Basin and the Lower Basin by the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup. The exports by the NGWSP to Gallup are anticipated to be supplied through a subcontract with the Jicarillas. To the extent that Gallup's actual demand is less than 7,500 af, the Jicarilla Apache Nation could use its water for irrigation or other uses. Exports by the NGWSP for Navajo Nation uses in Arizona are not included.

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

	April 2005 Depletion Schedule	Proposed Revised Schedule	NGWSP Biological Assessment, Baseline plus NGWSP
MUNICIPAL AND DOMESTIC USES (1)			
Animas-La Plata Project:			
San Juan Water Commission (8)	10.4	10.4	10.4
Navajo Nation	2.3	2.3	2.3
La Plata Conservancy District	0.8	0.8	0.8
Ridges Basin Res. Evap. - New Mexico share	0.1	0.1	0.1
Animas-La Plata Project Subtotal	13.6	13.6	13.6
Navajo-Gallup Water Supply Project: (9)			
Navajo Nation	12.5	12.5	12.5
Jicarilla Apache Nation	1.2	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	13.7	13.7	13.7
Navajo-Gallup Project - NAPI (13)	0.7	0.7	0.7
EXPORTS			
Navajo-Gallup Water Supply Project: (9)			
Navajo Nation in New Mexico	7.6	7.6	7.6
City of Gallup	7.5	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	15.1	15.1	15.1

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS

NOTES:

(8) San Juan Water Commission member entities in 2000 used 1,000 af from the Animas River under Animas-La Plata Project permits.

(9) Navajo-Gallup Water Supply Project (NGWSP) depletions in New Mexico total 29,500 af, including all project uses in the Upper Basin and the Lower Basin by the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup. The exports by the NGWSP to Gallup are anticipated to be supplied through a subcontract with the Jicarillas. To the extent that Gallup's actual demand is less than 7,500 af, the Jicarilla Apache Nation could use its water for irrigation or other uses. Exports by the NGWSP for Navajo Nation uses in Arizona are not included.

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

	April 2005 Depletion Schedule	Proposed Revised Schedule
MUNICIPAL AND DOMESTIC USES (1)		
Animas-La Plata Project:		
San Juan Water Commission (7)	10.4	10.4
Navajo Nation	2.3	2.3
La Plata Conservancy District	0.8	0.8
Ridges Basin Reservoir Evap. - New Mexico share	0.1	0.1
Animas-La Plata Project Subtotal	13.6	13.6
Navajo-Gallup Water Supply Project: (8)		
Navajo Nation	12.5	12.5
Jicarilla Apache Nation	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	13.7	13.7
Navajo-Gallup Water Supply Project - NAPI (12)	0.7	0.7
EXPORTS		
Navajo-Gallup Water Supply Project: (8)		
Navajo Nation in New Mexico	7.6	7.6
City of Gallup	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	15.1	15.1

STATE OF NEW MEXICO ANTICIPATED FUTURE UPPER BASIN DEPLETIONS
(continued)

NOTES:

(7) San Juan Water Commission member entities in 2000 used 1,000 af from the Animas River under ALP permits.

(8) NGWSP depletions in New Mexico total 29,500 af, including all project uses in the Upper Basin and the Lower Basin by the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup. The exports by the NGWSP to Gallup are anticipated to be supplied through a subcontract with the Jicarillas. To the extent that Gallup's actual demand is less than 7,500 af, the Jicarilla Apache Nation could use its water for irrigation or other uses. Exports by the NGWSP for Navajo Nation uses in Arizona are not included.

(12) Navajo Agricultural Products Industry's use of NGWSP water for food processing.

(Units: 1000 acre-feet per year)

Year	2000	2010	2020	2030	2040	2050	2060
MUNICIPAL AND DOMESTIC USES (1)							
Animas-La Plata Project:							
San Juan Water Commission (4)	1.0	5.0	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evaporation - NM share	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	1.0	6.0	13.3	13.6	13.6	13.6	13.6
Navajo-Gallup Water Supply Project: (5)							
Navajo Nation	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Navajo-Gallup Water Supply Project - NAPI (9)	0.0	0.0	0.7	0.7	0.7	0.7	0.7
EXPORTS							
Navajo-Gallup Water Supply Project: (5)							
Navajo Nation in New Mexico	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(4) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under ALP permits.

(5) Proposed NGWSP depletions in New Mexico total 29,500 acre-feet per year, including all project uses in the Upper Basin and the Lower Basin by the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup. The exports by the NGWSP to Gallup are anticipated to be supplied through a subcontract with Jicarilla. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for other uses. Exports by the NGWSP for Navajo Nation uses in Arizona are not included.

(9) Navajo Agricultural Products Industry's use of NGWSP water for food processing

Provisional

May 2, 2006

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	2000	2010	2020	2030	2040	2050	2060
MUNICIPAL AND DOMESTIC USES (1)							
Animas-La Plata Project:							
San Juan Water Commission	1.0	5.0	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evaporation - NM share	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	1.0	6.0	13.3	13.6	13.6	13.6	13.6
Navajo-Gallup Water Supply Project: (2)							
Navajo Nation	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Navajo-Gallup Water Supply Project - NAPI (2)	0.0	0.0	0.7	0.7	0.7	0.7	0.7
EXPORTS							
Navajo-Gallup Water Supply Project: (2)							
Navajo Nation in New Mexico	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(2) Proposed Navajo-Gallup Water Supply Project depletions in New Mexico total 29,500 acre-feet per year. Exports to Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. Exports for Navajo Nation uses in Arizona are not included.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	2000	2010	2020	2030	2040	2050	2060
MUNICIPAL AND DOMESTIC USES (1)							
Animas-La Plata Project:							
San Juan Water Commission	1.0	5.0	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evaporation - NM share	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	1.0	6.0	13.3	13.6	13.6	13.6	13.6
Navajo-Gallup Water Supply Project: (2)							
Navajo Nation	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Water Supply Project - NAPI (2)	0.0	0.0	0.7	0.7	0.7	0.7	0.7
EXPORTS							
Navajo-Gallup Water Supply Project: (2)							
Navajo Nation in New Mexico	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	0.0	0.0	8.7	11.9	15.1	15.1	15.1

(2) Proposed Navajo-Gallup Water Supply Project depletions in New Mexico total 29,500 acre-feet per year. Exports to Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. Exports for Navajo Nation uses in Arizona are not included.

Disclaimer. It is expressly understood that the governing bodies or authorities of the proposed signatories have not approved this draft settlement agreement, including the draft partial final decree, draft settlement act, draft settlement contract and draft executive summary. The New Mexico Interstate Stream Commission staff prepared the draft depletion schedule. These draft documents are provided for discussion purposes only.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
CURRENT DEPLETIONS (1)								
Agricultural - Irrigation & Stock Use:								
Navajo Irrigation:								
Navajo Indian Irrigation Project (NIIP)	149.4	149.4	149.4	149.4	149.4	149.4	149.4	149.4
Fruitland-Cambridge Irrig. Project	7.9	7.9	7.9	7.9	7.9	7.9	7.9	7.9
Hogback-Cudei Irrigation Project	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
Chaco River drainage irrigation	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Crystal area irrigation	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo Irrigation Subtotal	173.7	173.7	173.7	173.7	173.7	173.7	173.7	173.7
Non-Indian Irrigation:								
Above Navajo Dam (inc. Jicarilla)	1.3	1.3	1.3	1.3	1.7	1.7	1.7	1.7
Upper San Juan (exc. Hammond)	8.2	8.2	8.2	8.2	8.2	8.2	8.2	8.2
Hammond Irrigation Project	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2
Animas River ditches	31.7	31.7	31.7	31.7	31.7	31.7	31.7	31.7
La Plata River ditches	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1
Farmers Mutual Ditch	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8
Jewett Valley Ditch	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Chaco River drainage irrigation	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Non-Indian Irrigation Subtotal	67.8	67.8	67.8	67.8	68.2	68.2	68.2	68.2
Stockpond Evaporation and Stock Use	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
Agricultural - Irrigation & Stock Total	245.8	245.8	245.8	245.8	246.2	246.2	246.2	246.2
Municipal and Domestic Uses:								
Municipal and Industrial	8.9	8.9	8.9	8.9	8.9	8.9	8.9	8.9
Scattered Rural Domestic (inc. Jicarilla)	1.4	1.4	1.4	1.4	1.5	1.5	1.6	1.6
Municipal and Domestic Total	10.3	10.3	10.3	10.3	10.4	10.4	10.5	10.5
Power and Industrial Uses:								
PNM - Navajo Reservoir Supply (2)	16.2	16.2	16.2	16.2	16.2	16.2	16.2	16.2
BHP Billiton, inc. lease to PNM	37.0	37.0	37.0	38.0	39.0	39.0	39.0	39.0
Bloomfield Industrial	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Power and Industrial Total	55.7	55.7	55.7	56.7	57.7	57.7	57.7	57.7
Export - San Juan-Chama Project	107.5	107.5	107.5	107.5	107.5	107.5	107.5	107.5
Reservoir Evaporation:								
Navajo Reservoir Evaporation (3)	28.3	28.3	27.0	26.5	26.5	26.5	26.5	26.5
Small Reservoir Evaporation	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Reservoir Evaporation Total	29.5	29.5	28.2	27.7	27.7	27.7	27.7	27.7
TOTAL CURRENT DEPLETIONS	448.8	448.8	447.5	448.0	449.5	449.5	449.6	449.6
ANTICIPATED DEPLETIONS								
Agricultural - Irrigation & Stock Uses:								
NIIP Completion (4)	0.0	0.0	90.0	104.6	104.6	104.6	104.6	104.6
Fruitland/Hogback Rehabilitation	0.0	0.0	0.0	7.0	7.0	7.0	7.0	7.0
Agricultural - Irrigation & Stock Total	0.0	0.0	90.0	111.6	111.6	111.6	111.6	111.6
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (5)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6
Jicarilla Apache Nation	0.0	0.0	0.0	0.0	0.4	0.6	0.6	0.6
Municipal and Domestic Total	0.0	1.0	11.4	13.3	14.0	14.2	14.2	14.2
TOTAL ANTICIPATED DEPLETIONS	0.0	1.0	101.4	124.9	125.6	125.8	125.8	125.8

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Navajo Nation	0.0	0.0	0.0	1.0	1.0	2.0	2.0	2.0
Municipal and Domestic Total	0.0	0.0	0.0	9.7	12.2	15.7	15.7	15.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (6)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Small Navajo Res. Contracts	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1
Power and Industrial Total	0.0	0.0	0.1	0.8	0.8	0.8	0.8	0.8
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (7)	0.0	0.0	0.0	4.0	5.2	6.4	6.4	6.4
City of Gallup (8)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.3	13.9	13.9	13.9
TOTAL POTENTIAL DEPLETIONS	0.0	0.0	0.1	19.2	24.3	30.4	30.4	30.4
TOTAL NEW MEXICO DEPLETIONS (9)	448.8	449.8	549.0	592.1	599.4	605.7	605.8	605.8
Evaporation - CRSP Storage Units (10)	58.0	58.0	58.0	58.0	58.0	58.0	58.0	58.0
TOTAL DEPLETIONS	506.8	507.8	607.0	650.1	657.4	663.7	663.8	663.8
State Share of 6.0 MAF (11)	669.0	669.0	669.0	669.0	669.0	669.0	669.0	669.0
Remaining Available (11,12)	162.2	161.2	62.0	18.9	11.6	5.3	5.2	5.2
Percent of State Share Remaining	24.2%	24.1%	9.3%	2.8%	1.7%	0.8%	0.8%	0.8%

NOTES:

(1) Does not reflect post-1965 transfers from irrigation to municipal and industrial uses. 800 acre-feet of current non-Indian depletions are supplied through short-term leases from the Jicarilla Apache Nation as of 2003.

(2) Public Service Company of New Mexico (PNM) contract with the Secretary expires 2005; PNM subcontract with Jicarilla Apache Nation effective 2006-2027, with commitment to negotiate in 2022 for a subcontract extension.

(3) Up to a few hundred acre-feet of Navajo Reservoir evaporation may be allocated or charged to Arizona's Upper Basin apportionment depending on the extent to which reservoir storage is used to service the portion of the Navajo-Gallup Water Supply Project uses that are in Arizona.

(4) Total Navajo Indian Irrigation Project (NIIP) depletion by 2020 is 254,000 acre-feet, assuming 5% average fallow acreage.

(5) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(6) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(7) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(8) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

(9) This is a schedule of anticipated depletions for planning purposes only. It is not a tabulation or determination of water rights or actual uses.

(10) "Evaporation - CRSP Storage Units" refers to the total and individual States' portions of evaporation from the major reservoirs constructed under the Colorado River Storage Project Act that are used principally to regulate compact deliveries at Lee Ferry. These include Flaming Gorge, Curecanti and Glen Canyon, but exclude Navajo which is used principally for storing water for use in New Mexico. 58,000 acre-feet is New Mexico's portion.

(11) This depletion schedule does not attempt to interpret the Colorado River Compact, the Upper Colorado River Basin Compact, or any other element of the "Law of the River." This schedule should not be construed as an acceptance of any assumption that limits the Upper Colorado River Basin's depletion. In this schedule, for planning purposes only, the total Upper Colorado River Basin Allocation is 6.0 million acre-feet, of which 50,000 acre-feet is the Upper Basin allocation to Arizona. This estimate does not constitute an endorsement of the Bureau of Reclamation's 1988 Hydrologic Determination that was approved by the Secretary of the Interior on February 2, 1989. This estimate also does not include salvage by use.

(12) Reserved.

Disclaimer. This document is a product of New Mexico Interstate Stream Commission staff only and is not a settlement document. It is expressly understood that the governing bodies or authorities of the proposed signatories have not approved the revised draft settlement agreement, including the revised draft partial final decree, revised draft settlement act and revised draft settlement contract. New Mexico Interstate Stream Commission staff also prepared the revised draft executive summary of the proposed settlement and the draft responses to public comments received on the December 5, 2003, discussion draft of the settlement.

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS
(Units: 1000 acre-feet per year)

Year	1990	2000	2010	2020	2030	2040	2050	2060
CURRENT DEPLETIONS (1)								
Agricultural - Irrigation & Stock Use:								
Navajo Irrigation:								
Navajo Indian Irrigation Project (NIIP)	149.4	149.4	149.4	149.4	149.4	149.4	149.4	149.4
Fruitland-Cambridge Irrig. Project	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6
Hogback-Cudei Irrigation Project	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
Chaco River drainage irrigation	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Crystal area irrigation	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo Irrigation Subtotal	173.4	173.4	173.4	173.4	173.4	173.4	173.4	173.4
Non-Indian Irrigation:								
Above Navajo Dam (inc. Jicarilla)	1.3	1.3	1.3	1.3	1.7	1.7	1.7	1.7
Upper San Juan (exc. Hammond)	8.2	8.2	8.2	8.2	8.2	8.2	8.2	8.2
Hammond Irrigation Project	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2
Animas River ditches	31.7	31.7	31.7	31.7	31.7	31.7	31.7	31.7
La Plata River ditches	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1
Farmers Mutual Ditch	8.8	8.8	8.8	8.8	8.8	8.8	8.8	8.8
Jewett Valley Ditch	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Chaco River drainage irrigation	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Non-Indian Irrigation Subtotal	67.8	67.8	67.8	67.8	68.2	68.2	68.2	68.2
Stockpond Evaporation and Stock Use	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
Agricultural - Irrigation & Stock Total	245.5	245.5	245.5	245.5	245.9	245.9	245.9	245.9
Municipal and Domestic Uses:								
Municipal and Industrial	9.7	9.7	9.7	9.7	9.7	9.7	9.7	9.7
Scattered Rural Domestic (inc. Jicarilla)	1.0	1.0	1.0	1.0	1.1	1.1	1.2	1.2
Municipal and Domestic Total	10.7	10.7	10.7	10.7	10.8	10.8	10.9	10.9
Power and Industrial Uses:								
PNM - Navajo Reservoir contract (2)	16.2	16.2	16.2	16.2	16.2	16.2	16.2	16.2
BHP Billiton (3)	37.0	37.0	37.0	38.0	39.0	39.0	39.0	39.0
Bloomfield Industrial	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Power and Industrial Total	55.7	55.7	55.7	56.7	57.7	57.7	57.7	57.7
Export - San Juan-Chama Project	107.5	107.5	107.5	107.5	107.5	107.5	107.5	107.5
Reservoir Evaporation:								
Navajo Reservoir Evaporation (4)	28.3	28.3	27.0	26.5	26.5	26.5	26.5	26.5
Small Reservoir Evaporation	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Reservoir Evaporation Total	29.5	29.5	28.2	27.7	27.7	27.7	27.7	27.7
TOTAL CURRENT DEPLETIONS	448.9	448.9	447.6	448.1	449.6	449.6	449.7	449.7
ANTICIPATED DEPLETIONS								
Agricultural - Irrigation & Stock Uses:								
NIIP Completion (5)	0.0	0.0	65.0	100.0	107.1	107.1	107.1	107.1
Fruitland/Hogback Rehabilitation	0.0	0.0	0.0	7.2	7.2	7.2	7.2	7.2
Agricultural - Irrigation & Stock Total	0.0	0.0	65.0	107.2	114.3	114.3	114.3	114.3
Municipal and Domestic Uses:								
Animas-La Plata Project:								
San Juan Water Commission (6)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Res. Evap. - NM share	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	0.0	1.0	11.4	13.3	13.6	13.6	13.6	13.6
Jicarilla Apache Nation	0.0	0.0	0.0	0.0	0.4	0.6	0.6	0.6
Municipal and Domestic Total	0.0	1.0	11.4	13.3	14.0	14.2	14.2	14.2
TOTAL ANTICIPATED DEPLETIONS	0.0	1.0	76.4	120.5	128.3	128.5	128.5	128.5

Year	1990	2000	2010	2020	2030	2040	2050	2060
POTENTIAL DEPLETIONS								
Municipal and Domestic Uses:								
Navajo-Gallup Water Supply Project:								
Navajo Nation	0.0	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	0.0	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Navajo Nation	0.0	0.0	0.0	1.0	1.0	2.0	2.0	2.0
Municipal and Domestic Total	0.0	0.0	0.0	9.7	12.2	15.7	15.7	15.7
Power and Industrial Uses:								
Navajo-Gallup Project - NAPI (7)	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Small Navajo Res. Contracts	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1
Power and Industrial Total	0.0	0.0	0.1	0.8	0.8	0.8	0.8	0.8
Export - Navajo-Gallup Project:								
Navajo Nation in New Mexico (8)	0.0	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup (9)	0.0	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Export Total	0.0	0.0	0.0	8.7	11.9	15.1	15.1	15.1
TOTAL POTENTIAL DEPLETIONS	0.0	0.0	0.1	19.2	24.9	31.6	31.6	31.6
TOTAL NEW MEXICO DEPLETIONS (10)	448.9	449.9	524.1	587.8	602.8	609.7	609.8	609.8
Evaporation - CRSP Storage Units (11)	58.0	58.0	58.0	58.0	58.0	58.0	58.0	58.0
TOTAL DEPLETIONS	506.9	507.9	582.1	645.8	660.8	667.7	667.8	667.8
State Share of 6.0 MAF (12)	669.4	669.4	669.4	669.4	669.4	669.4	669.4	669.4
Remaining Available (12,13)	162.5	161.5	87.3	23.6	8.6	1.7	1.6	1.6
Percent of State Share Remaining	24.3%	24.1%	13.0%	3.5%	1.3%	0.3%	0.2%	0.2%

NOTES:

(1) Does not reflect post-1965 transfers from irrigation to municipal and industrial uses. 800 acre-feet of current non-Indian depletions are supplied through short-term leases from the Jicarilla Apache Nation as of 2003.

(2) Public Service Company of New Mexico (PNM) contract with the Secretary expires 2005; PNM subcontract with Jicarilla Apache Nation effective 2006-2027, with commitment to negotiate in 2022 for a subcontract extension.

(3) Includes uses under New Mexico State Engineer File No. 2838 at the Four Corners Power Plant, the San Juan Generating Station, and related mines.

(4) Up to a few hundred acre-feet of Navajo Reservoir evaporation may be allocated or charged to Arizona's Upper Basin apportionment depending on the extent to which reservoir storage is used to service the portion of the Navajo-Gallup Water Supply Project uses that are in Arizona.

(5) Total Navajo Indian Irrigation Project (NIIP) depletion by 2030 is 256,500 acre-feet, assuming 5% average fallow acreage. This amount does not include the depletions on the Hogback-Cudei and Fruitland-Cambridge irrigation projects that would be accounted against the NIIP depletion right pursuant to the alternate water source provisions of subparagraph 9.2 of the Settlement Agreement.

(6) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under Animas La-Plata Project permits.

(7) 700 acre-feet of water from the Navajo-Gallup Water Supply Project would be used by the Navajo Agricultural Products Industry for food processing. This is an agricultural/industrial use.

(8) This depletion schedule includes uses in New Mexico only and excludes exports by the Navajo-Gallup Project for Navajo Nation uses in Arizona.

(9) The exports by the Navajo-Gallup Project to the City of Gallup are anticipated to be supplied through a subcontract with the Jicarilla Apache Nation. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for irrigation or other uses.

(10) This is a schedule of anticipated depletions for planning purposes only. It is not a tabulation or determination of water rights or actual uses.

(11) "Evaporation - CRSP Storage Units" refers to the total and individual States' portions of evaporation from the major reservoirs constructed under the Colorado River Storage Project Act that are used principally to regulate compact deliveries at Lee Ferry. These include Flaming Gorge, Curecanti and Glen Canyon, but exclude Navajo which is used principally for storing water for use in New Mexico. 58,000 acre-feet is New Mexico's portion.

(12) This depletion schedule does not attempt to interpret the Colorado River Compact, the Upper Colorado River Basin Compact, or any other element of the "Law of the River." This schedule should not be construed as an acceptance of any assumption that limits the Upper Colorado River Basin's depletion. In this schedule, for planning purposes only, the total Upper Colorado River Basin Allocation is 6.0 million acre-feet, of which 50,000 acre-feet is the Upper Basin allocation to Arizona. This estimate does not constitute an endorsement of the Bureau of Reclamation's 1988 Hydrologic Determination that was approved by the Secretary of the Interior on February 2, 1989. This estimate also does not include salvage by use.

(13) Reserved.

Preliminary

May 2006

STATE OF NEW MEXICO SCHEDULE OF ANTICIPATED UPPER BASIN DEPLETIONS

(Units: 1000 acre-feet per year)

Year	2000	2010	2020	2030	2040	2050	2060
IRRIGATION USES (1)							
Navajo Nation Irrigation:							
Navajo Indian Irrigation Project (2)	150.0	215.0	250.0	270.0	270.0	270.0	270.0
Fruitland-Cambridge Irrigation Project (2)	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Hogback-Cudei Irrigation Project (2)	15.5	15.5	21.3	21.3	21.3	21.3	21.3
Chaco River drainage irrigation	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Crystal area irrigation	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo Irrigation Subtotal	176.9	241.9	282.7	302.7	302.7	302.7	302.7
Non-Navajo Irrigation:							
Above Navajo Dam (including Jicarilla)	1.9	1.9	1.9	1.9	1.9	1.9	1.9
Upper San Juan (excluding Hammond)	10.3	10.3	10.3	10.3	10.3	10.3	10.3
Hammond Irrigation Project	12.1	12.1	12.1	12.1	12.1	12.1	12.1
Animas River ditches	40.7	40.7	40.7	40.7	40.7	40.7	40.7
La Plata River ditches	5.9	5.9	5.9	5.9	5.9	5.9	5.9
Farmers Mutual Ditch	11.2	11.2	11.2	11.2	11.2	11.2	11.2
Jewett Valley Ditch	3.7	3.7	3.7	3.7	3.7	3.7	3.7
Chaco River drainage irrigation	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Non-Navajo Irrigation Subtotal	86.5	86.5	86.5	86.5	86.5	86.5	86.5
Irrigation Total	263.4	328.4	369.2	389.2	389.2	389.2	389.2
STOCKPOND EVAPORATION AND STOCK USE	4.0	4.0	4.0	4.0	4.0	4.0	4.0
MUNICIPAL AND DOMESTIC USES (1)							
Current Municipal and Industrial Uses (3)	9.7	9.7	9.7	9.7	9.7	9.7	9.7
Animas-La Plata Project:							
San Juan Water Commission (4)	1.0	5.0	10.4	10.4	10.4	10.4	10.4
Navajo Nation	0.0	1.0	2.0	2.3	2.3	2.3	2.3
La Plata Conservancy District	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evaporation - NM share	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Project Subtotal	1.0	6.0	13.3	13.6	13.6	13.6	13.6
Navajo-Gallup Water Supply Project: (5)							
Navajo Nation	0.0	0.0	7.9	10.2	12.5	12.5	12.5
Jicarilla Apache Nation	0.0	0.0	0.8	1.0	1.2	1.2	1.2
Navajo-Gallup Project Subtotal (within Basin)	0.0	0.0	8.7	11.2	13.7	13.7	13.7
Navajo Nation Municipal Use, Future (exc. NGWSP)	0.0	0.0	1.0	1.0	2.0	2.0	2.0
Jicarilla Apache Nation Municipal Use (exc. NGWSP)	0.0	0.0	0.0	0.4	0.6	0.6	0.6
Scattered Rural Domestic (including Jicarilla)	1.0	1.0	1.0	1.1	1.1	1.2	1.2
Municipal and Domestic Total	11.7	16.7	33.7	37.0	40.7	40.8	40.8
POWER AND INDUSTRIAL USES							
PNM - Navajo Reservoir contract (6)	16.2	16.2	16.2	16.2	16.2	16.2	16.2
BHP Billiton (7)	37.0	37.0	38.0	39.0	39.0	39.0	39.0
Bloomfield Industrial	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Navajo Nation - Shiprock (8)	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo-Gallup Water Supply Project - NAPI (9)	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Small Navajo Reservoir Contracts	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Power and Industrial Total	56.1	56.1	57.8	58.8	58.8	58.8	58.8
EXPORTS							
San Juan-Chama Project (10)	105.2	105.2	105.2	105.2	105.2	105.2	105.2
Navajo-Gallup Water Supply Project: (5)							
Navajo Nation in New Mexico	0.0	0.0	4.0	5.8	7.6	7.6	7.6
City of Gallup	0.0	0.0	4.7	6.1	7.5	7.5	7.5
Navajo-Gallup Project Subtotal (Export)	0.0	0.0	8.7	11.9	15.1	15.1	15.1
Export Total	105.2	105.2	113.9	117.1	120.3	120.3	120.3
RESERVOIR EVAPORATION							
Navajo Reservoir Evaporation (11)	28.3	28.0	27.7	27.7	27.7	27.7	27.7
Small Reservoir Evaporation	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Reservoir Evaporation Total	29.5	29.2	28.9	28.9	28.9	28.9	28.9
TOTAL DEPLETIONS (12)	469.9	539.6	607.5	635.0	641.9	642.0	642.0
State Share of Upper Basin Yield (13)	642.4	642.4	642.4	642.4	642.4	642.4	642.4
Remaining Available (13,14)	172.5	102.8	34.9	7.4	0.5	0.4	0.4
Percent of State Share Remaining	26.9%	16.0%	5.4%	1.2%	0.1%	0.1%	0.1%

NOTES:

(1) Does not reflect post-1965 transfers from irrigation to municipal and industrial uses. About 800 acre-feet of current non-Indian depletions are supplied through short-term leases from the Jicarilla Apache Nation as of 2006.

(2) The depletions for the Navajo Indian Irrigation Project (NIIP) and the Hogback and Fruitland irrigation projects assume full use of the depletion rights for the projects provided by the Settlement Agreement. A portion of the depletions on the Hogback and Fruitland projects in dry years may be accounted against the NIIP depletion right pursuant to the alternate water source provisions of subparagraph 9.2 of the Settlement Agreement. Construction of NIIP is assumed to be completed by 2030, and rehabilitation of the Hogback Project is assumed to be completed by 2020.

(3) Based on 1990 uses and 30% return flow from full diversion of Farmington's municipal water supply rights under the Echo Ditch Decree and License 2995. Does not reflect transfers of irrigation rights to municipal uses, and excludes the Animas-La Plata Project (ALP) and the Navajo-Gallup Water Supply Project (NGWSP).

(4) San Juan Water Commission member entities in 2000 used 1,000 acre-feet from the Animas River under ALP permits.

(5) Proposed NGWSP depletions in New Mexico total 29,500 acre-feet per year, including all project uses in the Upper Basin and the Lower Basin by the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup. The exports by the NGWSP to Gallup are anticipated to be supplied through a subcontract with Jicarilla. To the extent that Gallup's actual demand is less than 7,500 acre-feet, the Jicarilla Apache Nation could use its water for other uses. Exports by the NGWSP for Navajo Nation uses in Arizona are not included.

(6) The Public Service Company of New Mexico (PNM) has subcontracted with the Jicarilla Apache Nation to provide 16,200 acre-feet per year for use at the San Juan Generating Station through 2027, with a commitment to negotiate in 2022 for a subcontract extension. The Generating Station is a no-discharge facility.

(7) Includes uses under New Mexico State Engineer File 2838 at the Four Corners Power Plant, the San Juan Generating Station and related mines.

(8) Industrial uses near Shiprock (diversions of about 300 acre-feet per year assumed fully depleted).

(9) Navajo Agricultural Products Industry's use of NGWSP water for food processing.

(10) Based on the hydrologic record for the period 1929-2000 (US Bureau of Reclamation).

(11) Based on the NGWSP September 2005 Biological Assessment, future Navajo Reservoir evaporation will average 27,900 acre-feet per year with operation of the reservoir to meet the diversion demands of the full NIIP and the NGWSP and to meet habitat needs of endangered fish species in the San Juan River. About 200 acre-feet of this amount could be chargeable to Arizona based on the proportion of use of Navajo Reservoir supply for NGWSP uses in Arizona.

(12) This is a schedule of anticipated depletions for planning purposes only. It is not a tabulation or determination of water rights or actual uses. Total depletions exclude New Mexico's share of reservoir evaporation from the major reservoirs constructed under the Colorado River Storage Project (CRSP) Act that are used principally to regulate compact deliveries at Lee Ferry and generate CRSP hydroelectric power. These include Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit, but exclude Navajo Reservoir which is used principally to store water for consumptive uses.

(13) This depletion schedule does not attempt to interpret the Colorado River Compact, the Upper Colorado River Basin Compact, or any other element of the "Law of the River." This schedule should not be construed as an acceptance of any assumption that limits the Upper Colorado River Basin's depletion or New Mexico's depletion. Of the water available to the Upper Basin at Lee Ferry, the allocation for use by New Mexico is listed in this schedule, for planning purposes, as 642,400 acre-feet. This amount does not include New Mexico's share of CRSP reservoir evaporation other than Navajo Reservoir evaporation.

(14) Reserved.