

SJ-7  
Navajo-Galley  
copy: SJ-17  
Navajo Settlement

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**Whipple, John J., OSE**

**From:** Trujillo, Tanya, OSE **Sent:** Mon 8/6/2007 5:25 PM  
**To:** Knight, Emily; Calimlim, Camille  
**Cc:** Lyman, Jeanette; johanna.polsenberg@mail.house.gov; Connor, Michael (Energy); John Utton; Whipple, John J., OSE  
**Subject:** RE: WP Hearings\_7.24.07\_Thank you  
**Attachments:** New Mexico's Responses to Questions for Dunlap.doc(32KB) Ltr to Richardson re Hydrologic Determination.06.08.07.pdf(1MB)

Emily, attached are New Mexico's Responses to Questions for Jim Dunlap to supplement the testimony provided during the hearing regarding H.R. 1970 on July 24, 2007.

Please contact me if you have any questions, and thank you again for all of your help.

Thank you,

Tanya Trujillo  
General Counsel  
New Mexico Interstate Stream Commission  
P.O. Box 25102, Santa Fe, NM 87504-5102  
(505) 476-0558  
(505) 827-5776 (fax)  
Tanya.Trujillo@state.nm.us

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**From:** Knight, Emily [mailto:Emily.Knight@mail.house.gov]  
**Sent:** Thursday, August 02, 2007 3:20 PM  
**To:** Trujillo, Tanya, OSE  
**Subject:** WP Hearings\_7.24.07\_Thank you

Hello,

Thank you for participating in our Legislative hearing on H.R. 1970, the "Northwestern New Mexico Rural Water Projects Act," held on Tuesday, July 24, 2007. Please find attached a thank you letter from Chairwoman Napolitano, and some additional questions. Please forward all answers to me, Emily Knight, at [Emily.Knight@mail.house.gov](mailto:Emily.Knight@mail.house.gov) in word or word perfect format.

Thanks again, and don't hesitate to contact me if you have any questions or requests. Thanks, Emily

***Emily Knight, Clerk***

Committee on Natural Resources

Water and Power Subcommittee

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## **GN Post Hearing Questions for the Record**

### **H.R. 1970**

#### **Jim Dunlap, Panel 2**

**(DUNLAP-NM)** This legislation will enable a settlement between the New Mexico Navajo Nation and the Federal Government. What do you think of the Arizona's concerns regarding the implications of certain provisions to the existing "Law of the Colorado River?"

A. Arizona's objection relating to the "Law of the River" relates to New Mexico's use of a portion of its Upper Basin apportionment within the Lower Basin in New Mexico. Arizona's concern is unfounded because Section 303(g) of H.R. 1970 directly authorizes the use of a portion of the State of New Mexico's Upper Basin apportionment within the Lower Basin in New Mexico. The authorization in H.R. 1970 is consistent with the authorization in Section 303(d) of the 1968 Colorado River Basin Project Act of a project's use of a portion of the State of Arizona's Upper Basin apportionment within the Lower Basin in Arizona. In addition, the Upper Colorado River Commission, which administers the Upper Colorado River Basin Compact and has authority to determine uses of water from the Upper Basin, by unanimous resolution, approved New Mexico's proposed use of some of its Upper Basin water within the Lower Basin in New Mexico.

H.R. 1970 preserves the State of Arizona's right to negotiate its own settlement with the Navajo Nation, and most of the issues raised by Arizona go beyond the scope of the State of New Mexico's settlement with the Navajo Nation. Some of the provisions that Arizona has requested have raised objections from other Colorado River Basin states.

**(DUNLAP-NM)** Mr. Dunlap, the Bureau of Reclamation may categorize this project as a "rural water project" under P.L. 109-451. Would the state of New Mexico support that? Has the State ever considered this project to be a "rural water project?"

A. The Bureau of Reclamation's written comments regarding H.R. 1970 state it is confused about whether the Northwestern New Mexico Rural Water Supply Project is intended to be a rural water project. The project proposed by H.R. 1970 should not be categorized as a "rural water project" under the Reclamation Rural Water Supply Act of 2006, P.L. 109-451. As clearly stated in H.R. 1970, the project will be authorized as a Colorado River Storage Project Act participating project. But, H.R. 1970 is specifically tailored to the requirements of the Navajo settlement.

As Commissioner Johnson described in his testimony to the bill, Reclamation's rural water program under the Rural Water Supply Act is still under development, and eligibility and prioritization criteria have still not been promulgated. New Mexico understands that a field hearing is scheduled later this month before the Senate Energy and Natural Resources Committee regarding the Bureau of Reclamation's implementation of P.L. 109-451.

**(DUNLAP)** Mr. Dunlap, your testimony frequently refers to the hydrologic report. Who verified the hydrologic report? Was this report specific to this project, or for the entire state of New Mexico?

A. The Hydrologic Determination to which I refer is required by Section 11 of P.L. 87-483, and was finalized by the Bureau of Reclamation in April 2007 after consultation with all seven Colorado River Basin states, and signed by the Secretary of the Interior on May 23, 2007. A copy of the determination is attached to these responses for the record. The Upper Colorado River Commission had previously concurred in the findings of the determination in June of 2005. The 2007 Hydrologic Determination confirmed the finding of the 1988 Hydrologic Determination that the annual water yield available to the Upper Basin under the Colorado River Compact is at least 6.0 million acre-feet, including evaporation from Colorado River Storage Project reservoirs, based on the critical period of record. The 2007 Hydrologic Determination also found that sufficient water is reasonably likely to be available within the State of New Mexico's share of the Upper Basin yield that is apportioned to it by Article III(a) of the Upper Colorado River Basin Compact, and within the physical water supply available from Navajo Reservoir to service water contracts from the Navajo Reservoir supply for the Navajo Nation's uses under both the Navajo Indian Irrigation Project and the proposed Northwestern New Mexico Rural Water Supply Project.

**(To WHOEVER)** The Jicarilla Tribe is currently receiving funds for the Jicarilla Apache Reservation Rural Water System rural water project. How do the funds from this legislation relate to the current project funds?

A. The funds from H.R. 1970 do not relate to the Jicarilla Apache Reservation Rural Water System. The Jicarilla Apache Reservation Rural Water System project will provide a water distribution system to supply water to the northern portion of the Jicarilla reservation in the proximity of Dulce, New Mexico. The Northwestern New Mexico Rural Water Supply Project will deliver water to the Jicarilla Apache Nation near Counselor, New Mexico, for use in the southern portion of the reservation.

**(To WHOEVER)** Who is responsible for the operation and maintenance costs? Who will own the infrastructure once it is completed?

A. Section 304 of H.R. 1970 provides that the three project beneficiaries, the Navajo Nation, the Jicarilla Apache Nation and the City of Gallup, will pay their respective allocable costs for operation, maintenance and replacement of the project. A limited waiver for up to ten years would be authorized for the Navajo Nation pursuant to subsection 304(f), if the Secretary of the Interior determines that the cost of OM&R allocable to the Navajo Nation exceeds its ability to pay. Subsection 302(f) authorizes the Secretary, upon completion of construction and execution of an operations agreement, to convey those portions of the project located within the Gallup city limits to the city and the rest of the project facilities to the Navajo Nation. No portion of the project will be located on Jicarilla lands. Paragraph 304(b)(5) requires financial assurances satisfactory to the Secretary if title is transferred to the city prior to repayment.



THE SECRETARY OF THE INTERIOR

WASHINGTON

JUN 08 2007

Honorable Bill Richardson  
Governor of New Mexico  
Santa Fe, New Mexico 87501

Dear Governor Richardson:

I am writing this letter to inform you that I have approved and signed the 2007 Hydrologic Determination (Determination) for a proposed contract from Navajo Reservoir to support the Navajo-Gallup Water Supply Project (Project). The Project, if authorized through legislation, has been proposed to settle the water rights claims of the Navajo Nation in the San Juan River Basin of New Mexico.

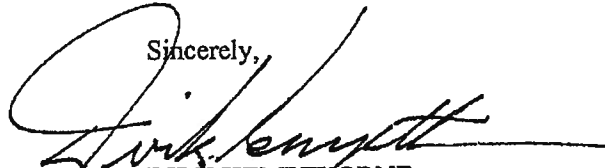
Each of the Colorado River Basin States has a vital interest in the Colorado River, and I wanted to personally inform you of the completion of the Determination in light of the importance of having direct and open communication on this valuable resource. A Determination for all proposed long-term contracts for water from Navajo Reservoir is mandated by Public Law 87-483, which requires the Secretary of the Interior to undertake an investigation of whether there is sufficient water within New Mexico's Compact apportionment to support any such long-term contract for water from Navajo Reservoir. That law further requires the Determination and the proposed contract be forwarded to Congress for its approval. Because the United States has not negotiated a contract with the Navajo Nation, the City of Gallup, or any other potential water users of the Project as of this time, it is premature to forward the Determination to Congress. As soon as such a contract(s) is(are) negotiated, we will forward them and the Determination to Congress.

The finding in the Determination that there is likely to be sufficient water to support the proposed contract removes any Department of the Interior concerns about potential limitations on water supply. This is in keeping with my commitment to the New Mexico Congressional delegation that we will attempt to resolve all procedural requirements in order to facilitate a fair and open debate on the merits of the proposed settlement, even though the Administration has no position on the settlement at this time.

In developing the Determination, the Bureau of Reclamation has worked closely with all of the Colorado River Basin States in a manner keeping with the spirit of cooperation the Basin is currently enjoying and is in compliance with the Colorado River Compact and the Law of the River. I am personally thankful for the assistance of all the Basin States in finding a way to allow the Determination to move forward.

Please contact me if you have any questions or concerns in this matter.

Sincerely,



DIRK KEMPTHORNE

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Enclosure

Honorable Bill Richardson

2

Identical Letters Sent To:

Honorable Dave Freudenthal  
Governor of Wyoming  
Cheyenne, Wyoming 82002

Honorable Jim Gibbons  
Governor of Nevada  
Carson City, Nevada 89701

Honorable Jon Huntsman, Jr.  
Governor of Utah  
Salt Lake City, Utah 84114-2220

Honorable Janet Napolitano  
Governor of Arizona  
Phoenix, Arizona 85007

Honorable Bill Ritter  
Governor of Colorado  
Denver, Colorado 80203

Honorable Arnold Schwarzenegger  
Governor of California  
Sacramento, California 95814

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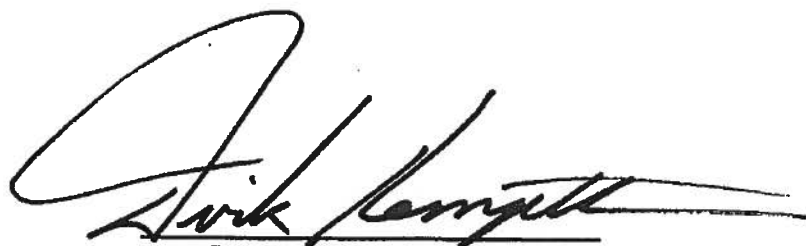
**HYDROLOGIC DETERMINATION  
2007**

**Water Availability from Navajo Reservoir and  
the Upper Colorado River Basin for Use in New Mexico**

**April 2007**

**MAY 23 2007**

**Date**

A handwritten signature in black ink, appearing to read "Dirk Kempthorne", written over a horizontal line.

**Secretary of the Interior**

## **I. Executive Summary**

Determination as to the availability of water under long-term service contracts for uses from Navajo Reservoir involves a projection into the future of estimated water uses and water supplies. On the basis of this hydrologic investigation, water depletions by the Upper Basin states from the Upper Colorado River Basin can be reasonably allowed to rise to an annual average of 5.76 million acre-feet (maf) per year, exclusive of Colorado River Storage Project (CRSP) reservoir evaporation from Lake Powell, Flaming Gorge Reservoir, and the Aspinall Unit. This depletion level can be achieved under the same shortage criteria upon which the allowable Upper Basin yield was determined in the 1988 Hydrologic Determination.

This document determines the availability through at least 2060 of water from New Mexico's Upper Basin allocation and Navajo Reservoir to service a proposed contract for the Navajo Nation's consumptive uses in New Mexico under the Navajo-Gallup Water Supply Project in the annual amount of 20,780 acre-feet (af) and the Navajo Indian Irrigation Project (NIIP) in the amount of 270,000 af per year on average over any period of ten consecutive years. It also is likely that sufficient water will be available from Navajo Reservoir to service the proposed contract after the 2060 planning horizon, depending upon future storage, hydrologic conditions, and other factors. This determination does not guarantee that the United States will be able to deliver water under the proposed contract without shortages in deliveries, and does not obligate the United States to maintain storage facilities beyond their useful lives. The proposed contract is part of a Navajo Nation water rights settlement in the Upper Basin in New Mexico, and the settlement provides that uses made pursuant to the contract will be subject to administration in accordance with the Upper Colorado River Basin Compact and New Mexico state law. Implementation of the Navajo-Gallup Water Supply Project and the NIIP is subject to compliance with federal environmental laws including the National Environmental Policy Act and the Endangered Species Act.

## **II. Introduction**

The State of New Mexico has proposed the Navajo-Gallup Water Supply Project to provide a renewable water supply from the San Juan River for municipal and domestic uses for Indian and non-Indian communities located within New Mexico. Uses under the project by the Jicarilla Apache Nation and the City of Gallup would be supplied through the Jicarilla Apache Nation's Navajo Reservoir water supply contract approved by Congress in 1992. Uses in New Mexico under the project by the Navajo Nation would be supplied through a proposed new Navajo Reservoir water supply contract that is a component of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement (hereinafter referred to as the Settlement Agreement) that the State of New Mexico and the Navajo Nation executed on April 19, 2005. The new contract also would supersede the existing Navajo Reservoir water supply contract for the NIIP.



On June 19, 2003, the Upper Colorado River Commission resolved that the States of the Upper Division consent to the Navajo-Gallup Water Supply Project, provided that water diverted by the project for use in New Mexico shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Upper Colorado River Basin Compact. The maximum amount of consumptive use through the project by the Navajo Nation in New Mexico that would be permitted in any one year under the Settlement Agreement and the proposed contract is 20,780 acre-feet.

Public Law 87-483 at section 11(a) requires that no long-term contract, except contracts for the NIIP and the San Juan-Chama Project, shall be entered into for the delivery of water stored in Navajo Reservoir, or any other waters of the San Juan River and its tributaries to which the United States is entitled, until the Secretary of the Interior has determined by hydrologic investigation that sufficient water to fulfill such contract is reasonably likely to be available for use in the State of New Mexico under the allocations made in Articles III and XIV of the Upper Colorado River Basin Compact, has submitted such determination to Congress, and Congress has approved the contract. The last such hydrologic determination was approved by the Secretary on February 2, 1989 (Hydrologic Determination, 1988, Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico, hereinafter referred to as the 1988 Hydrologic Determination). The 1988 Hydrologic Determination evaluated the availability of water from the Navajo Reservoir water supply for the Jicarilla Apache Nation's Navajo Reservoir water supply contract. The State of New Mexico, by letter dated May 3, 2005, requested that the 1988 Hydrologic Determination be updated to evaluate the availability of water to service the proposed Navajo-Gallup Water Supply Project.

This hydrologic investigation is made for the purpose of contracting for water from the Navajo Reservoir water supply for the Navajo Nation's uses in New Mexico under the Navajo-Gallup Water Supply Project. The Bureau of Reclamation prepared this hydrologic investigation in consultation with the Upper Colorado River Commission because of the critical nature of this determination of the Upper Basin water supply. The Upper Colorado River Basin Compact created and defined several areas of responsibility for the Commission that directly and indirectly relate to this investigation.

### **III. Upper Basin Yield**

#### **A. General Upper Basin Hydrology**

Based on the Bureau of Reclamation's Colorado River Simulation System (CRSS), natural flows for the period 1906-2000, the natural runoff from the Upper Colorado River Basin averages about 15.3 maf per year at Lee Ferry. Of this amount, approximately 2 maf per year originates in the San Juan River Basin above Bluff, Utah. New Mexico can only develop its Upper Basin allocation from the San Juan River and its tributaries. The Bureau of Reclamation's Colorado River System Consumptive Uses and Losses Report for 1996-2000 indicates that current consumptive uses from the San Juan River Basin

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average about 382,400 af per year in New Mexico and about 192,500 af per year in Colorado. Only minor amounts of depletions are made in the San Juan River Basin in Utah and Arizona.

## **B. Approach**

This hydrologic investigation considers and uses many of the same basic assumptions as the 1988 Hydrologic Determination. Both investigations assume use of the CRSS natural flows at Lee Ferry, minimum releases from Lake Powell of between 7.48 maf and 8.23 maf annually, an allowable overall shortage of no more than 6 percent for a critical period, either maintenance or use of the minimum power pools at CRSP units, reduced storage capacity in Lake Powell due to sedimentation, and inclusion of bank storage. The CRSS natural flows at Lee Ferry for the period 1971-1980 were increased to reflect recalculation of historic irrigation depletions in the Upper Basin using the Soil Conservation Service (SCS) modified Blaney-Criddle method with SCS effective precipitation. The revised CRSS natural flows for 1971-1980 are consistent with the CRSS natural flows at Lee Ferry determined for the remainder of the 1906-2000 period of record. Also, sedimentation in Lake Powell was adjusted to reflect a 2060 planning horizon, and a 4 percent bank storage factor was used in this investigation consistent with Reclamation's current CRSS model.

Neither the Lower Division states nor the Upper Colorado River Commission agree with the modeling assumption for the objective minimum release used in this report. At the request of the Commission, this hydrologic investigation considers for planning purposes both the objective minimum release of 8.23 maf and a minimum release from Lake Powell of 7.48 maf annually. However, this hydrologic determination does not quantify the Colorado River Compact Article III(c) requirement or make or rely on a critical compact interpretation regarding Article III(c). The 1988 Hydrologic Determination also showed the Upper Basin yields under these minimum release scenarios.

Mass balance analyses were used to analyze potential water use by the Upper Basin under 2060 conditions. The mass balance considers Upper Basin reservoir storage, natural flows at Lee Ferry, deliveries to the Lower Basin, consumptive use demands in the Upper Basin, and CRSP evaporation as a function of storage volume. All existing Upper Basin storage capacity was included in the analysis because all storage supports water use in the Upper Basin and impacts stream flows. The CRSP and non-CRSP reservoirs as groups were assumed to be the same percent full each year, and CRSP storage was assumed to be distributed between units in accordance with the average historic storage distribution. The CRSP reservoir evaporation that is used in the mass balance analyses includes evaporation from Lake Powell, Flaming Gorge Reservoir, and the Aspinall Unit that is shared among the Upper Division States, but excludes evaporation from Navajo Reservoir which is chargeable to the states based on use. Shared CRSP reservoir evaporation is modeled using a regression equation relating historic shared CRSP reservoir evaporation from Lake Powell, Flaming Gorge Reservoir, and the Aspinall Unit to the aggregate historic storage volume in these reservoirs plus Navajo Reservoir. Evaporation equations were developed for both active and live storage, and were applied

to estimate annual shared CRSP evaporation based upon yearly reservoir storage volume (surface area). The 1988 Hydrologic Determination considered variations in shared CRSP reservoir evaporation with storage for conducting statistical trace analyses to evaluate possible frequencies and magnitudes of shortages; however, it deducted a long-term average shared CRSP reservoir evaporation of 0.52 maf per year from the critical-period Upper Basin yield of at least 6.0 maf/yr to determine the amount of water available for Upper Basin uses through the critical period.

### C. Results

Mass balance analyses were performed for various combinations of storage, Lower Basin deliveries, and overall shortages to evaluate the allocation of water to the Upper Basin (see mass balance analyses provided in Appendix A). The following is a summary of the results of the analyses:

<u>Storage Assumption</u>	<u>Minimum Lower Basin Delivery (maf)</u>	<u>Yield without Shortages (maf)</u>	<u>Yield with 6% Overall Shortages (maf)</u>
Maintain minimum power pools	8.25	5.55	5.79
	7.50	6.30	6.57
Use minimum power pools	8.25	5.72	5.98
	7.50	6.47	6.76

The yield for this analysis is defined as the amount of water available at Lee Ferry for use, on average, by the Upper Basin, exclusive of shared CRSP reservoir evaporation. Shortages in the above table are defined as 6 percent or less overall computed shortage for any period of 25 consecutive years consistent with the 1988 Hydrologic Determination. Results are shown for minimum Lower Basin deliveries of 8.25 maf and 7.50 maf as was done in the 1988 Hydrologic Determination. The analyses in this investigation should not be construed to prejudice the positions of either the Upper Colorado River Commission or the States of the Lower Division as to the interpretation or administration of Article III of the Colorado River Compact.

For those analyses that use an allowable or tolerable overall shortage of 6 percent or less of the use over any period of 25 consecutive years, the results indicate that there would be 5 years of shortage to meet all demands on the Upper Basin out of 95 years of record used in this investigation. However, the annual amounts of computed shortages for those five years would not fully materialize because Upper Basin consumptive uses will be below average under critical period hydrology due to physical water supply shortages at the sites of use in the Upper Basin. For example, the natural flow at Lee Ferry for 1977 was only 5.55 maf, and severe water supply shortages occurred throughout the Upper Basin in that year. The computations of shortage in this analysis give conservatively large estimates of annual shortages at Lee Ferry and do not fully reflect all factors,

including physical shortages in the Upper Basin that might contribute or relate to a shortage condition at any given time. The computed shortages in this investigation do not equate to administrative calls to curtail Upper Basin uses.

#### **D. Comparison to 1988 Hydrologic Determination**

The 1988 Hydrologic Determination concluded that the total Upper Basin yield, including CRSP reservoir evaporation, is at least 6.0 maf per year for the 1953-1977 critical period hydrology with a 6 percent allowable overall shortage for the period. Under the conditions assumed in the current investigation, the shared CRSP evaporation varies with CRSP storage assumptions and storage levels. Assuming an average annual Upper Basin use of 5.79 maf, an annual Lower Basin delivery of 8.25 maf, and maintenance of the power pools, the shared CRSP evaporation would range from an average of about 0.25 maf per year over the worst 25-year period of reservoir storage draw down (1953-1977) to an average of about 0.49 maf per year over the period of record used in the analysis (1906-2000). Thus, the total Upper Basin depletion, including both Upper Basin uses and CRSP reservoir evaporation, would average about 6.04 maf per year or more over any period of 25 consecutive years. The total Upper Basin depletion amount for this scenario for the 1953-1977 period is comparable to the total Upper Basin depletion of 6.0 maf per year determined to be available for the period by the 1988 Hydrologic Determination. The difference is due to the revisions made to the CRSS natural flows for 1971-1980. If the minimum power pools are used, the shared CRSP reservoir evaporation is reduced due to increased reservoir storage draw downs.

### **IV. Water Use Projections**

#### **A. Upper Basin**

The Upper Colorado River Commission last approved depletions schedules for the Upper Division States for planning purposes in 1999. The depletions schedules, dated January 2000, project that the total Upper Basin use exclusive of shared CRSP reservoir evaporation will average about 5.37 maf per year under 2060 development conditions. Unless additional Upper Basin water development occurs by 2060 as compared to the January 2000 depletions schedules, the Upper Basin use may average less than about 5.40 maf per year from now through 2060. The time required to develop the Upper Basin allocation reduces risk of shortage within the 2060 planning horizon.

#### **B. State of New Mexico**

For use in this investigation, the New Mexico Interstate Stream Commission provided the Bureau of Reclamation with a preliminary revised schedule of anticipated depletions through 2060 from the Upper Basin in New Mexico dated May 2006 (see Appendix B). The revised depletions schedule includes irrigation depletions calculated using the SCS modified Blaney-Criddle method with SCS effective precipitation so that demands and supply for this hydrologic investigation are evaluated using consistent methodologies.

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The irrigation depletions for the Navajo Nation's irrigation projects are water right depletion amounts provided by the Settlement Agreement. Both this hydrologic investigation and the 1988 Hydrologic Determination assume use of the full depletion amount for the NIIP. This is a conservative assumption because the total NIIP depletion right is not expected to be fully utilized under normal farm management practices. The revised depletions schedule does not include New Mexico's allocation of shared CRSP reservoir evaporation. The revised New Mexico depletions schedule shows a total anticipated depletion of 642,000 af per year, on average, for uses in New Mexico under 2060 development conditions. This represents an increase in New Mexico's total Upper Basin depletion, excluding shared CRSP reservoir evaporation, of 23,000 af per year, or about 0.02 maf per year, as compared to the January 2000 depletions schedules.

#### **V. Probabilities of Calls to Curtail Upper Basin Uses**

The 1988 Hydrologic Determination included a probabilistic risk analysis of administrative calls to curtail Upper Basin uses that indicated that: (1) such calls would occur rarely at an Upper Basin demand level of 6.1 maf per year, though their effects could have significant impact to the Upper Basin; and (2) the frequency and magnitude of such calls would diminish rapidly below this demand level. The risk analysis was made using the CRSS model. It is not necessary for this investigation to duplicate such a risk analysis.

The computations of shortage in this current investigation give conservatively large estimates of annual shortages at Lee Ferry and do not fully reflect all factors, including physical shortages in the Upper Basin that might contribute or relate to a shortage condition at any given time. While this investigation uses a 2060 reservoir storage sedimentation condition for Lake Powell, a risk analysis should vary the storage development and sedimentation conditions over time. In addition, it will take decades to develop the Upper Basin allocation. Therefore, risk of shortage is reduced within a 2060 planning horizon. Even using the CRSS model, computed shortages would not necessarily equate to administrative calls to curtail Upper Basin uses.

#### **VI. Physical Availability of Water from Navajo Reservoir**

The Bureau of Reclamation, using a detailed hydrologic model for the San Juan River Basin, has evaluated the physical availability of water from Navajo Reservoir and the San Juan River for the Navajo-Gallup Water Supply Project, taking into account, among other things, the habitat needs of San Juan River populations of fish species listed as endangered under the Endangered Species Act. The physical water supply analysis contained in the Biological Assessment, Navajo-Gallup Water Supply Project, dated August 16, 2005, indicates that sufficient water is likely to be available from the Navajo Reservoir water supply for the Navajo Nation's uses under the project. Although the depletions for individual uses in New Mexico that were used in the Biological Assessment differ slightly from those in New Mexico's May 2006 revised depletions

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schedule, the physical water supply analysis in the Biological Assessment assumes up to about 640,500 af per year of depletion, on average, in New Mexico from the San Juan River. This amount of total average depletion in New Mexico is not significantly different than the amount of total average depletion in New Mexico shown in the May 2006 revised New Mexico depletions schedule under 2060 development conditions.

## **VII. Conclusions**

It is concluded that based on the analysis performed by Reclamation in consultation with the Upper Colorado River Commission, the Upper Basin yield and New Mexico water allocation needed to support New Mexico's revised Upper Basin depletions schedule are reasonably likely to be available. The mass balance analyses results are sufficient to conclude that: (1) the Upper Basin yield is at least 5.76 maf per year, on average, excluding shared CRSP reservoir evaporation; (2) New Mexico's Upper Basin allocation is at least 642,400 af per year, excluding shared CRSP reservoir evaporation; and (3) the total anticipated average annual consumptive use in New Mexico from the Upper Basin, including Navajo Reservoir evaporation of 642,000 af per year as shown in the revised New Mexico depletions schedule is not likely to exceed New Mexico's Upper Basin allocation. This conclusion is reached assuming full use of the Navajo Nation's proposed depletion rights under the Settlement Agreement for both the Navajo-Gallup Water Supply Project and the NIIP.

Based upon this hydrologic investigation for a planning horizon through 2060, the May 2006 revised New Mexico depletions schedule, and the Biological Assessment for the Navajo-Gallup Water Supply Project, sufficient water is reasonably likely to be available from the Navajo Reservoir water supply through at least 2060 to fulfill the contract that is proposed by the Settlement Agreement to provide water for the Navajo Nation's uses in New Mexico under the Navajo-Gallup Water Supply Project and the NIIP. If the term of the contract extends beyond 2060, or is perpetual as proposed by the Settlement Agreement, the risk of shortages in deliveries under the contract may increase after 2060 depending upon future storage, hydrologic conditions, and other factors. Section 11(a) of Public Law 87-483 allows for contracting of water from Navajo Reservoir up to a total amount that, in the event of shortage, still results in a reasonable amount of water being available for the diversion requirements of the NIIP and the San Juan-Chama Project.

## **VIII. Disclaimers**

### **A. Interstate Compacts and Federal Laws**

Nothing in this report is intended to interpret the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 between the United States of America and the United Mexican States (59 Stat. 1219), the decree entered by the Supreme Court of the United States in *Arizona v. California, et al.* (376 U.S. 340), the Boulder Canyon Project Act (45 Stat.

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1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774), the Colorado River Storage Project Act (70 Stat. 105), or the Colorado River Basin Project Act (82 Stat. 885). Implementation of the Navajo-Gallup Water Supply Project and the NIIP is subject to compliance with federal environmental laws including the National Environmental Policy Act and the Endangered Species Act.

**B. Proposed Navajo Reservoir Water Contract**

This determination is not to be construed as acceptance by the Department of the Interior of the terms of the Settlement Agreement, including the terms of the proposed contract. This determination also does not guarantee that the United States would be able to deliver water under the proposed contract without shortages in deliveries on account of drought or other causes outside the control of the Secretary. Nothing in this determination shall be construed to impose on the United States any obligation to maintain CRSP storage facilities, including Navajo Dam and Reservoir, or NIIP or Navajo-Gallup Water Supply Project facilities beyond their useful lives or to take extraordinary measures to keep these facilities operating.

## **List of Appendices**

**APPENDIX A - Mass Balance Analysis**

**APPENDIX B - Reservoir Storage**

**APPENDIX C - CRSP Evaporation Analysis**

**APPENDIX D - New Mexico Depletion Schedule**

**APPENDIX E - Upper Colorado River Commission Resolution**

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## **APPENDIX A**

### **Mass Balance Analysis**





















**APPENDIX B**

**Reservoir Storage**



### Upper Colorado River Basin Reservoir Storage

Upper Colorado River Basin Reservoirs	Complete	Live Capacity	CRSP Live	CRSP Active	CRSP Active + Other	State	Major Basin	Hydromet	Source	
		35,233,298	30,731,081	25,695,339	30,187,578					
1 Big Sandy	X	38,300			38,300	WY	GR	BGRW	Hydromet	
2 Blue Mesa	X	629,500	629,500	748,500	748,500	CO	CR	BIMC	Hydromet	
3 Boulder Lake	X	22,280			22,280	WY	GR		Jada Henderson Superintendent for Region IV	
4 Bottle Hollow	X	11,778			11,778	UT	GR	BHRU		
5 Crawford	X	13,970			13,970	CO	CR	CFRC	Erik Knight from GJ office	
6 Crystal	X	17,536	17,536	13,000	13,000	CO	CR	CFRC	Hydromet	
7 Curran Creek	X	15,480			15,480	UT	GR	CURU	Hydromet	
8 Dillon	X	252,878			252,878	CO	GR		NRCS Website <a href="http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html">http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html</a>	NRCS Website
9 Eden	X	13,184			13,184	WY	GR	EDRU		
10 Electric Lake - Utah Power &	X	31,500			31,500	CO	GR		Connelly Baldwin at Pacific Corp.	
11 Elkhead	X	10,400			10,400	CO	GR		Bill Easley with the City of Craig Public Works Dept.	801-220-4836
12 Fleming Gorge	X	3,749,000	3,749,000	3,515,700	3,515,700	UT	GR	FGRU	Hydromet	
13 Fontaine	X	344,800			344,800	WY	GR	FRW	Hydromet	
14 Fremont Lake	X	30,899			30,899	WY	GR		Jada Henderson Superintendent for Region IV	
15 Gould	X	10,380			10,380	CO	CR	FGRC	Hydromet	
16 Fulgowers	X	4,460			4,460	CO	CR		George Wear with Colorado Division of Water Resources	<a href="mailto:george.wear@colorado.gov">george.wear@colorado.gov</a>
17 Grassy	X	540,033			540,033	CO	CR		NRCS Website <a href="http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html">http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html</a>	
18 Green Mountain	X	153,678			153,678	CO	CR	GMRC	NRCS Website <a href="http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html">http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html</a>	
19 Groundhog	X	27,500			27,500	CO	CR		George Wear with Colorado Division of Water Resources	<a href="mailto:george.wear@colorado.gov">george.wear@colorado.gov</a>
20 Guidy	X	12,035			12,035	CO	CR		NRCS Website <a href="http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html">http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html</a>	
21 Homestead	X	42,882			42,882	CO	CR		Hydromet	
22 Jackson Gulch	X	8,951			8,951	CO	CR	JGRC	Hydromet	
23 John's Valley	X	81,590			81,590	UT	GR	JVRU	Hydromet	
24 Johnson	X	15,300			15,300	CO	GR		Hydromet	
25 Kenny Reservoir (Taylor Dye	X	9,400			9,400	CO	GR	CR777		
26 Lake Powell	X	24,322,000	24,322,000	20,309,919	20,309,919	AZ	CR	GLDA	<a href="http://Edin.Light@state.co.us">Edin.Light@state.co.us</a> Division 6 Water Resources for State of Colorado	
27 Lake Vista Naughton	X	69,645			69,645	WY	CR		Connelly Baldwin at Pacific Corp.	801-220-4688
28 Lennon	X	39,782			39,782	CO	GR	LMRC	Hydromet	
29 Long Park	X	14,800			14,800	UT	GR		Hydromet	
30 MCPeap	X	247,400			247,400	CO	GR	MCRC	Hydromet	
31 Meesa Cabin	X	29,870			29,870	WY	GR	MERW	Hydromet	
32 Millie	X	20,000			20,000	UT	GR		Hydromet	
33 Miramonte	X	11,520			11,520	CO	GR		Hydromet	
34 Moon Lake	X	49,500			49,500	CO	GR		George Wear with Colorado Division of Water Resources	<a href="mailto:george.wear@colorado.gov">george.wear@colorado.gov</a>
35 Morgan Lake Dam	X	42,800			42,800	NM	CR	MALU	Hydromet	
36 Morrow Point	X	117,025	117,025	42,120	42,120	CO	CR	MPRC	Hydromet	
37 Niangua	X	22,700			22,700	WY	GR	NVNR	NRCS Website <a href="http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html">http://www.wcc.nrcs.usda.gov/wet/reservoir/resv_rpt.html</a>	
38 Niangua	X	1,698,000	1,698,000	1,035,100	1,035,100	NM	GR	PAFC	Jada Henderson Superintendent for Region IV	
39 New Fort Lake	X	20,340			20,340	WY	GR		Hydromet	
40 Peoria	X	18,703			18,703	CO	GR		Hydromet	
41 Pelican Lake	X	15,850			15,850	CO	GR		Hydromet	
42 Pleasant Valley (Lake Colter	X	7,275			7,275	UT	GR		<a href="mailto:Edin.Light@state.co.us">Edin.Light@state.co.us</a> Division 6 Water Resources for State of Colorado	
43 Recepture Creek	X	16,000			16,000	UT	GR	GR777		
44 Redfish	X	25,700			25,700	UT	CR		Hydromet	
45 Ridge	X	62,980			62,980	CO	CR	RWRG	Hydromet	
46 Rilla Gap	X	12,768			12,768	CO	CR	RGRC	Hydromet	
47 Rund	X	102,330			102,330	CO	GR	RURC	Great Plains Region Website	
48 Scalford	X	65,000			65,000	UT	CR	SFRU	Hydromet	
49 Shadow Mountain	X	18,368			18,368	CO	CR	SMRC	Great Plains Region Website	
50 Silver Jack	X	13,000			13,000	CO	CR	SJRC	Hydromet	
51 Soldier Creek	X	1,105,910			1,105,910	UT	CR	SCRU	Hydromet	
52 Stegococh	X	33,276			33,276	CO	GR		<a href="mailto:Edin.Light@state.co.us">Edin.Light@state.co.us</a> Division 6 Water Resources for State of Colorado	
53 Starvation	X	165,320			165,320	UT	GR	SVRU	Hydromet	
54 Stetline	X	13,880			13,880	WY	GR	SLRW	Hydromet	
55 Stambaugh Lake	X	25,400			25,400	CO	GR		<a href="mailto:Edin.Light@state.co.us">Edin.Light@state.co.us</a> Division 6 Water Resources for State of Colorado	
56 Stehaker	X	34,455			34,455	UT	GR	STRU	Hydromet	
57 Taylor Park	X	106,210			106,210	CO	GR	TPRC	Hydromet	
58 Upper Stillwater	X	31,382			31,382	UT	GR	USRU	Hydromet	
59 Valchob	X	125,400			125,400	CO	GR	VGRU	Hydromet	
60 Vega	X	33,311			33,311	CO	CR		Erik Knight from GJ office	
61 Williams Creek	X	10,084			10,084	CO	CR		George Wear with Colorado Division of Water Resources	<a href="mailto:george.wear@colorado.gov">george.wear@colorado.gov</a>
62 Williams Fork	X	98,824			98,824	CO	CR		Great Plains Region Website	
63 Willow Lake	X	18,816			18,816	WY	GR	WFRC	Jada Henderson Superintendent for Region IV	
64 Willow Creek	X	10,550			10,550	CO	CR		Great Plains Region Website	
65 Wolford Mountain	X	69,000			69,000	CO	CR	WCRC	George Wear with Colorado Division of Water Resources	<a href="mailto:george.wear@colorado.gov">george.wear@colorado.gov</a>
66 Fernob	X	8,000			8,000	CO	CR		<a href="mailto:Edin.Light@state.co.us">Edin.Light@state.co.us</a> Division 6 Water Resources for State of Colorado	
<b>Total Capacity</b>		<b>35,233,298</b>	<b>30,731,081</b>	<b>25,695,339</b>	<b>30,187,578</b>					

**APPENDIX C**

**CRSP Evaporation Analysis**

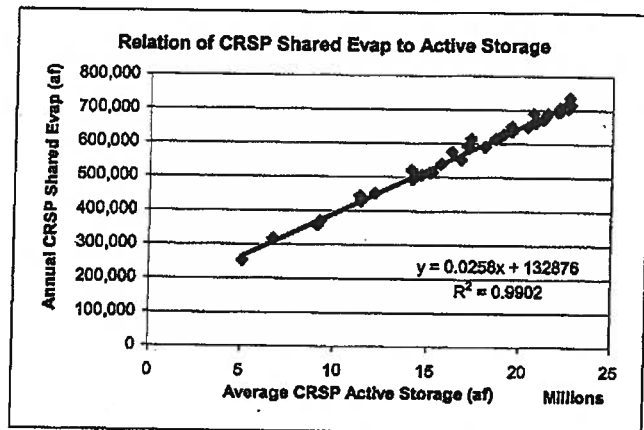


### Relationships of CRSP Shared Reservoir Evaporation to Total CRSP Storage

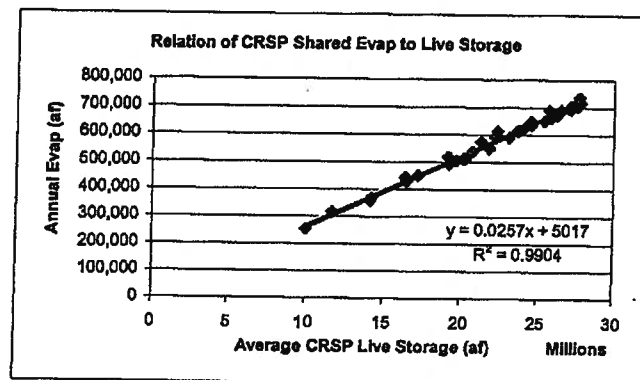
Year	Average CRSP Live Storage (af)	Average CRSP Active Storage (af)	CRSP Shared Evap (af)
1968	10,006,534	5,123,250	251,646
1969	11,701,142	6,764,000	315,083
1970	14,222,401	9,231,741	367,164
1971	16,417,858	11,354,088	442,260
1972	17,229,715	12,165,945	449,544
1973	19,703,066	14,639,296	504,409
1974	22,158,563	17,094,793	590,940
1975	23,634,096	18,570,326	613,612
1976	24,105,743	19,041,973	626,684
1977	20,730,592	15,672,536	537,406
1978	19,158,480	14,106,380	519,065
1979	22,336,514	17,284,414	612,639
1980	25,709,770	20,657,670	688,502
1981	25,392,305	20,340,205	648,525
1982	25,835,729	20,783,629	666,691
1983	27,692,454	22,640,354	734,416
1984	27,759,568	22,707,468	714,727
1985	27,619,938	22,567,838	702,973
1986	27,414,909	22,362,809	706,131
1987	27,153,464	22,101,364	705,172
1988	26,465,639	21,413,539	689,455
1989	24,540,351	19,488,251	634,821
1990	21,806,134	16,754,034	549,702
1991	20,141,572	15,089,472	510,689
1992	19,208,740	14,156,640	491,352
1993	21,297,564	16,245,464	573,884
1994	23,080,796	18,028,696	589,440
1995	24,500,724	19,448,624	649,206
1996	26,252,053	21,199,953	671,123
1997	26,416,641	21,364,541	681,115
1998	27,174,302	22,122,202	693,294
1999	27,050,819	21,998,719	694,007
2000	25,830,330	20,778,230	660,675
2001	23,802,258	18,750,158	614,593
2002	20,256,954	15,204,854	512,030
2003	16,472,537	11,420,437	427,526
2004	14,160,551	9,108,451	355,545

#### Regression Analyses

Active Storage:



Live Storage:



**Notes:**

- (1) Historic calendar year data from Bureau of Reclamation. Average storage values are based on the average of the end-of-year storage amounts for the year indicated and for the previous year. Storage amounts include storage in all CRSP units, including Lake Powell, Flaming Gorge Reservoir, Navajo Reservoir and the Aspinall Unit (Blue Mesa, Morrow Point and Crystal reservoirs).
- (2) CRSP shared evaporation includes lake evaporation for Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit reservoirs, and is shared between the Upper Division States in proportions to their Upper Colorado River Basin Compact Article III(a) apportionments. CRSP shared evaporation is approximately 10,000 af at zero live CRSP storage (5,000 af based on the regression analyses) and approximately 130,000 af if storage in all CRSP reservoirs were at the top of the inactive pools (133,000 af based on the regression analysis). Lake evaporation for Navajo Reservoir is not included in CRSP shared evaporation.
- (3) Data for the period 1968-2004 were used in the regression analyses. Data prior to 1968 do not reflect a normal distribution of storage between CRSP unit reservoirs under future operational conditions (for example, Navajo Reservoir storage remained below the top of the inactive pool required for operation of the Navajo Indian Irrigation Project diversion from 1962 when it began storing water until 1968, and Morrow Point Reservoir began operation in 1968). For the period 1968-1977, the historic average end-of-year CRSP storage and annual CRSP evaporation amount were increased to reflect the average storage of 15,670 af and average evaporation amount of 340 af occurring at Crystal Reservoir after its initial filling in 1978.

**Historic Storage and Evaporation at Colorado River Storage Project Reservoirs**

Year	Lake Powell		Flaming Gorge Reservoir		Navajo Reservoir		Blue Mesa Reservoir		Morrow Point Reservoir		Crested Butte Reservoir		Total All CRSP Reservoirs	
	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)	EOY Live Storage (M)	Annual Evap Amount (M)
1981	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	13,000	57,000	700	0	0	0	0	0	0	0	0	0	0
1983	970,000	25,000	331,834	8,323	0	0	0	0	0	0	0	0	900	200
1984	4,220,077	78,171	382,220	10,647	0	0	0	0	0	0	0	0	53,323	45,000
1985	6,755,658	144,900	404,111	14,830	0	0	0	0	0	0	0	0	1,189,800	129,937
1986	6,982,764	181,901	400,388	16,099	0	100	0	0	0	0	0	0	5,028,100	207,031
1987	9,227,331	158,145	588,132	18,048	248,900	2,400	0	0	0	0	0	0	8,785,362	4,178,000
1988	7,039,300	185,629	681,522	13,613	321,900	4,500	0	0	0	0	0	0	9,435,263	4,841,100
1989	4,827,961	252,105	1,043,002	22,229	627,943	8,000	0	0	0	0	0	0	10,540,465	5,605,400
1990	3,821,348	303,979	1,049,190	22,594	647,987	8,904	0	0	0	0	0	0	12,640,460	7,622,600
1991	12,074,489	385,232	861,298	91,077	7,387	7,155	0	0	0	0	0	0	15,586,982	10,540,882
1992	17,301,547	382,714	1,112,931	109,961	415,981	7,628	0	0	0	0	0	0	17,216,997	12,164,294
1993	17,288,382	417,269	77,932	28,408	698,684	8,028	0	0	0	0	0	0	17,216,997	12,164,294
1994	17,846,968	485,768	870,483	21,648	478,431	7,589	0	0	0	0	0	0	22,182,065	17,153,966
1995	18,138,140	521,418	1,185,983	24,432	533,575	7,980	0	0	0	0	0	0	22,123,080	17,076,590
1996	15,950,937	482,989	1,205,201	25,326	478,276	7,860	0	0	0	0	0	0	25,113,181	20,066,981
1997	20,385,782	443,258	878,918	24,339	335,328	5,728	0	0	0	0	0	0	23,068,984	18,018,884
1998	18,810,374	508,573	1,184,470	27,823	578,788	8,040	0	0	0	0	0	0	19,838,873	14,888,573
1999	22,952,328	579,638	1,234,261	28,337	668,402	8,538	0	0	0	0	0	0	24,098,424	21,833,088
2000	21,981,834	621,216	1,354,720	30,691	866,201	8,259	0	0	0	0	0	0	27,812,033	22,819,833
2001	22,952,328	638,997	1,475,159	32,937	807,227	7,570	0	0	0	0	0	0	24,098,424	21,833,088
2002	21,981,834	613,050	1,596,197	31,194	866,201	8,259	0	0	0	0	0	0	27,812,033	22,819,833
2003	21,981,834	613,050	1,596,197	31,194	866,201	8,259	0	0	0	0	0	0	27,812,033	22,819,833
2004	21,981,834	613,050	1,596,197	31,194	866,201	8,259	0	0	0	0	0	0	27,812,033	22,819,833

**Notes:**

- (1) Lake Powell statistics: Dead storage 1,893,000 at elevation 3370; Live storage capacity 24,322,000 at between elevations 3370 and 3700; Active storage capacity 20,328,000 at between elevations 3490 and 3700. Storage began March 1983.
- (2) Flaming Gorge Reservoir statistics: Dead storage 39,700 at elevation 6740; Live storage capacity 3,749,600 at between elevations 6740 and 8040; Active storage capacity 3,518,000 at between elevations 6871 and 8040. Storage began November 1982.
- (3) Navajo Reservoir statistics: Dead storage 12,800 at elevation 5778; Live storage capacity 1,701,300 at between elevations 5775 and 6085; Active storage capacity 1,039,500 at between elevations 5990 and 6085. Storage began June 1982.
- (4) Aspinall Unit statistics: Blue Mesa Reservoir - Dead storage 111,200 at elevation 7358; Live storage capacity 25,894,300 at between elevations 7258 and 7818; Active storage capacity 748,800 at between elevations 7393 and 7510. Storage began October 1965. End-of-year 1985 total storage for Blue Mesa Reservoir was 85,240 at (0) live storage. Morrow Point Reservoir - Dead storage 165 at elevation 6808; Live storage capacity 117,000 at between elevations 6808 and 7180; Active storage capacity 42,000 at between elevations 6700 and 7180. Storage began January 1988. Crested Butte Reservoir - Dead storage 8,000 at elevation 6870; Live storage capacity 17,000 at between elevations 6870 and 6755; Active storage capacity 13,000 at between elevations 6700 and 6755. Storage began March 1977. Total CRSP Live storage capacity is 30,738,400 at and total CRSP Active storage capacity is 25,894,300 at. The total CRSP inactive storage capacity is 5,022,100 at.
- (5) Evaporation amounts were computed using the method and coefficients described in historical inflows, Colorado River Storage Project, Bureau of Reclamation (Tom Ryan), October 1983.
- (6) The following evaporation amounts are estimated from calculated evaporation amounts for other years and relative total amounts: Lake Powell for 1983, Flaming Gorge Reservoir for 1982-83, Navajo Reservoir for 1982-83, Blue Mesa Reservoir for 1989-98, Morrow Point Reservoir for 1989-90, and Crystal Reservoir for 1977-78. These evaporation amounts for Flaming Gorge, Navajo and Blue Mesa reservoirs were reduced for when storage began. Crystal Reservoir evaporation for 1979-2004 was estimated based on the evaporation amounts at Morrow Point Reservoir and the ratio of the surface area of Crystal Reservoir to the surface area of Morrow Point Reservoir at full capacity.
- (7) CRSP shared evaporation includes lake evaporation for Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit reservoir, and is shared between the Upper Division States in proportion to their Upper Colorado River Basin Compact Article III(a) apportionments. Lake evaporation for Navajo Reservoir is accounted separately.

**APPENDIX D**

**New Mexico Depletion Schedule**



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

	<u>2000</u>	<u>2010</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>	<u>2060</u>
<b>IRRIGATION USES (1)</b>							
Navajo Nation Irrigation:							
Navajo Indian Irrigation Project	150.0	215.0	250.0	270.0	270.0	270.0	270.0
Fruitland-Cambridge Irrigation Project	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Hogback-Cuddeh Irrigation Project	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 Nation 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
<b>STOCKPOND EVAPORATION AND STOCK USE</b>							
	4.0	4.0	4.0	4.0	4.0	4.0	4.0
<b>MUNICIPAL AND DOMESTIC USES (1)</b>							
Current Municipal and Industrial Uses	9.7	9.7	9.7	9.7	9.7	9.7	9.7
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	12.6	12.6	12.6
Jicarilla Apache Nation	9.0	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	0.8	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
<b>POWER AND INDUSTRIAL USES</b>							
PNM - Navajo Reservoir contract (3)	18.2	18.2	18.2	18.2	18.2	18.2	18.2
BHP Billiton	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	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Navajo-Gallup Water Supply Project - NAPI (2)	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	58.1	58.1	57.8	58.8	58.8	58.8	58.8
<b>EXPORTS</b>							
San Juan-Chama Project	105.2	105.2	105.2	105.2	105.2	105.2	105.2
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
Export Total	105.2	105.2	113.9	117.1	120.3	120.3	120.3
<b>RESERVOIR EVAPORATION</b>							
Navajo Reservoir Evaporation	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
<b>TOTAL DEPLETIONS (4)</b>							
State Share of Upper Basin Yield (5)	469.9	539.6	607.5	635.0	641.9	642.0	642.0
Remaining Available (5,6)	642.4	642.4	642.4	642.4	642.4	642.4	642.4
Percent of State Share Remaining	172.5%	102.8%	34.9%	7.4%	0.5%	0.4%	0.4%
	26.9%	16.0%	5.4%	1.2%	0.1%	0.1%	0.1%

**NOTES:**

(1) Does not reflect post-1985 transfers from irrigation to municipal and industrial uses.

(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.

(3) Supplied through a subcontract with the Jicarilla Apache Nation.

(4) 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.

(5) 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.

(6) Reserved.



**APPENDIX E**

**Upper Colorado River Commission  
Resolution**



**RESOLUTION OF THE  
UPPER COLORADO RIVER COMMISSION**

**Regarding the Availability of Water from Navajo Reservoir for Navajo Nation Uses  
within the State of New Mexico**

WHEREAS, the State of New Mexico has proposed the Navajo-Gallup Water Supply Project to provide a needed renewable water supply from the San Juan River for municipal and domestic uses for Indian and non-Indian communities located within New Mexico in both the Upper Basin and the Lower Basin; and

WHEREAS, the State of New Mexico and the Navajo Nation on April 19, 2005, executed the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement (the "Settlement Agreement"), which is conditioned upon, among other things, the implementation of the Navajo Nation components of the Navajo-Gallup Water Supply Project within New Mexico; and

WHEREAS, the source of water supply for the proposed Navajo-Gallup Water Supply Project would be Navajo Reservoir and the San Juan River in New Mexico; and

WHEREAS, water from Navajo Reservoir and the San Juan River would be delivered to the proposed Navajo-Gallup Water Supply Project to meet the water demands of Navajo Nation communities in New Mexico through a proposed Settlement Contract between the United States, acting through the Secretary of the Interior, and the Navajo Nation (Appendix 4 to the Settlement Agreement); and

WHEREAS, Public Law 87-483 at section 11(a) requires that no new long-term contracts "... shall be entered into for the delivery of water stored in Navajo Reservoir or any other waters of the San Juan River and its tributaries, as aforesaid, until the Secretary has determined by hydrologic investigations that sufficient water to fulfill said contract is reasonably likely to be available for use in the State of New Mexico during the term thereof under the allocations made in articles III and XIV of the Upper Colorado River Basin compact, and has submitted such determination to the Congress of the United States and the Congress has approved such contracts"; and

WHEREAS, pursuant to Public Law 87-483, and in furtherance of the Jicarilla Apache Tribe Water Rights Settlement Act of 1992 and the Navajo Reservoir water supply contract approved by said Act, the Secretary of the Interior on February 2, 1989, approved the report on "Hydrologic Determination, 1988, Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico" (the "1988 Hydrologic Determination"); and

WHEREAS, the 1988 Hydrologic Determination evaluated the availability of water from the Navajo Reservoir supply for uses in New Mexico through the 2040 planning horizon; and

WHEREAS, an update and extension to the 1988 Hydrologic Determination is needed to evaluate the availability of water from the Navajo Reservoir supply through a 2060 planning horizon under the allocation of water made to the State of New Mexico by the Upper Colorado River Basin Compact for the purpose of furthering Congressional legislative approval of the Settlement Agreement, the authorization of the proposed Navajo-Gallup Water Supply Project, and the legislative approval of the proposed Settlement Contract for the Navajo Nation's project uses in New Mexico; and

WHEREAS, the proposed Settlement Contract between the United States and the Navajo Nation would provide water supplies for Navajo Nation uses in New Mexico under both the Navajo-Gallup Water Supply Project and the Navajo Indian Irrigation Project which was authorized by Public Law 87-483, and would supersede the existing Navajo Reservoir water supply contract for the Navajo Indian Irrigation Project; and

WHEREAS, the US Bureau of Reclamation has presented to the Upper Colorado River Commission for its consideration a draft hydrologic determination, dated May 2006, that evaluates the availability of water from the Navajo Reservoir supply through 2060 and shows: (1) at least 5.76 million acre-feet of water is reasonably available annually for use by the Upper Basin, exclusive of reservoir evaporation at Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit reservoirs of the Colorado River Storage Project; and (2) sufficient water is reasonably likely to be available from the Navajo Reservoir supply to fulfill the proposed Settlement Contract for the Navajo Nation's uses in New Mexico under the Navajo-Gallup Water Supply Project and the Navajo Indian Irrigation Project, in addition to existing Navajo Reservoir water supply contracts for other uses, under the allocations made to New Mexico in Articles III and XIV of the Upper Colorado River Basin Compact; and

WHEREAS, the Settlement Agreement would provide at subparagraph 9.3.1: "The Navajo Nation and the United States agree that the State of New Mexico may administer in priority water rights in the San Juan River Basin in New Mexico, including rights of the Navajo Nation, as may be necessary for New Mexico to comply with its obligations under interstate compacts and other applicable law"; and

WHEREAS, the Upper Colorado River Commission supports water resource development in the Upper Colorado River Basin to enable the Upper Division States to fully develop their compact apportionments of Colorado River water while meeting compact obligations relating to the flow of the Colorado River at Lee Ferry; and

WHEREAS, it is the position of the Upper Colorado River Commission and the Upper Division States that, with the delivery at Lee Ferry of 75 million acre-feet of water in each period of ten consecutive years, the water supply available in the Colorado River

System below Lee Ferry is sufficient to meet the apportionments to the Lower Basin provided for in Articles III (a) and III (b) of the Colorado River Compact; and

WHEREAS, it is the position of the Upper Colorado River Commission and the Upper Division States that the obligation of the Upper Basin under Article III(c) of the Colorado River Compact to deliver water toward the Mexican Treaty obligation does not require the delivery at Lee Ferry of 0.75 million acre-feet of water annually; and

WHEREAS, the Upper Colorado River Commission anticipates that the Upper Division States will take all actions necessary to ensure that all Upper Basin States have access to their respective apportionments as specified in the Upper Colorado River Basin Compact; and

WHEREAS, the Upper Colorado River Commission on June 19, 2003, resolved that: (1) "the States of Colorado, New Mexico, Utah and Wyoming, support and to the extent necessary consent to the diversion of water from the Upper Basin for use in the Lower Basin solely within New Mexico via the proposed Navajo-Gallup Water Supply Project; provided, that any water so diverted by said project to the Lower Basin portion of New Mexico, being a depletion of water at Lee Ferry, shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III (a) of the Upper Colorado River Compact;" and (2) "the Upper Colorado River Commission supports such Congressional action as may be necessary to authorize the Navajo-Gallup Water Supply Project."

NOW, THEREFORE, BE IT RESOLVED by the Upper Colorado River Commission, that the Commission supports Congressional action to: (1) approve the Settlement Agreement; (2) authorize the proposed Navajo-Gallup Water Supply Project; and (3) approve the proposed Settlement Contract for the Navajo Nation's uses in New Mexico from the Navajo Reservoir supply under the Navajo-Gallup Water Supply Project and the Navajo Indian Irrigation Project.

BE IT FURTHER RESOLVED, that while the Upper Colorado River Commission does not endorse all of the study assumptions used by the Bureau of Reclamation in its May 2006 draft hydrologic determination, including an assumption of a 6 percent allowable overall shortage, and specifically disagrees with the modeling assumption of a minimum Upper Basin delivery of 8.25 million acre-feet annually at Lee Ferry, the Commission supports a determination by the Secretary of the Interior that at least 5.76 million acre-feet of water is available annually for use by the Upper Basin, exclusive of reservoir evaporation at Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit reservoirs of the Colorado River Storage Project.

BE IT FURTHER RESOLVED, that the Upper Colorado River Commission supports a determination by the Secretary of the Interior that sufficient water is reasonably likely to be available to fulfill the proposed Settlement Contract for the Navajo Nation's uses in New Mexico from the Navajo Reservoir supply under the Navajo-Gallup Water Supply Project and the Navajo Indian Irrigation Project, in addition

to existing Navajo Reservoir water supply contracts for other uses, under the allocations made to New Mexico in Articles III and XIV of the Upper Colorado River Basin Compact.

BE IT FURTHER RESOLVED, that nothing in this Resolution, or resulting from the adoption of this Resolution, shall limit the right or ability of any Upper Basin State to develop the full apportionment made to it under the Colorado River Compact and the Upper Colorado River Basin Compact.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Regional Director, Upper Colorado Region, Bureau of Reclamation, Salt Lake City, Utah.

#### CERTIFICATE

I, Don A. Ostler, Executive Director and Secretary of the Upper Colorado River Commission, do hereby certify that the Upper Colorado River Commission adopted the above Resolution at its regular meeting held in Jackson Hole, Wyoming, on June 5, 2006.

WITNESS my hand this 9th day of June 2006.



DON A. OSTLER  
Executive Director and Secretary