



AAMODT SETTLEMENT AND REGIONAL WATER SYSTEM

For

**The Tesuque Mutual Domestic Water
Association**

by

Sandra Ely

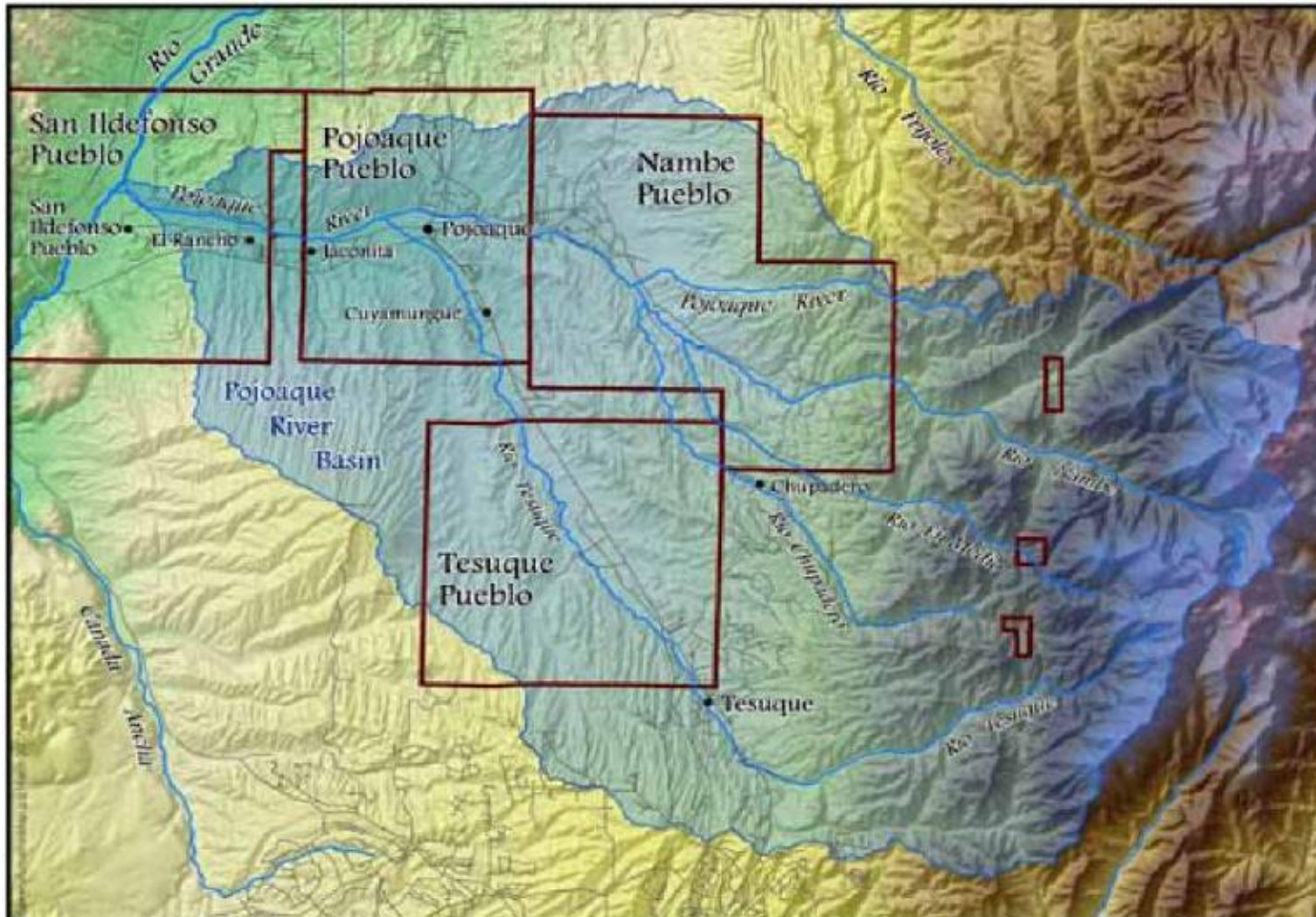
Santa Fe County Utilities

OVERVIEW


- Background
- Settlement Agreement
- Regional Water System
- Well Election



POJOAQUE BASIN AND AREA OF AAMODT SETTLEMENT AGREEMENT



TIMELINE

- 1966** - Federal lawsuit filed to adjudicate Pojoaque stream system.
 - 2001** - Federal court orders settlement discussions.
 - 2006** - Settlement Agreement – signed by State, County, City, and four Pueblos.
 - 2009**- Congress enacts legislation providing funding for settlement.
 - 2010** - Congress enacts the Aamodt Litigation Settlement Act.
 - 2013** - Cost Sharing Agreement and Systems Integration Agreement signed; Revised Settlement Agreement signed.
 - 2014** - Non-Pueblo parties file any objections to Settlement Agreement.
 - 2016** - Federal court formally declares the Settlement Agreement in effect (“Partial Final Decree”).
 - 1966 to present** - Adjudication of the non-Indian water rights.
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SETTLEMENT AGREEMENT: GOALS

- Resolve Indian priority water rights claims.
- Provide certainty with regard to supply and use of water in the Pojoaque Basin.
- Limit impacts on the aquifers and increase stream flows.
- Protect existing agricultural uses.
- Protect existing non-Pueblo domestic wells.
- Provide water users with a safe, reliable water supply for domestic and commercial purposes.

Fire protection is not an explicit goal of Settlement is an objective of the County per County Resolution 2014-101.

SETTLEMENT: PUEBLO WATER RIGHTS SUMMARY

- Quantifies First Priority Rights (acre-feet/year (afy))
- Divides into Existing Use and Future Use

Pueblo	Existing Use (afy)	Future Use (afy)	Total (afy)
San Ildefonso	288	958	1246
Pojoaque	236	0	236
Nambe	522	937	1459
Tesuque	345	374	719
Total	1391	2269	3,660



SETTLEMENT: NON-PUEBLO WATER RIGHTS SUMMARY

- Recognition of Non-Pueblo water rights.
- Non-Pueblo water rights subject to priority call by the Pueblos only for Existing Use portion (1391 AFY) of First Priority Rights (3660 AFY).
- Domestic well owners that are in compliance with the Settlement will not be subject to priority call by the Pueblos.
- New non-Pueblo groundwater appropriations in the Pojoaque Basin are prohibited. The basin is “closed”.



HOW DOES PRIORITY PROTECTION WORK UNDER THE SETTLEMENT AGREEMENT?

Priority Protection:

- The Pueblos have the most senior water rights in the Pojoaque Basin. In times of water shortages, senior right holders have the right to curtail the water use of junior right holders through a priority call.
- Except for Existing Use Rights (1391 AFY) the Pueblos will not make a priority call against Non-Pueblo surface water rights (provided the Non-Pueblo water right continues to be exercised).
- This priority protection effectively gives acequias Second Priority status in times of shortage.



HOW DOES PRIORITY PROTECTION WORK UNDER THE SETTLEMENT AGREEMENT? (CONTINUED)

During shortages, surface water is distributed:

- First, to the Pueblos' first priority Existing Rights
- Second, to all Non-Pueblo water rights belonging to owners who join the Settlement
- Third, to the Pueblos' first priority Future Use Rights
- Fourth, those who do not join the Settlement

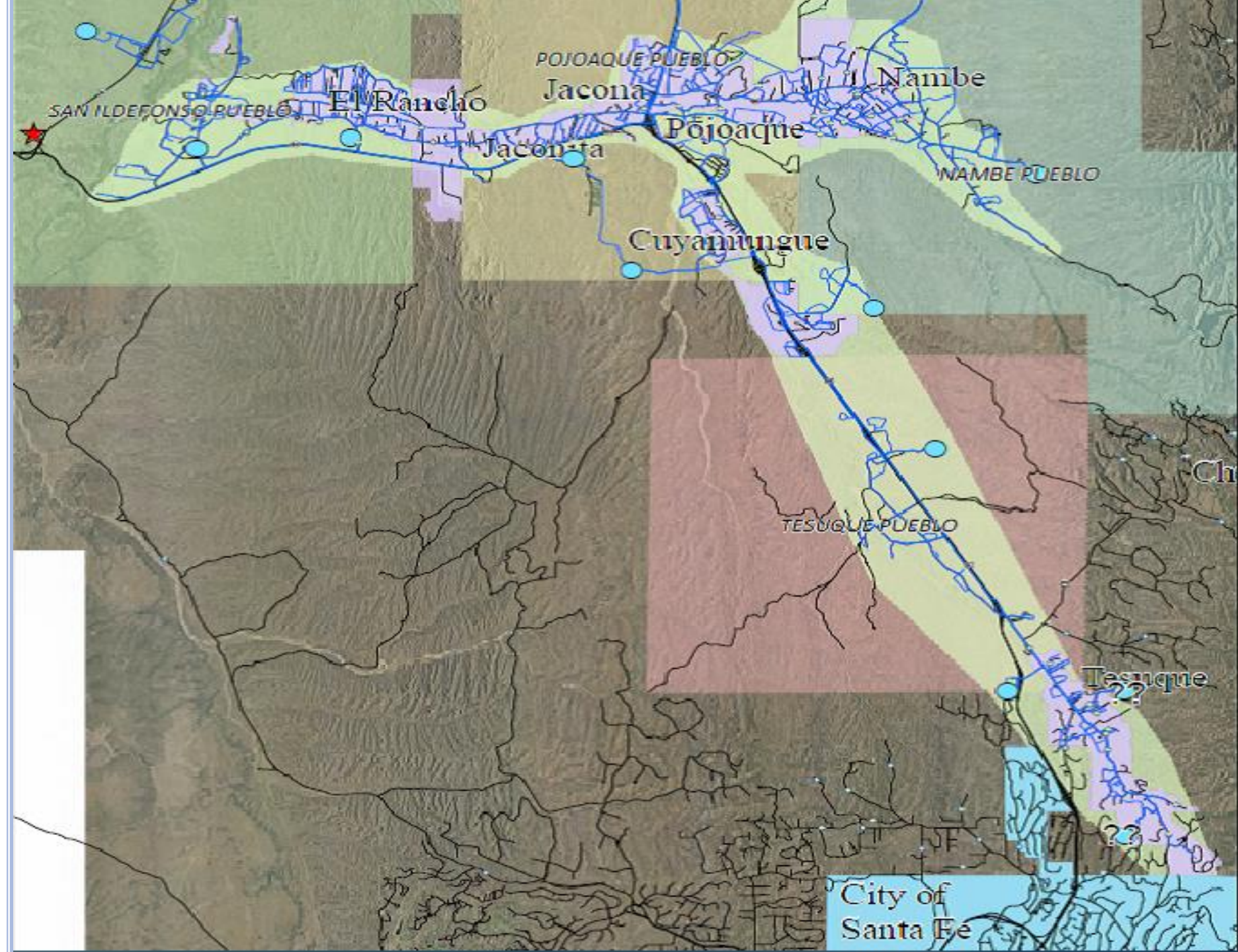
Supply Wells: The Pueblos will not make priority calls against well owners that are in compliance with the Settlement.



THE REGIONAL WATER SYSTEM

- Surface-water-based water Utility in the Pojoaque Basin
 - 4,000 afy capacity
 - 2,500 afy for Pueblos
 - 1,500 afy for Non-Pueblo residents
 - Diversion just above Otowi Bridge
 - Treatment plant on San Ildefonso land
 - Transmission
 - Run by Regional Water Authority joint board
 - The majority of the construction costs are covered by the federal government with the non-Pueblo portion paid by state and county.

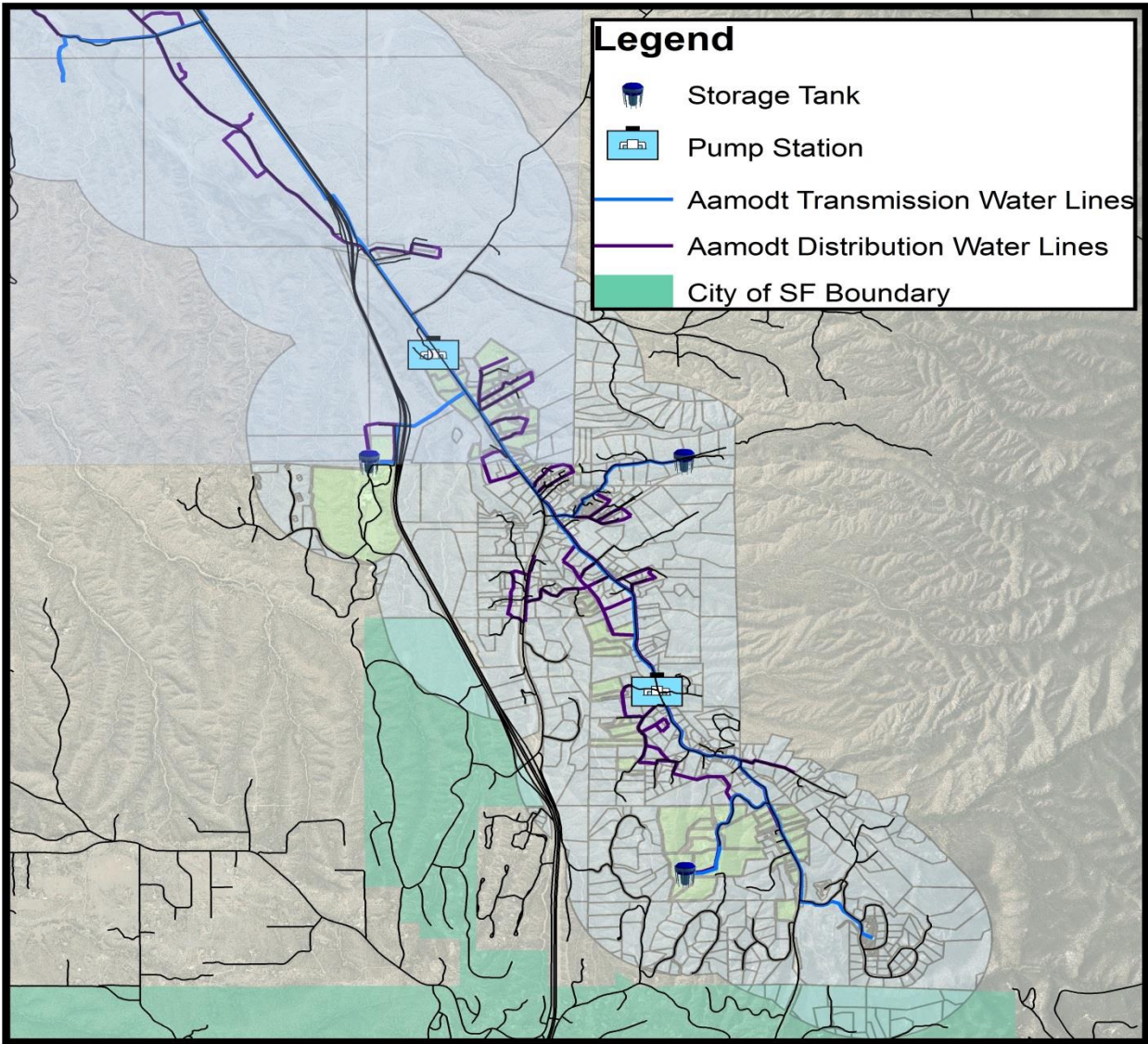





REGIONAL WATER SYSTEM

- Design and construction managed by the Bureau of Reclamation.
- Will be constructed in phases.
- Anticipated that the Federal Government will operate the system by contract until it is fully constructed.
- Once constructed, the County will operate the system under contract with Regional Water Authority board.
- Water to be transferred from Top of the World Farm.
 - 611 AFY for Santa Fe County and 1141 AFY for the four Pueblos.

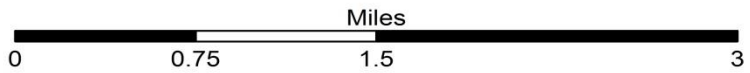




Legend

-  Storage Tank
-  Pump Station
-  Aamodt Transmission Water Lines
-  Aamodt Distribution Water Lines
-  City of SF Boundary

PBRWS - Bishop's Lodge Extension



WELL ELECTION

- The Court has not yet set a deadline for water users to make a decision about their ground water rights (aka “well election”).
- Well owners can decide now or wait until the Court ordered deadline. The well election is made by filing an Acceptance form with the Court.
- Mutual Domestic Water Consumer Associations (MDWCA) are not obligated to make a well election.
- A MDWCA that does not make a well election will be considered a non-settling party and will not receive priority protection as provided by the Settlement Agreement.



WELL ELECTION CONT.

The Settlement Agreement provides Mutual Domestic Water Consumer Associations with three options:

Option 1: Discontinue use of the well and connect to the County Water Utility (CWU) as soon as service is available to serve all existing water uses and reasonably expected uses.

Option 2: Continue use the well in perpetuity with no obligation to connect to the CWU provided the MDWCA reduces existing annual use by 15% and limits future diversion to serve no more than 85% of authorized use. *However, no MDWCA is required to reduce annual use below a quantity equal to 0.5 AFY times the number of hook-up served by the MDWCA.*



WELL ELECTION CONT.

Option 2 (Cont):

Existing Uses

Limit imposed by Settlement Agreement:

$$(0.5 \text{ AFY}) (105 \text{ meters}) = 52.5 \text{ AFY}$$

Current T-MDWCA use = 17.4 AFY (5,663,300 gal)

Future Uses

Limit imposed by Settlement Agreement:

$$(0.5 \text{ AFY}) (105 \text{ meters}) = 52.5 \text{ AFY}$$

Future Use: ?



WELL ELECTION CONT.

Option 3: To continue to exercise all authorized uses without limit or obligation to connect to the CWU subject to first entering into a separate written agreement with the Pueblos and the U.S setting forth terms, provisions and conditions for continued use.



WELL ELECTION- THINGS TO CONSIDER

The CWU would manage the system including:

- Compliance with state and federal regulations
- Consumer Confidence Reports
- Water Quality Standards
- Operations, Maintenance and Repair
- Billing

Cost of Purchasing Water

- Avg. monthly use in T-MDWCA: 4,500 gallons
- Cost using T-MDWCA rate structure: \$35.75
- Cost using County rate structure: \$42
- County rate is tiered above 5,000 gallons/month



WELL ELECTION- THINGS TO CONSIDER

Water Taste – PBRWS water should taste similar to water from the Buckman Direct Diversion.

Type of CWU Connection

- Wholesale to the T-MDWCA?
- Retail to individual customers?

Timing

- The system is being designed now.
- Distribution lines could be constructed for current T-MDWCA customers.
- Acquisition of community systems by the County can be slow.



COMING UP IN 2016/2017

- Joint Powers Agreement between the Pueblos and the County
- Operating Agreement
- Funding Agreement between BOR and the County
- Top of the World water transfer
- Water master rules
- Draft EIS and Feasibility Study
- Well Election



STATUTORY MILESTONES

- September 15, 2017
 - Settlement Agreement executed (Final Decree entered)
 - All water rights acquired (e.g. Top of the World)
 - All monies appropriated
 - EIS completed
- November 15, 2017
 - Final RWS design complete
- May 15, 2018
 - Operating Agreement executed
- June 30, 2021
 - BOR verify that RWS is complete or will be by June 30, 2024
- June 30, 2024
 - RWS construction complete



FOR ADDITIONAL INFORMATION.....

- Pojoaque Basin Regional Water System EIS
<https://sites.google.com/site/pbwatereis/home>
- OSE: Access to water right records
<http://nmwrrs.ose.state.nm.us/nmwrrs/disclaimer.html>
- OSE: Adjudication information and court filings
http://www.ose.state.nm.us/legal_aamodt_adjudication.html
- OSE: Settlement information and proposed Agreement
http://www.ose.state.nm.us/legal_ose_aamodt_info.html
- Utton Transboundary Resources Center
<http://uttoncenter.unm.edu/ombudsman/npt.php>
- Santa Fe County Utilities
http://www.santafecountynm.gov/public_works/utilities/aamodt



FOR ADDITIONAL INFORMATION.....

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