

RECLAMATION

Managing Water in the West

Aamodt Indian Water Rights Settlement Implementation

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U.S. Department of the Interior
Bureau of Reclamation

Objectives

- **Share Information about the:**
 - **Aamodt Litigation Settlement Act**
 - **The Proposed Pojoaque Basin Regional Water System (RWS)**
 - **Preliminary Project Schedule**
- **Determine if meeting attendees are aware of relevant existing data**
- **Discuss how EBRIF members can help with public outreach and education efforts**

Aamodt Litigation Settlement Act

On December 8, 2010, the Claims Resolution Act (Act) of 2010 (P.L. 111-291) was signed into law

The Act resolved several long-standing Indian Water Rights cases, including Aamodt



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Aamodt Litigation Settlement Act

Title VI of the Act authorizes the Aamodt Litigation Settlement. It includes:

(1) Construction of the Regional Water System

- Federal share is \$106.4 million (October 2006 dollars)
- Non-Federal share is \$70.9 million (October 2006 dollars)
 - State of New Mexico to provide \$49.5 million
 - County of Santa Fe to provide \$21.4 million
- Funding will be indexed



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Aamodt Litigation Settlement Act

Title VI also includes:

(2) Establishment of the Aamodt Settlement Pueblos' Fund totaling \$62.5 million, managed by BIA and Office of the Special Trustee:

- **\$5M to acquire 302 acre-feet of Nambé reserved water rights**
- **\$15M to improve and/or develop water –related infrastructure for the Pueblos**
- **\$5M for O&M of RWS during construction**
- **\$37.5M to cover Pueblos' share of long-term O&M costs**

(3) Acquisition of water rights by the Secretary of the Interior on behalf of the Pueblos of San Ildefonso, Pojoaque, Nambé, and Tesuque

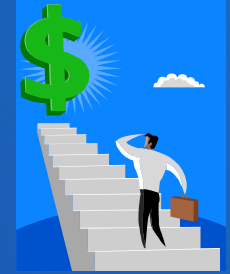
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Aamodt Litigation Settlement Act

- The Act establishes several deadlines, including completion of all “conditions precedent” by September 15, 2017 and completion of the RWS by June 30, 2024.
- **Conditions Precedent include:**
 - Water rights have been acquired and a State Engineer’s permit issued to change the point of diversion and place of use of these water rights
 - Settlement Agreement and Cost Sharing and System Integration Agreement are signed by all parties

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Aamodt Litigation Settlement Act



- **Conditions Precedent (continued):**
 - **All Federal funding has been provided for the Settlement, except \$50M of appropriated funds for the RWS**
 - **Record of Decision has been signed for the RWS**
 - **State of NM has provided funding for the Impairment Fund, Connection Fund , and their share of the cost of the RWS**

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Aamodt Litigation Settlement Act

- **Conditions Precedent (continued):**
 - **Partial Final and Final Decrees have been approved by the District Court that set forth the priority dates and quantifies water rights for all parties**
 - **Pueblos have agreed to waive and release all claims related to water rights against the U.S. and non-pueblo parties in the basin, except to the extent that such water rights are recognized in the Settlement Agreement or the Act.**



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Acquired Water



- Reclamation must enter into new contract(s) with the Pueblos for 1,079 acre-feet of San Juan-Chama Project (SJCP) water
 - No preference over other SJCP contractors (Act Sec 613(d))
- Reclamation must amend a SJCP repayment contract with Pojoaque Valley Irrigation District (PVID) and an O&M contract with PVID and the Pueblos of Nambe, Pojoaque, and San Ildefonso to reflect new allocations of the water stored in Nambé Reservoir (Act Sec 621(d))

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Acquired Water (cont)

- BIA must acquire 1,141 acre-feet of “Top of the World” water rights from the County
- BIA must acquire 302 acre-feet of Nambé reserved water rights
- County must acquire 750 acre-feet for future non-Pueblo water utility customers



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Hydrological Impacts

- Imported water will increase the supply available to Valley Residents
- Decreased dependence on ground water pumping is expected to improve aquifer conditions
 - Enhanced modeling of ground water/surface water interactions will occur over the next few years
- No adverse impacts on Rio Grande Compact deliveries
- Little to No impacts on native Rio Grande flows
 - Diversions about half of Buckman Direct Diversion project
 - Forebearance of Top-of-the-World water rights will make available additional native RG flows for the RWS

Climate Change Projections

- More precipitation is expected to fall as rain, less as snow
- Snowmelt runoffs are expected to be smaller, earlier
- Wintertime river flows are expected to increase relative to summertime flows
- Extreme events, such as droughts and floods, are projected to be more frequent
- Increased evapotranspiration rates will reduce flows
- SJCP water supplies are projected to be less vulnerable because snowpacks in the San Juans are predicted to be more reliable and Heron Reservoir serves as an equalization basin to meet firm yield

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Regional Water System



- The Act authorizes **Reclamation** to plan, design, construct and obtain environmental compliance for the RWS.
- The RWS is to be built in “substantial compliance” with the September 2008 Engineering Report (Report), prepared by HKM.
- Indian Self-Determination Act (P.L. 93-638) does not apply

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Regional Water System

- Environmental Impact Statement will be prepared
- Record of Decision must be signed before September 15, 2017
- Construction will be completed in phases



Bishop's Lodge Area,
photo from
GoogleEarth Pro.

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EIS Team

Reclamation – Lead
Federal Agency



Anticipated Cooperators:

- BIA, USFWS, USACE
- State of New Mexico:
OSE, ISC
- County of Santa Fe

Customers/Partners:

- Pueblo de San Ildefonso
- Pueblo of Pojoaque
- Pueblo of Nambé
- Pueblo of Tesuque
- County of Santa Fe

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Draft Purpose and Need for the RWS

The purpose is to provide safe and reliable potable water to the residents of the Pojoaque Basin.

The need is to reduce reliance on groundwater and to allow the Pueblos to obtain the water rights provided under Title VI of the Claims Resolution Act of 2010.

The scope of the EIS may expand to include other Pueblo water-related infrastructure activities.

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Regional Water System

- The RWS will be capable of delivering up to 4,000 acre-feet (af) per year of consumptive use water to the four Pueblos (2,500 af) and non-pueblo residents of the Pojoaque Basin (1,500 af)
- Upon completion, title to their respective portions of the RWS will be transferred to the four pueblos, the County Water Utility, and the Regional Water Authority



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Regional Water System

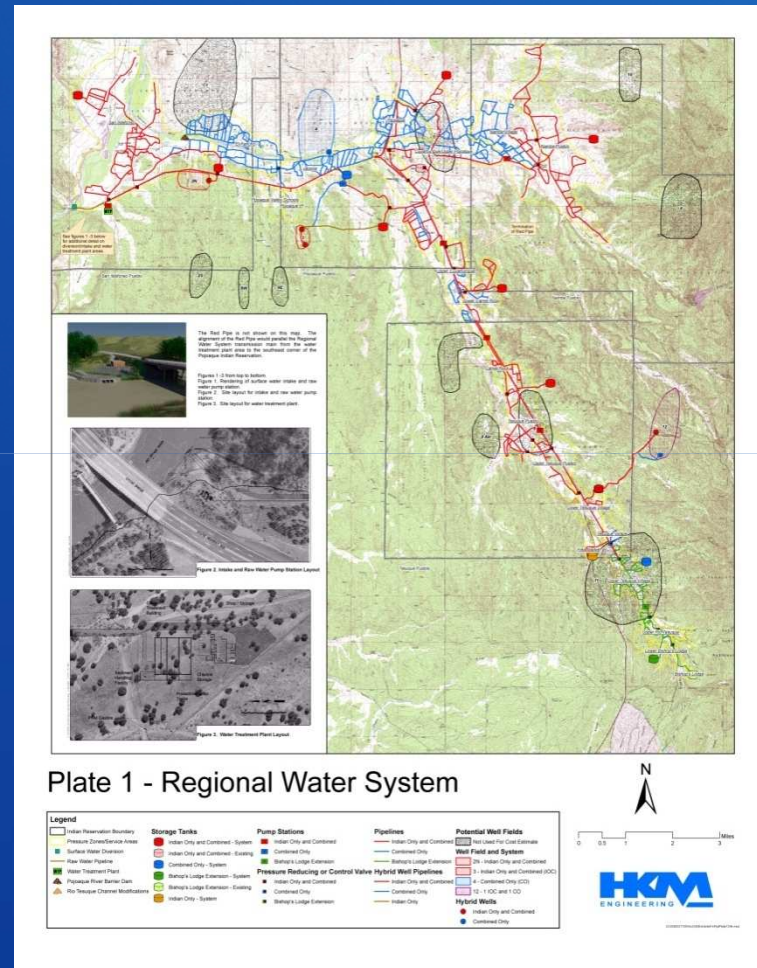
- The Regional Water Authority will operate and maintain the RWS on behalf of all basin residents
- Non-Pueblo County residents with water rights from a well have 3 options under the Settlement Agreement Section 3.1.7:
 - 1. Connect to RWS when service becomes available**
 - Connection Fees will be paid from the Pojoaque Valley Water Utility Connection Fund
 - Limited non-domestic use of the well is allowed to continue
 - 2. Continue use of the well for domestic purposes**
 - Quantity of water that may be diverted for domestic use shall be limited or reduced

Regional Water System

- Options for Non-Pueblo County residents with water rights from a well (continued)
 3. **Connect to RWS upon transfer of property**
 - Quantity of water that may be diverted for domestic use shall be limited or reduced until transfer occurs
 - The new owner shall connect to the RWS upon transfer of ownership
- Commercial or Industrial Users must (1) connect to the RWS, (2) continue to use well with reductions as described in the SA, or (3) enter into a separate written agreement with Pueblos and the U.S.

Regional Water System

- RWS also includes:
 - 3 conjunctive-use aquifer storage and recovery (ASR) wells
 - Bishop's Lodge Extension
 - Barrier dam and infiltration project on the Rio Pojoaque
 - Rio Tesuque channel modifications



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Regional Water System

Side-Channel Surface Diversion

Photos taken
by Diana
Clifton, March
1, 2012,
except where
noted



Otowi gage, downstream of Hwy 502. Photo from GoogleEarth Pro.



San Ildefonso Pueblo: Looking upstream from Otowi Bridge, diversion location is at outlet of arroyo. Approx 700 cfs flow in Rio Grande.



San Ildefonso Pueblo: Bosque clearing in area near proposed diversion location

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Water Treatment Facility Location



San Ildefonso Pueblo: Road leading to proposed water treatment facility location, south of Hwy 502

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Regional Water System

Many proposed water storage tank locations are near existing water storage tanks



200,000 gallon tanks above Pojoaque Village



Tank on Pueblo of Nambé



Tank above Tesuque Trailer Village, proposed site is north of this location



Tank above White Sands subdivision, Pueblo of Pojoaque



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Regional Water System

Proposed Aquifer Storage and Recharge Well Locations

Well field #4 is west of the Pojoaque Bison Pasture and north of Jacona.

Well field #3 is south of the Pojoaque Industrial Park, in an undeveloped section of the park.



Well Field #5 is south of the White Sands sub-division on Pojoaque Pueblo.

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RWS Preliminary Schedule

- **Begin Government-to-Government Consultations: Spring 2012**
- **Conduct Engineering Design Data Collection - Geotechnical Investigations, Water Quality Analysis, Gather Existing Data: Jan 2012 – Nov 2013**
- **Does your organization have relevant existing data?**
- **EIS Support Services Contract Award: July 2012**
- **Conduct Public Scoping: Fall 2012**
- **County gathers info re: existing and future demand, costs, integration with existing utilities, design alternatives, service areas and timelines: Mar - Dec 2012**

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RWS Preliminary Schedule

- **Conduct Feasibility Study for ASR Wells: 2014**
 - Includes Hydrological Modeling and Water Chemistry Analysis
- **Develop Feasibility-Level Designs and Cost Estimates: 2014 – 2015**
- **Analyze Environmental Impacts: 2013 – 2015**
- **Public Meetings and Comments on Draft EIS: 2016**
- **Complete EIS and Sign ROD: Early 2017**
- **Obtain Easements and Rights-of-Way: 2017 - 2019**
- **Begin Construction of RWS: 2018**

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Public Outreach and Education

- 4 public scoping meetings will be held for Pueblo members
- 4 additional public scoping meetings planned – Pojoaque Valley, Santa Fe, Española, and Taos
- Draft Communications Plan also includes:
 - Website: <http://www.usbr.gov/uc/albuq/progact/ALSA-PBRWS/index.html>
 - Project Updates for Existing Organizations
 - Newsletters and News articles
 - Meetings hosted by the County of Santa Fe
- **What Else Do You Think Would be Helpful?**

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QUESTIONS?



Next Steps?

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