

# **2003 Calendar Year Report to the Pecos River Commission**

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*NEW MEXICO*  
*Robert Armstrong*

*TEXAS*  
*Julian Thrasher, Jr.*

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*FEDERAL CHAIRMAN*  
*Charles A. Calhoun*

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**UNITED STATES DEPARTMENT of the INTERIOR  
BUREAU of RECLAMATION**

**Upper Colorado Region  
Albuquerque Area Office  
March 05, 2004**



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USGS Near Acme, NM gaging station. December 3, 2003.

**UNITED STATES DEPARTMENT of the INTERIOR  
BUREAU of RECLAMATION**



**Upper Colorado Region  
Albuquerque Area Office  
March 05, 2004**



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**U. S. Bureau of Reclamation  
Upper Colorado Region - Albuquerque Area Office  
2003 Calendar Year Report to the Pecos River Commission**

## **1.0 INTRODUCTION**

The Albuquerque Area Office of the Bureau of Reclamation (Reclamation) is responsible for operation, maintenance, and oversight of three projects on the Pecos River (Figure 1). These projects are: the *Carlsbad Project*, which includes Sumner, Brantley, and Avalon Dams; the *Pecos River Basin Water Salvage Project*, and the *Fort Sumner Project*, which includes the Fort Sumner Diversion Dam.

Reclamation's Carlsbad Field Office continues to report to the Albuquerque Area Office's Water Resource Management Division. An agreement between Reclamation and Carlsbad Irrigation District (CID), finalized on October 2, 1989, provided for CID to operate and maintain Brantley Dam, Sumner Dam, and the Pecos River Water Salvage Project. Reclamation continues to be responsible for assuring that this work is accomplished in compliance with all applicable agreements, contracts, regulations, compacts, and other related laws.

## **2.0 CARLSBAD PROJECT**

### **2.1 Crop Production**

As of the printing of this report, Reclamation has not received CID's 2002 or 2003 crop and water data. This information is generally received in mid to late spring of the following year.

### **2.2 Reservoir Storage Entitlements**

All Carlsbad Project reservoirs (Figure 2) were operated in accordance with the requirements of the Pecos River Compact and U.S. Army Corps of Engineers' (COE) flood control criteria.

The COE determines area and capacity tables for Santa Rosa Reservoir. Reclamation calculates annual total conservation storage entitlements for the Pecos River reservoirs that are in New Mexico. Table 1 presents the calendar year 2003 storage entitlements for the four Pecos River Reservoirs.

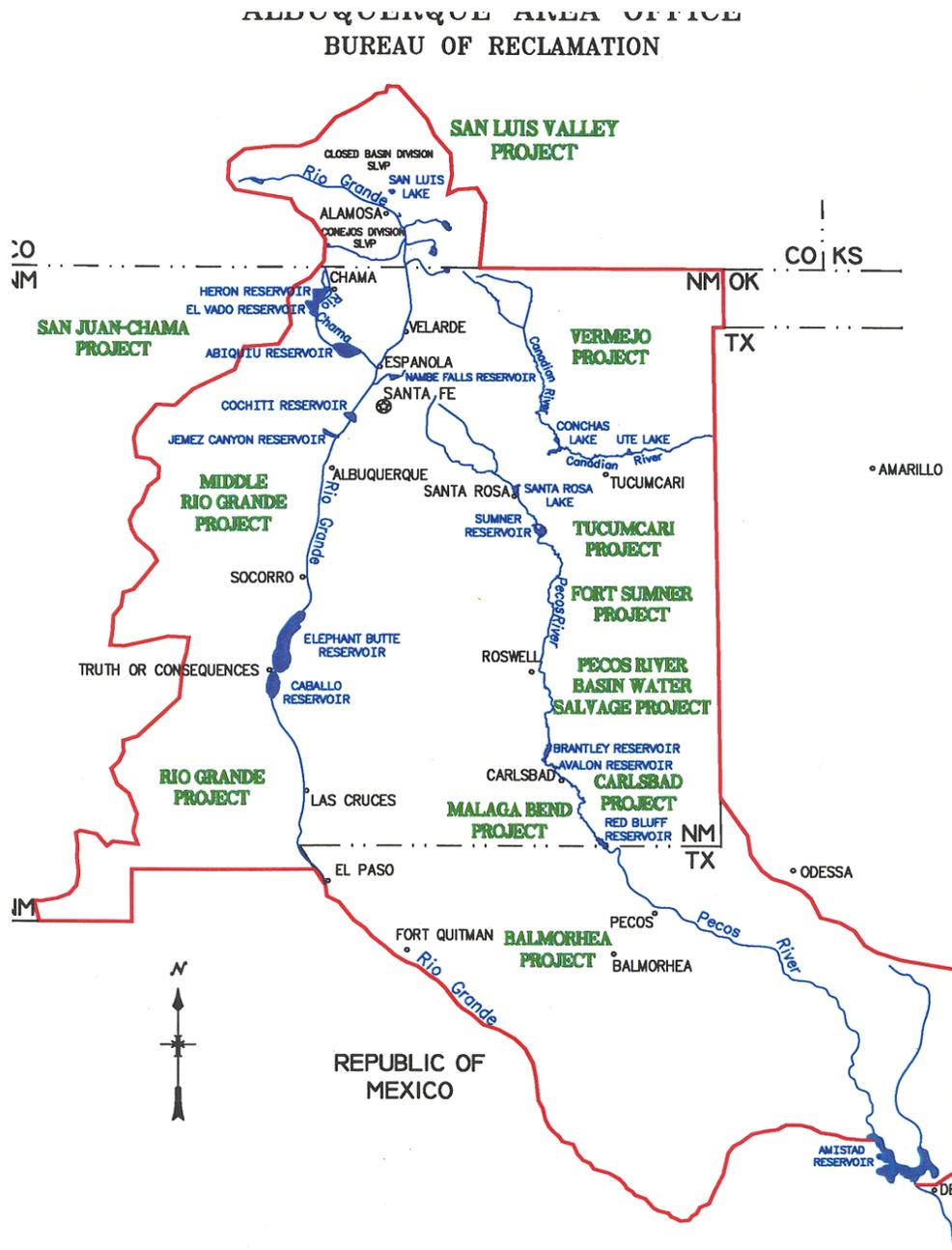
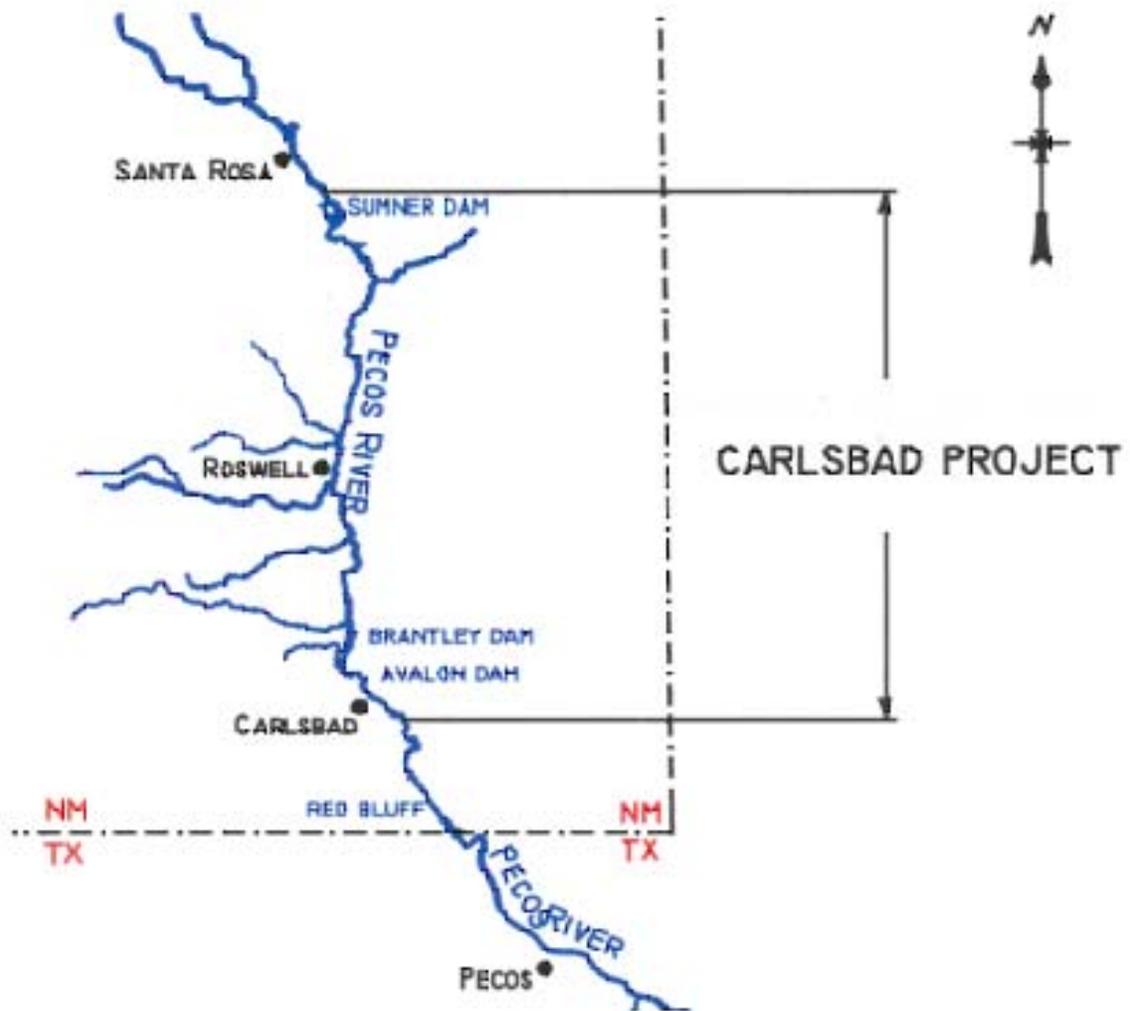


Figure 1. Project Map of Reclamation's Albuquerque Area Office.



**Figure 2.** Area map of the Carlsbad Project.

**Table 1.** 2003 Pecos River Reservoir Storage Entitlements.

Reservoir	Entitlement Storage (af)	Minimum Pool (af)	Total Estimated Sediment Accumulation (af)	Total Conservation Storage (af)	Conservation Elevation (feet)
Santa Rosa	<b>92,268</b>	0	2,720	94,868	4744.43
Sumner	<b>40,366</b>	2,500	60	42,926	4,262.88 (NAVD88)
Brantley	<b>40,000</b>	2,000	189	42,189	3,256.02 (NAVD 88)
Avalon	<b>3,866</b>	600	0	4,466	3,117.40
<b>TOTAL:</b>	<b>176,500</b>				

Operation of the dams on the Pecos River is a joint effort between Reclamation, CID, and the COE in coordination with the Fort Sumner Irrigation District (FSID and the State of New Mexico. The COE has flood control responsibilities at Sumner Dam when the reservoir gets into the exclusive flood control pool (elevation 4262.88 to 4283.88 feet (ft); except it is 4269.16 to 4283.88 ft from November 1 through April 30, elevations in North American Vertical Datum (NAVD) 88) and at Brantley Dam when the reservoir elevation is above 3272.69 ft up to 3284.69 ft (NAVD 88).

The 2002 end-of-year total CID conservation storage in the four Pecos River reservoirs (Santa Rosa, Sumner, Brantley and Avalon) was at 11 percent of entitlement. Santa Rosa, Sumner, Brantley and Avalon reservoirs on the Pecos River were at approximately 11, 19, 25, and 0 percent, respectively, of each reservoir's entitled conservation storage. The March 1, 2003 most probable forecasted snow melt runoff inflow into Santa Rosa Reservoir for the period March through July was approximately 58,000 acre- feet (af) or 109 percent of the 30-year average.

The actual March through July 2002 inflow to Santa Rosa Reservoir was 13,700 af, approximately 26 percent of the 30-year average. On December 31, 2003, the total CID entitlement storage in the four Pecos reservoirs was at 9 percent of entitlement. Santa Rosa, Sumner, Brantley and Avalon reservoirs were at approximately 3, 22, 10, and 29 percent, respectively, of each reservoir's entitlement storage.

## 2.3 Sumner Dam and Reservoir

### 2.3.1 Sumner Dam Operations

The operation of Sumner Dam is to divert to storage available natural inflow above Fort Sumner Irrigation District's (FSID's) allotted water right (up to 100

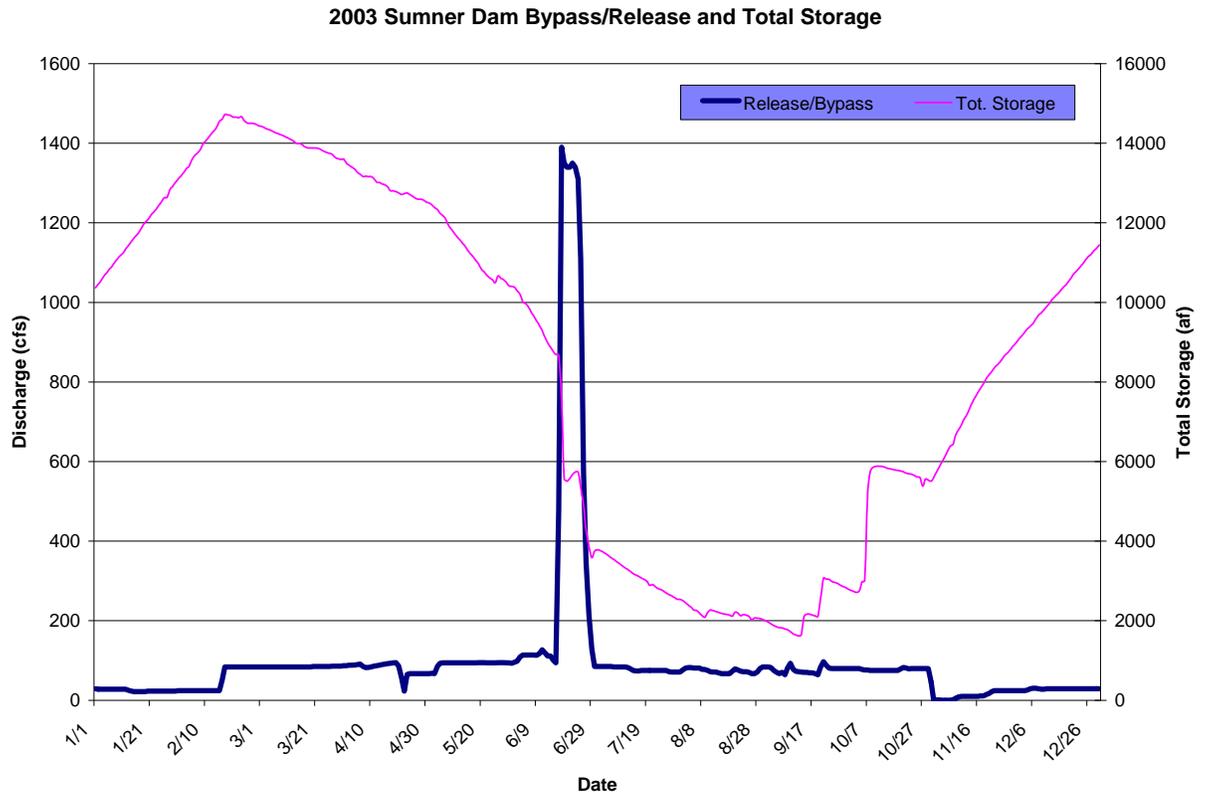
cubic-feet-per-second (cfs) of the natural inflow above Sumner Reservoir) when not required to target downstream flows at the United States Geological Survey (USGS) Pecos River near Acme (Acme) river gage (located 113 miles downstream of Sumner Dam), and to release stored Carlsbad Project water for CID. Reclamation took over the operation of Sumner Dam on November 12, 1998 to assure compliance with the Endangered Species Act (ESA) and provide bypasses for the threatened Pecos bluntnose shiner. Reclamation continues to direct the CID dam tender on gate adjustments and the CID continues to be responsible for all maintenance activities. This operating procedure does not alter the normal operations of Avalon and Brantley Reservoirs for the purpose of delivering water to the CID.

Under a water right permit granted by the State of New Mexico, the CID is allowed to store up to an additional 20,000 af in Sumner Reservoir from November 1 to April 30 each year, provided that the entitled conservation storage of all four reservoirs on the Pecos River in New Mexico does not exceed 176,500 af. No additional storage under this water right permit occurred in 2003.

On August 1, 2003 the Bureau of Reclamation and the Carlsbad Irrigation District received emergency authorization from the New Mexico State Engineer to create a Fish Conservation Pool in which water is stored in Sumner or Santa Rosa Reservoir for the purpose of providing riverine habitat. The Fish Conservation Pool initially contained 500 af in 2003. The creation of a Fish Conservation Pool does not affect the storage entitlement in Sumner Reservoir. Water from the Fish Conservation Pool was released from August 2, 2003 to September 7, 2003. The flow rate varied from 5 to 10 cfs. A final permit for the Fish Conservation Pool is expected in the spring of 2004. The water from the Fish Conservation Pool was diverted into the FSID's main canal and returned to the river at the nearest wasteway (Sandgates). This operation simplifies the process of getting the small flows past the diversion dam.

Sumner Reservoir began the year with 10,368 af in total storage. Winter season ESA-related bypasses were initiated on November 6, 2002, and discontinued on February 16, 2003. Irrigation season ESA-related bypasses occurred once, from June 4 through June 15 (10-20 cfs). The only CID block release of the 2003 irrigation season was initiated on June 18 and terminated on June 30, a total of 21,898 af were released from Sumner Dam (Figure 3). There were 8 days at peak discharge of 1,400 cfs. Sumner Reservoir reached a maximum total storage of 14,723 af on February 17. Sumner Reservoir's lowest total storage was on September 13, 1,619 af. Sumner Reservoir end-of-year total storage was 11,440 af.

Sumner Reservoir dropped below the minimum pool on August 03 and remained below the minimum pool until September 20.



**Figure 3.** Calendar year 2003 Sumner Dam bypass/release and total storage (downloaded from USGS web site on 2/10/04).

A total of approximately 5,390 af were bypassed for ESA-related purposes during the winter season from November 1, 2002, through February 28, 2003. A total of approximately 350 af were bypassed during the 2003 irrigation season. The effects of these modified operations on the Carlsbad Project water supply are discussed in Section 6.1 Reclamation's Water Offset Program. Reclamation has leased water from river pumpers and the Hagerman Irrigation Company to replace the depletions associated with the modified operations.

### 2.3.2 Sumner Dam Facility Review and Safety of Dams Programs

The three radial gates at Sumner Dam, used to pass up to 50,000 cfs, need repairs. A detailed on-site examination was completed on November 13, 2003 by Reclamation to gather information for cost estimating and design purposes. The work is scheduled to begin in 2005.

The 2003 Sumner Dam annual examination and report was completed on April 23, 2003.

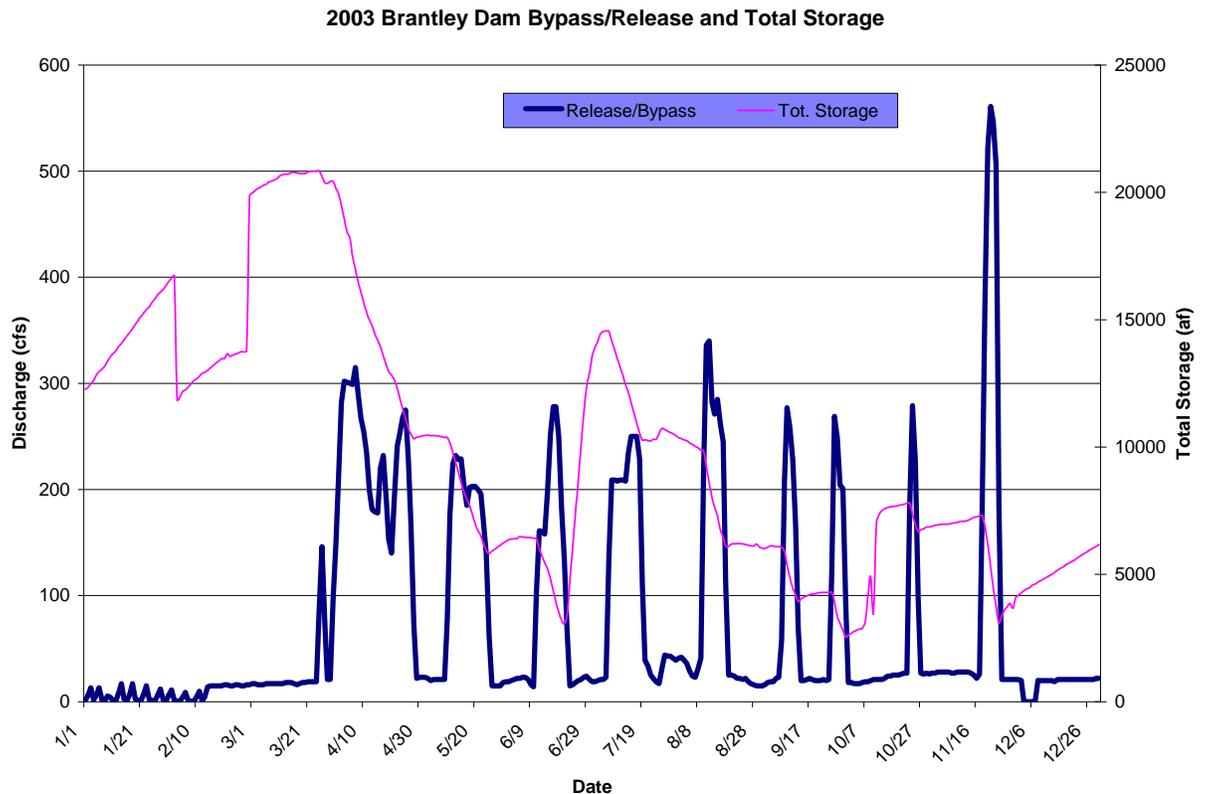
## 2.4 Brantley Dam and Reservoir

### 2.4.1 Brantley Dam Operations

The operations of Brantley Dam are the bypass of mitigation flows for the construction of Brantley Dam (20 cfs) during periods without irrigation releases. During the irrigation season (normally March through October), releases are made from Brantley Dam to Avalon Reservoir at the rate necessary to support the diversion into the CID's main canal, generally between 75 and 350 cfs, as required by irrigation demand (Figure 4). Additionally, Brantley Dam releases were made, in November 2003, to assist the New Mexico Interstate Stream Commission (NMISC) in meeting its Pecos River Compact obligations as discussed in section 6.3 Water Release and Replacement Agreement for State Line Delivery and 6.2 Carlsbad Irrigation District Water Lease Program.

The COE has flood operation responsibility once the reservoir rises into the flood pool, as identified by the COE in their Water Control Manual for Brantley Dam. Even though the top of the conservation or entitlement pool for Brantley Reservoir was 3,256.02 ft (NAVD 88) for 2003, the COE does not recognize its flood operations control responsibility to start until the reservoir reaches elevation 3,272.69 ft which is the projected top of conservation after 100 years of sediment buildup. Therefore, Reclamation has flood operation control responsibility below elevation 3,272.69 (NAVD 88) ft to the top of the entitlement pool, which is adjusted each year for sediment.

Brantley Reservoir began the year with a total storage of 12,267 af. Brantley Dam irrigation releases were initiated on March 26 and were stopped and started as needed to meet demand and to conserve water. The final irrigation release occurred on October 24. Approximately 37,075 af were released for irrigation during this period. Brantley Reservoir reached a maximum total storage of 20,845 af on March 26. Brantley Reservoir's lowest total storage was on October 01 at a volume of 2,534 af. Brantley Reservoir end-of-year total storage was 6,177 af.



**Figure 4.** Calendar year 2003 Brantley Dam releases and total storage (downloaded from USGS web site on 2/10/04).

#### 2.4.2 Brantley Dam Facility Review and Safety of Dams Programs

Sinkholes exist upstream and downstream on the left side of Brantley Dam. The sinkholes are regularly monitored visually and surveyed every two years. The latest survey was completed on March, 18, 2003. Currently, the sinkholes are not a structural threat to the facility.

As part of regular maintenance, rip rap was placed around the perimeter of the stilling basin, the Standing Operating Procedures and Emergency Action Plan were revised, and the 2003 Brantley Dam annual examination and report was completed on 4-26-03.

#### 2.4.3 Brantley Reservoir Water Quality Monitoring

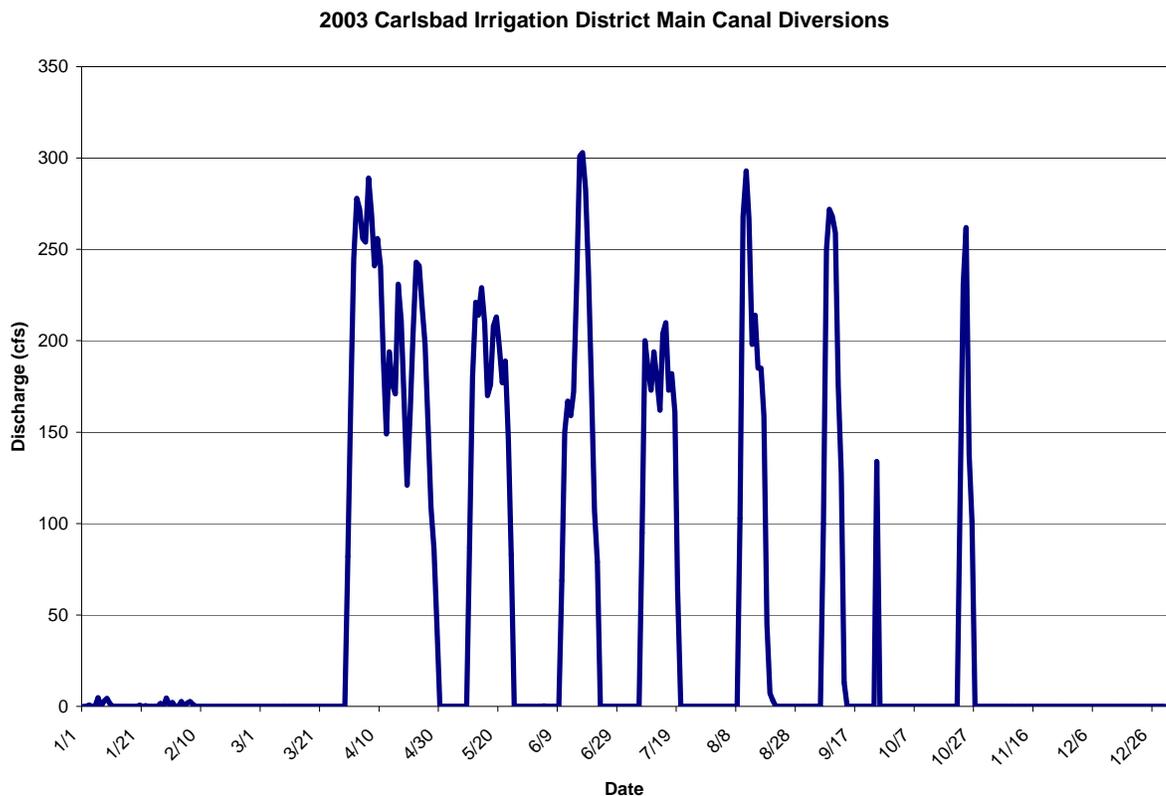
Weekly monitoring of water quality has been ongoing since 1997 under a cooperative agreement to the Carlsbad Environmental Monitoring and Research Center of New Mexico State University; however, due to federal regulations limiting agreements to five years, the agreement was closed at the end of

September 2003. A new agreement is being developed to continue this work. Total dissolved solids, salinity, specific conductivity, temperature, dissolved oxygen, and pH data were collected each week at locations in the inflow to the lake, the outflow below the dam, and at 5-ft depth intervals at the dam. Data are provided to CID, Brantley Dam and Reclamation in Albuquerque. Quarterly and annual reports were received by Reclamation in 2003.

## 2.5 Avalon Dam and Reservoir

### 2.5.1 Avalon Dam Operations

Avalon Reservoir began the year with conservation storage of 21 af. Due to the small reservoir capacity and the location of Brantley Dam 10 miles upstream, Avalon Dam is used primarily as a diversion dam to meet irrigation demand for the CID. Water is released from Brantley Dam and the small reservoir at Avalon is used to fine tune the releases into the CID Main Canal. Diversions into the CID Main Canal began on March 31, and ceased on October 27, totaling 35,380 af. Diversions into the CID main canal are given in Figure 5. Calendar Year 2002 CID Main Canal Diversions.



**Figure 5.** Calendar Year 2003 CID Main Canal Diversions (downloaded from the USGS web site 2/10/04).

Releases for the NMISC and CID lease agreement were bypassed through Avalon Dam. A total of 5,775 af of water was released from Avalon Dam directly to the Pecos River in 2003. Avalon Reservoir end-of-year total storage was 1,722 af.

### **2.5.2 Avalon Dam Facility Review and Safety of Dams Programs**

The 2003 Avalon Dam annual examination and report was completed on April 26, 2003.

## **3.0 CARLSBAD PROJECT ENVIRONMENTAL COMPLIANCE ACTIVITIES**

### **3.1 Endangered Species Program for Water Operations**

The U.S. Fish and Wildlife Service (FWS) finalized a three year Biological Opinion (BO) on June 18, 2003 and a block release from Sumner Dam was initiated on the same day. The BO will remain in effect through February 28, 2006.

The Pecos River went intermittent for the third time in as many years (as recorded by the USGS Pecos River Near Acme, NM). The first of the two drying events occurred from July 23 to August 29. The second period occurred from September 20 to October 5. Conditions were monitored for water quality and fish survival in each event. The Service also conducted regular shiner population monitoring throughout the 2003 irrigation season. Coupled with the last 10 years of data collected the FWS concluded that there was a downward trend in the population of Pecos bluntnose shiners. The population is now approaching that of the 1992 Pecos bluntnose shiner population, considered the initial baseline. The FWS reported that the Pecos bluntnose shiners also dropped to 12% of the shiner guild in 2003. Three out of every eight to 10 sampling sites were intermittent. When the Pecos bluntnose shiner drops to within 5% of the guild will trigger re-consultation with the FWS.

Due to excessive drying during the irrigation season, bypass flows were unusually high at the beginning of the non-irrigation season on November 1, 2003. Reclamation was bypassing as much as 30 cfs by December 1, 2003 and continued to do so over the remainder of the winter months. The Fort Sumner Irrigation District (FSID) called for their winter allotment early in the year, starting on February 17, 2004. The Carlsbad Irrigation District (CID) also called for an early release, which began on March 3, 2004 after conditions of the BO were clarified.

Reclamation leased groundwater rights associated with 300 acres located approximately 15 miles upstream of the Acme gage. Approximately 995 af were pumped to the Pecos River during calendar year 2003. The land fallowing and pumping operation associated with the groundwater lease did not increase or decrease the Carlsbad Project water supply in 2003. Although the water pumped to the Pecos River did provide refuge for approximately one mile during low flow and intermittent conditions.

## **3.2 National Environmental Policy Act (NEPA) Activities**

### **3.2.1 Carlsbad Project Water Operations and Water Supply Conservation EIS**

During 2003, Reclamation and the NMISC signed a joint lead agreement for preparation of the Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement (EIS). A Notice of Intent to prepare the EIS was published in the Federal Register and public scoping meetings were held during October 2002 in Santa Rosa, Ft. Sumner, Roswell, and Carlsbad, New Mexico. This is a multi-agency effort with participation by federal, state and local agencies and irrigation districts. The EIS teams are currently preparing descriptive sections of the EIS and a range of alternatives were formulated. The Draft EIS is expected to be ready for release in summer 2005.

#### **3.2.1.1 Biological Resources Working Group**

The Biological Resources Working Group (BRWG) is a technical work group of the EIS. The BRWG is made up of biologists and representatives of Reclamation, FWS, COE, New Mexico Department of Game and Fish, NMISC, and CID, and is co-chaired by biologists representing Reclamation and NMISC. The BRWG met six times during 2003. The group was able to screen and select a total of six final alternatives from a field of 32 possible alternatives. These alternatives have been turned over to the Hydrology Working Group for further analysis to determine which alternatives will remain viable for consideration as the preferred alternative.

The Synthesis Report, presently in draft form, is expected to be completed by May 17, 2004. The report, however, will not be a part of the NEPA process, but will be used as another information resource.

### **3.2.1.2 Pecos River Hydrology Working Group**

The Hydrology Working Group (HWG) consists of representatives from Reclamation, NMISC, New Mexico Office of the State Engineer (NMOSE), COE, CID, Pecos Valley Artesian Conservancy District (PVACD), and FWS. The HWG was formed in January 2000 to further develop the river and operations simulation computer model (RiverWare) of the Pecos River from Santa Rosa Lake to Avalon Dam. A suite models have been incorporated to model the Pecos River Basin from Santa Rosa Dam to the Red Bluff gage. The development of the models will soon be “frozen” in preparation for alternative analysis.

### **3.2.2 Miscellaneous Purposes Contract EIS**

A second EIS is being performed by Reclamation and the NMISC to cover a long-term miscellaneous purpose contract between NMISC, the CID, and Reclamation. The second EIS will be spearheaded by the NMISC and would allow the NMISC to use Carlsbad Project water allotted to land located inside the boundaries of the CID that NMISC owns or leases from other member of the CID, or other project water, for release from facilities serving the Carlsbad Project. It would replace an existing 1999 short-term contract detailed in Section 6.2 Carlsbad Irrigation District Water Lease Program. This will assist the NMISC in compliance with the Pecos River Compact and the Supreme Court Amended Decree. Reclamation and the NMISC will be joint leads for both EIS. Both EISs will proceed concurrently to the degree possible.

## **3.3 National Environmental Policy Act Activities for Resource Management Plan**

The Brantley/Avalon Resource Management Plan (RMP) and Environmental Assessment (EA) were completed in December, 2003. The RMP identified and defined management goals, objectives, and standards for guiding and directing future resource management actions and activities, including recreational uses, within the Brantley and Avalon Reservoirs Project areas. The RMP selected and recommended implementation of the Multipurpose Alternative, which identified a variety of multiple uses including expanded developed recreation areas, improved primitive recreation areas (designated sites, some limited facilities), revised mineral stipulations, and additional wildlife management areas.

## **4.0 PECOS RIVER BASIN WATER SALVAGE PROJECT**

Under the authority of Public Law 88-594, Reclamation continues to control salt cedar growth from the Sumner Dam area to the New Mexico-Texas state line. This excludes the area between the Artesia bridge and north boundary of Reclamation's Brantley

lands. Reclamation contracts with the CID to perform the mechanical removal work. Salt cedar removal is primarily accomplished utilizing rubber-tire tractors with root plows, and a D-7 caterpillar with a rake attachment.

Pecos River lands cleared in New Mexico total approximately 33,230 acres. Acreage cleared by Reclamation, south of the New Mexico-Texas state line, used to total about 14,000 acres. The State of Texas presently addresses salt cedar clearing on these areas. Federal lands in the program make up about 36 percent of the cleared areas, and private lands make up about 64 percent.

The original authorizing legislation allowed clearing for approximately 58,000 acres, but was reduced by litigation brought by the Audubon Society and the completion of an EIS in 1979. FY 2003 expenditures for maintaining the cleared areas of salt cedar was \$288,670.00, about \$8.69 per acre. The NMISC funded \$150,000.00 of these costs.

NMISC continues to fund Reclamation's involvement in obtaining annual cooperative agency agreements from private landowners for the Pecos River Basin Water Salvage Program.

Although the program did not achieve the original acreage intended, the Water Salvage Project is, to date, the largest, and most successful effort to control the growth of salt cedar in the Pecos Valley.

## **5.0 FORT SUMNER PROJECT**

### **5.1 Crop Production**

Crops grown in 2003 were alfalfa hay, other hay, irrigated pasture, cantaloupe, watermelon, honey ball, honey dew, pecans, and nursery. Out of a total irrigable area of 6,500 acres, 6,354 acres were irrigated in 2003. Total gross crop related income of \$3,409,399 was reported on the District's crop and water data for an average crop value of \$536.58 per irrigated acre. Of the total water diverted, 28,189.64 acre-feet (af) were delivered to the irrigated lands, for a total of 4.4 af delivered per irrigated acre.

At the time of the printing of the 2002 Calendar Year Report to the Pecos River Commission, Reclamation had not received FSID's 2002 crop and water data as this information is generally received in mid to late spring of the following year. The crops grown in 2002 were alfalfa hay, other hay, irrigated pasture, cantaloupe, watermelon, honey ball, honey dew, pecans, and nursery. Out of a total irrigable area of 6,500 acres, 5,532.5 acres were irrigated in 2002. Total gross crop related income of \$2,961,675 was reported on the District's crop and water data for an average crop value of \$535.32 per irrigated acre. Of the total water diverted,

26,777.68 acre-feet (af) were delivered to the irrigated lands, for a total of 4.8 af delivered per irrigated acre.

### 5.2 Operations

The irrigation season for FSID typically begins March 1 and ends October 31. FSID is also allowed to divert for two, eight-day periods during the winter. This winter right is usually taken just prior to March 1. During irrigation season, 80 to 100 cfs is usually bypassed through Sumner Reservoir depending on FSID's available water right. During 2003, FSID began calling for water on February 17, 2003 and discontinued irrigating on October 31, 2003. FSID's allotment ranged from 65 to 100 cfs (Figure 6). A total of 37,080 af were diverted into the FSID Main Canal as recorded at the USGS Fort Sumner Main Canal Near Fort Sumner, NM gage. The amount diverted into the main canal was reduced by 500 af to account for the diversion of the Fish Conservation Pool water.

The Bureau of Reclamation also signed a following agreement with the FSID. The agreement is designed to fallow land within the FSID and return the water to the Pecos River at the Sandgate wasteway. The water returned to the Pecos River is calculated based on the amount of land retired and the amount of water diverted into the Main Canal. The term of the lease agreement is from May 30, 2003 through December 31, 2005. The purpose of the lease is to increase the flows in the upper critical habitat.

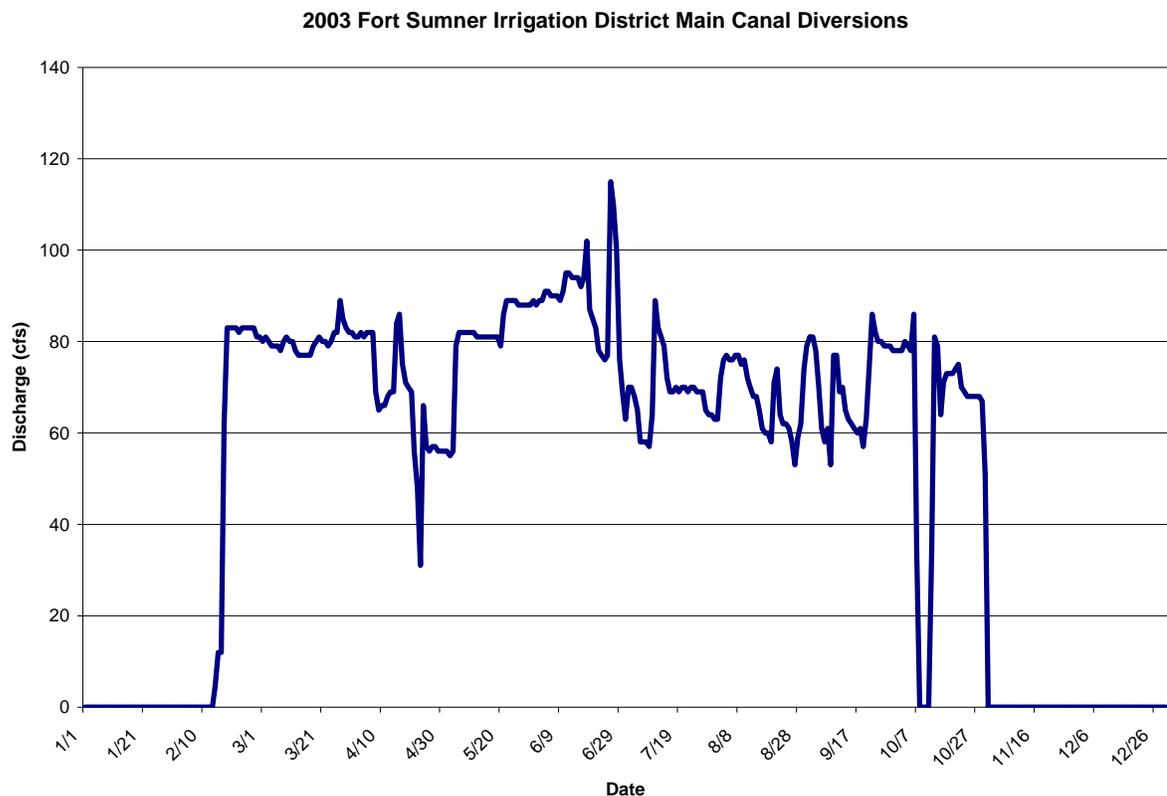


Figure 6. Fort Sumner Irrigation District 2003 diversions (downloaded from USGS web site on 02/10/04).

### **5.3 Fort Sumner Irrigation District Review of Operation and Maintenance Program**

The 2003 FSID Review of Operation and Maintenance Examination and Report was completed on December 12, 2003.

## **6.0 OTHER PECOS RIVER ACTIVITIES AND OPERATIONS**

### **6.1 Reclamation's Water Offset Program**

Reclamation continued its best effort to offset the additional depletions to the Carlsbad Project water supply associated with the ESA-related modified operations of Sumner Dam through a water offset program. The accounting for water year 2001 was revised because provisional USGS gage data was used. Both water years 2001 and 2002 water accounting was finalized on January 22, 2004. The final results concluded that Reclamation and the NMISC do not currently have a method to accurately calculate additional net depletions. Reclamation concurred with the NMISC's decision that the additional depletions were offset.

During 2003, agreements were reached with six Pecos River pumpers to lease the water rights associated with 1,263.44 acres. Additional water was delivered to the Pecos River from the Hagerman Irrigation Company (HIC) under the terms of a five year lease for 169 acres and a one year lease for 66.7 acres. Applying a consumptive irrigation requirement of 2.1 af/acre to the 1,255.4 acres associated with the river pumpers and the 235 acres associated with the HIC, an offset credit of approximately 3,148 af is realized.

General calculations show that Reclamation's water offset program was successful in offsetting the additional depletions incurred by the modified operations of Sumner Dam for the period November 1, 2002, through October 31, 2003. In general, the bypass flows are approximately 50 percent as efficient as block releases. The bypass of approximately 5,740 af resulted in approximately 2,870 af of additional depletions to the Carlsbad Project water supply. Reclamation's water acquisition credit of approximately 3,148 af more than offsets the additional depletions.

Reclamation and NMISC staff are working together to develop a fair and equitable method that accurately calculates the additional net depletions.

### **6.2 Carlsbad Irrigation District Water Lease Program**

Reclamation and CID entered into a 5-year agreement on February 9, 1999, which authorizes the conversion of Carlsbad Project water from irrigation to miscellaneous purposes and uses other than irrigation. This agreement has been extended

through February 9, 2009, and will eventually be replaced by a long-term contract with similar provisions. This agreement provides for individual yearly contracts between CID and the NMISC, approved by Reclamation. Such an agreement for the 2003 water year was entered into on December 6, 2002 to lease from CID water allocated and available to CID but uncalled for by its users (undelivered allotment water). A separate agreement to lease water made available from fallowed lands with the District (fallowed land water) was executed later in the year. Approximately 5,747 acre-feet of such water were released to the Pecos River to the New Mexico-Texas state line pursuant to these agreements. An environmental impact statement is being prepared for a long term contract. Details are provided in Section 3.2.2 Miscellaneous Purposes Contract EIS.

### **6.3 Water Release and Repayment Agreement for State Line Delivery**

There was no release and repayment agreements for 2003.

### **6.4 Lower Pecos River Basin Committee (Ad Hoc Pecos River Basin Committee)**

Reclamation continues to participate in the Lower Pecos River Basin Committee, a group originally convened as an *ad hoc* committee by NMISC in August 2001 to develop a consensus plan for continuing to meet New Mexico's Compact obligations. The committee's focus is implementation of the consensus plan and other actions to continue New Mexico's compliance with the Pecos River Compact.

### **6.5 Pecos River Basin General Stream Adjudication**

[State of New Mexico, ex rel. the Office of the State Engineer and Pecos Valley Artesian Conservancy District v. L. T. Lewis, et al. and the United States of America, Case Nos. 20294 and 22600 (Consolidated)].

The Pecos River General Stream Adjudication (State Engineer v. L.T. Lewis) is ongoing in the 5th Judicial District Court in Chavez County, New Mexico. Reclamation and the U. S. Department of Justice are involved in this case by virtue of the U. S. interest in the water rights for the Carlsbad Project.

In authorizing funding to implement the *ad hoc* committee's consensus plan, the New Mexico legislature required that there be a settlement of CID's surface water claims (H.B. 417, NMSA 72-1-2.4). CID, PVACD, the State of New Mexico, and the United States reached a settlement agreement in March, 2003. Key settlement terms are in accordance with the consensus plan and H.B. 417. They include NMISC purchase of land and water rights, augmentation of the flow of the Pecos River by pumping groundwater to the river in the Roswell basin, and provisions for management of supplemental well pumping within CID. The settlement also

includes operating rules governing the use of water allotted to CID lands that will be purchased by NMISC. Depending on stateline delivery status and the water supply available to CID, NMISC allotments may be delivered to the state line or re-allotted to CID irrigators. Under the settlement the United States and CID have agreed to refrain from making a priority call unless the supply available to CID drops below 50,000 acre feet. Interim provisions will be in effect until December 31, 2004 to allow the parties to meet conditions necessary for fully implementing the settlement.

The conditions precedent in the settlement agreement include minimum levels of land and water right purchases by NMISC, a minimum capacity for augmentation well pumping to be in place, and completion of environmental compliance requirements. A "Miscellaneous Purposes Contract" will be required to allow Carlsbad Project Water to be delivered to the state line.

A proposed Partial Final Decree (PFD) notice and summary of the settlement agreement were mailed to all known defendants in the adjudication in November 2003. The Court received approximately 20 statements of intent to file objections to the PFD.

## **6.6 Endangered Species Act Related Litigation**

Forest Guardians v. Bureau of Reclamation, et al. – CIV No. 02-749-JP/RLP-ACE  
On June 27, 2002, the Forest Guardians filed a lawsuit against Reclamation and the Army Corps of Engineers claiming violations of the ESA and NEPA. On September 19, 2002, the Forest Guardians, Reclamation and the Corps met before Judge Parker in Federal District Court for a status conference to determine if the lawsuit should be expedited. An agreement was reached to delay the proceedings of the lawsuit until a biological assessment was completed on or before December 15, 2002 and a project record for the new consultation completed by January 3, 2003.

Reclamation provided a Biological Assessment to the Fish and Wildlife Service on December 13, 2002 and provided the project record on December 30, 2002. A stipulation for the dismissal of the ESA related claims was submitted to the court on February 14, 2003.

Reclamation filed a motion to dismiss the NEPA claims on November 18, 2002. A status conference on the lawsuit was to be held before Judge Brown in District Court on November 4, 2003, but was cancelled pending a possible settlement between the three parties. Settlement is expected within the next 60 days.

## **6.7 Water 2025**

The Department of the Interior's Water 2025 Initiative implemented this year offers a realistic and practical plan for working with communities and irrigation districts in the western United States including the Pecos River Basin to help resolve water supply crises. The proposal addresses the realities of the arid west, increases in population and demands on finite supplies of water. The initiative includes tools and innovative approaches that can make a difference such as water conservation, implementation of new technologies and other water management measures which will provide for more efficient use of current water supplies. Reclamation is working with the Middle Rio Grande Conservancy District who was designated to receive approximately \$1.5 million (requiring a fifty percent cost share) in Fiscal Year 2004 to implement efficiency measures within the district. A Request for Proposals (RFP) was issued to western irrigation and water districts by Reclamation for a \$ 4 million west wide challenge grants program for Fiscal Year 2004. The Fiscal Year 2005 budget calls for \$21 million to continue the objectives of the Water 2025 Initiative.