

RECLAMATION

Managing Water in the West

2005 Calendar Year Report to the Pecos River Commission

NEW MEXICO
Robert Armstrong

TEXAS
Julian Thrasher, Jr.

FEDERAL CHAIRMAN
Charles A. Calhoun



**Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Albuquerque Area Office
Albuquerque, New Mexico**

March 2006

MISSION STATEMENTS

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

RECLAMATION

Managing Water in the West

2005 Calendar Year Report to the Pecos River Commission



Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Albuquerque Area Office
Albuquerque, New Mexico

March 2006

TABLE OF CONTENTS

1.0 INTRODUCTION.....	1
2.0 CARLSBAD PROJECT OPERATIONS	1
2.1 Crop Production.....	1
2.2 Reservoir Storage Entitlements	2
2.3 Sumner Dam and Reservoir	5
2.4 Brantley Dam and Reservoir.....	7
2.5 Avalon Dam and Reservoir	9
3.0 CARLSBAD PROJECT ENVIRONMENTAL COMPLIANCE	
ACTIVITIES	10
3.1 Endangered Species Program for Water Operations.....	10
3.2 National Environmental Policy Act (NEPA) Activities.....	11
4.0 PECOS RIVER BASIN WATER SALVAGE PROJECT	13
5.0 FORT SUMNER PROJECT.....	13
5.1 Crop Production.....	13
5.2 Operations	14
5.3 Fort Sumner Irrigation District Review of Operation and Maintenance Program .	15
6.0 OTHER PECOS RIVER ACTIVITIES AND OPERATIONS.....	15
6.1 Reclamation's Water Offset Program	15
6.2 Carlsbad Irrigation District Water Lease Program.....	16
6.3 Water Release and Repayment Agreement for State Line Delivery	16
6.4 Lower Pecos River Basin Committee (Ad Hoc Pecos River Basin Committee) ...	16
6.5 Pecos River Basin General Stream Adjudication.....	16
6.6 Endangered Species Act Related Litigation.....	17
6.7 Water 2025	18

LIST OF TABLES

Table 1. 2005 Pecos River Storage Entitlements.....	2
---	---

LIST OF FIGURES

Figure 1. Project map of the Reclamation's Albuquerque Area Office.	3
Figure 2. Area map of the Carlsbad Project.	4
Figure 3. 2005 Sumner Dam bypass/release and total storage	7
Figure 4. 2005 Brantley Dam bypass/releases and total storage	8
Figure 5. 2005 Carlsbad Irrigation District Main Canal Diversions	10
Figure 6. Fort Sumner Irrigation District 2005 Diversions.....	14

**U. S. Bureau of Reclamation
Upper Colorado Region - Albuquerque Area Office
2005 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. 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. Figure 1 *Project Map of Reclamation's Albuquerque Area Office* depicts the general location of Reclamation's Projects under the Albuquerque Area Office's jurisdiction.

Reclamation's Carlsbad Field Office now reports to the Albuquerque Area Office's Project Administration Group. An agreement between Reclamation and Carlsbad Irrigation District (Carlsbad District), finalized on October 2, 1989, provided for the Carlsbad District to operate and maintain Brantley Dam, Avalon Dan, 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.

The gage data used within this report is provisional and was downloaded from the United States Geological Service web page, <http://waterdata.usgs.gov/nm/nwis/dv>. The reservoir elevation data, which is provisional as well, is recorded by the dam tender and reported to Reclamation on a monthly basis.

2.0 CARLSBAD PROJECT OPERATIONS

2.1 Crop Production

As of the printing of this report, Reclamation has not received the Carlsbad Irrigation District's 2004 and 2005 crop and water data. This information is generally received in mid to late spring of the following year and will be provided in the 2006 Calendar Year Report to the Pecos River Commission.

In past years, the Carlsbad Irrigation District has grown the following crops: oats, alfalfa hay, cotton lint, sorghums, wheat, irrigated pasture, silage, cantaloupe, watermelon, grass, and pecans.

2.2 Reservoir Storage Entitlements

All Carlsbad Project reservoirs were operated in accordance with the requirements of the Pecos River Compact and U.S. Army Corps of Engineers (Corps) flood control criteria. Figure 2 *Area map of the Carlsbad Project* depicts the location of the Carlsbad Project Storage Dams on the Pecos River.

The Corps 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 *2005 Pecos River Reservoir Storage Entitlements* presents the calendar year 2005 storage entitlements for the four Pecos River Reservoirs.

Table 1. 2005 Pecos River Reservoir Storage Entitlements.

Reservoir	Entitlement Storage (acre-feet)	Minimum Pool (acre-feet)	Total Estimated Sediment Accumulation (acre-feet)	Total Conservation Storage (acre-feet)	Conservation Elevation (feet)
Santa Rosa	92,347	0	3,142	95,489	4744.57
Sumner	40,287	2,500	139	42,926	4,262.88 (NAVD88)
Brantley	40,000	2,000	556	42,556	3,256.13 (NAVD 88)
Avalon	3,866	600	0	4,466	3,117.40
TOTAL:	176,500				

Operation of the dams on the Pecos River is a joint effort between Reclamation, Carlsbad District, and the Corps in coordination with the Fort Sumner Irrigation District (Ft. Sumner District) and the State of New Mexico. The Corps 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) from May 1 through October 31, and 4269.16 to 4283.88 ft from November 1 through April 30). The Corps has flood control responsibilities at Brantley Dam when the reservoir elevation is above 3272.69 ft up to 3284.69 ft. Elevations are referenced to the North American Vertical Datum (NAVD 88).

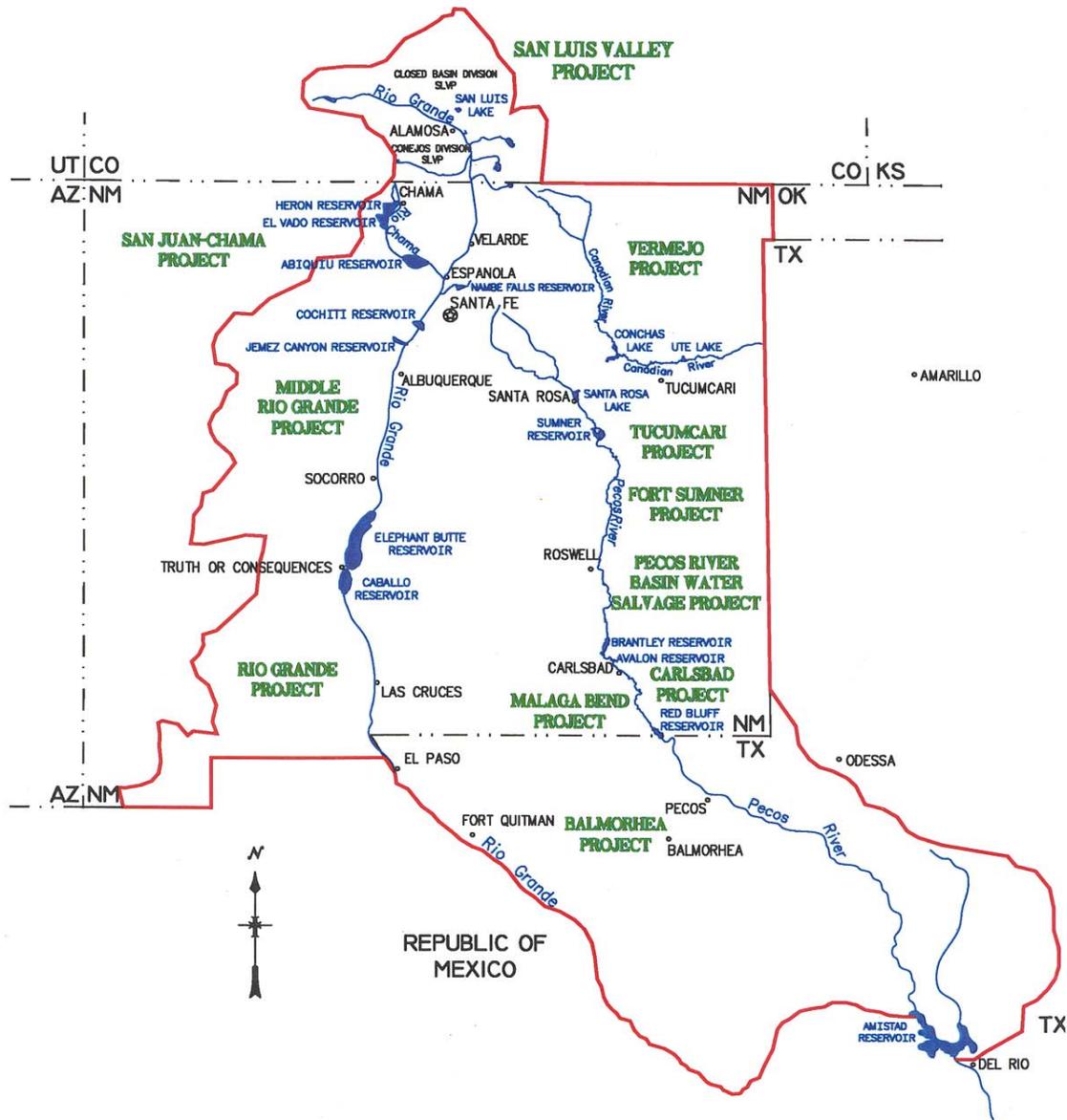


Figure 1. Project Map of Reclamation's Albuquerque Area Office.

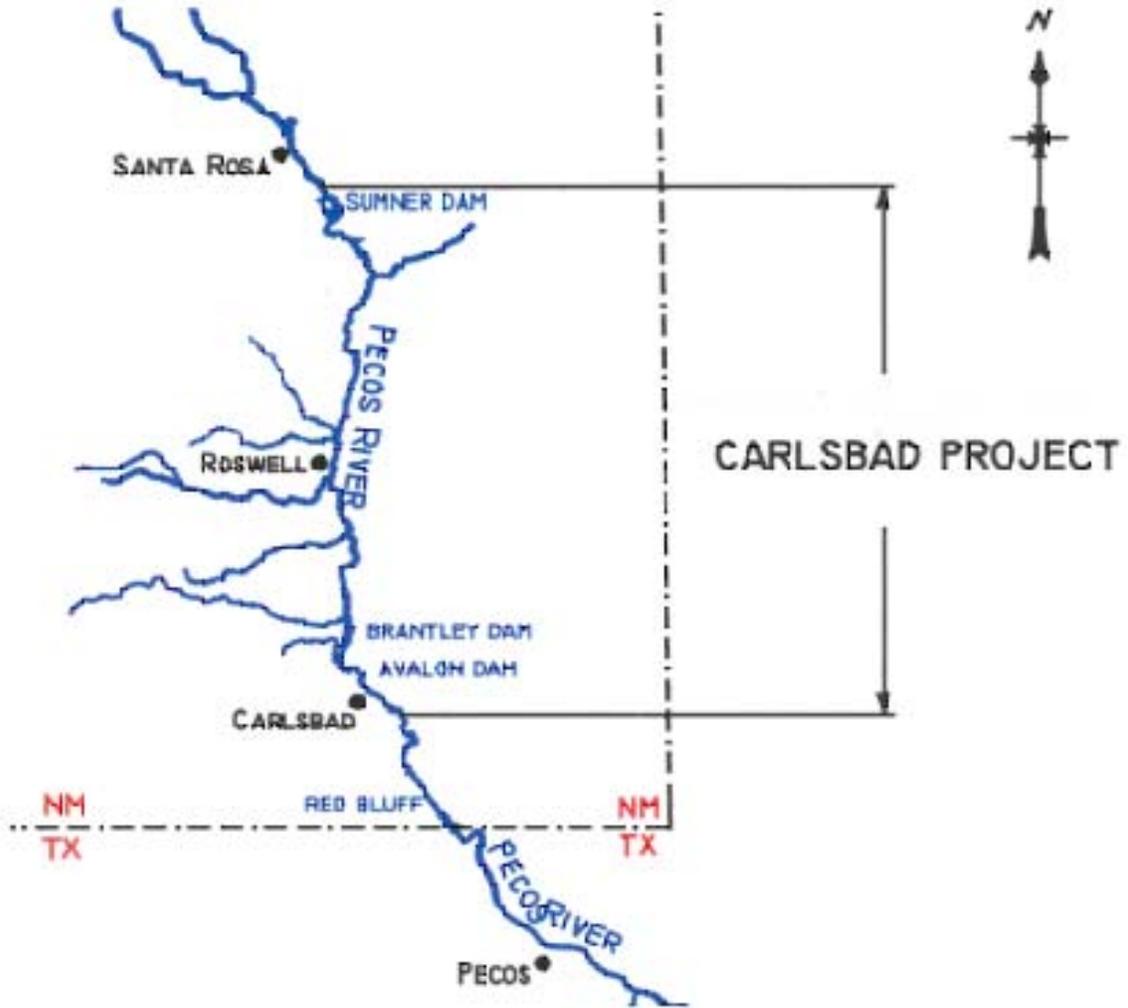


Figure 2. Area map of the Carlsbad Project.

The 2005 start-of-year total Carlsbad Project conservation storage in the four Pecos River reservoirs (Santa Rosa, Sumner, Brantley and Avalon) was 52 percent of entitlement. Santa Rosa, Sumner, Brantley and Avalon reservoirs on the Pecos River were at approximately 33, 59, 92, and 38 percent, respectively, of each reservoir's entitled conservation storage. The March 1, 2005 most probable forecasted snow melt runoff inflow into Santa Rosa Reservoir was approximately 69,000 acre-feet (af) or 130 percent of the 30-year average.

The actual March through July 2005 inflow to Santa Rosa Reservoir was 110,800 af, 209 percent of the 30-year average. On December 31, 2005, the total Carlsbad Project entitlement storage in the four Pecos reservoirs was 67 percent of entitlement. Santa Rosa, Sumner, Brantley and Avalon reservoirs were at approximately 90, 52, 29, and 45 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 the Ft. Sumner District's allotted direct diversion 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 the Carlsbad District. Reclamation assumed operation of Sumner Dam on November 12, 1998 to assure compliance with the Endangered Species Act (ESA) by providing bypasses for the threatened Pecos bluntnose shiner when flow bypass flows are available. Reclamation continues to direct the Carlsbad District dam tender on gate adjustments and the Carlsbad District 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 Carlsbad District.

Under a water right permit granted by the State of New Mexico, the Carlsbad Project 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 2005.

Sumner Reservoir began the year with 23,721 af in total storage. Sumner Reservoir reached a maximum total storage of 43,954 af on June 12, 2005.

Sumner Reservoir's lowest total storage was on December 2, 2005 at 10,206 af. Sumner Reservoir end-of-year total storage was 21,086 af.

Three block releases occurred during the 2005 calendar year. The first block release was initiated on May 25 and terminated on June 23, when a total of approximately 26,600 af were released from Sumner Dam to pass high inflows from the snow melt runoff while Santa Rosa and Sumner Reservoirs were at their conservation elevation limits. The second block release occurred on October 24 through October 27 when approximately 8,700 af were released. The third block release was initiated on November 21 and terminated on December 2, when approximately 29,800 af were released from Sumner Dam.

During the winter of 2004-2005, ESA-related bypasses were initiated on November 4, 2004, and discontinued on March 22, 2005. Later in the 2005 Irrigation season, ESA-related bypasses occurred from July 15 through July 24 at rates ranging from 5 to 15 cfs. Non-irrigation season ESA-related bypasses were initiated for the 2005-2006 winter season on November 1, 2005. These winter bypasses were terminated on November 21 during the Carlsbad Project block release, and then started once again on December 19, 2005.

A total of approximately 2,730 af were bypassed for ESA-related purposes during the non-irrigation season from November 1, 2004, through February 28, 2005. A total of approximately 700 af were bypassed during the 2005 irrigation season from March 1, 2005 through October 31, 2005. 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.

Reclamation is permitted to store 500 af in Santa Rosa and Sumner Reservoirs to provide releases to maintain riverine habitat in the Upper Critical Habitat of the Pecos River. Reclamation replaces the water released out of Sumner Reservoir with 375 af of water pumped directly into Brantley Reservoir. During 2005, releases from the Fish Conservation Pool were made as needed between July 25 and August 15 at rates between 5 and 10 cfs. The remainder of the Fish Conservation Pool was released from November 11 through November 20, 2005.

Figure 3 *2005 Sumner Dam Bypass/Release and Total Storage* illustrates Sumner Dam's total storage, bypasses, and releases.

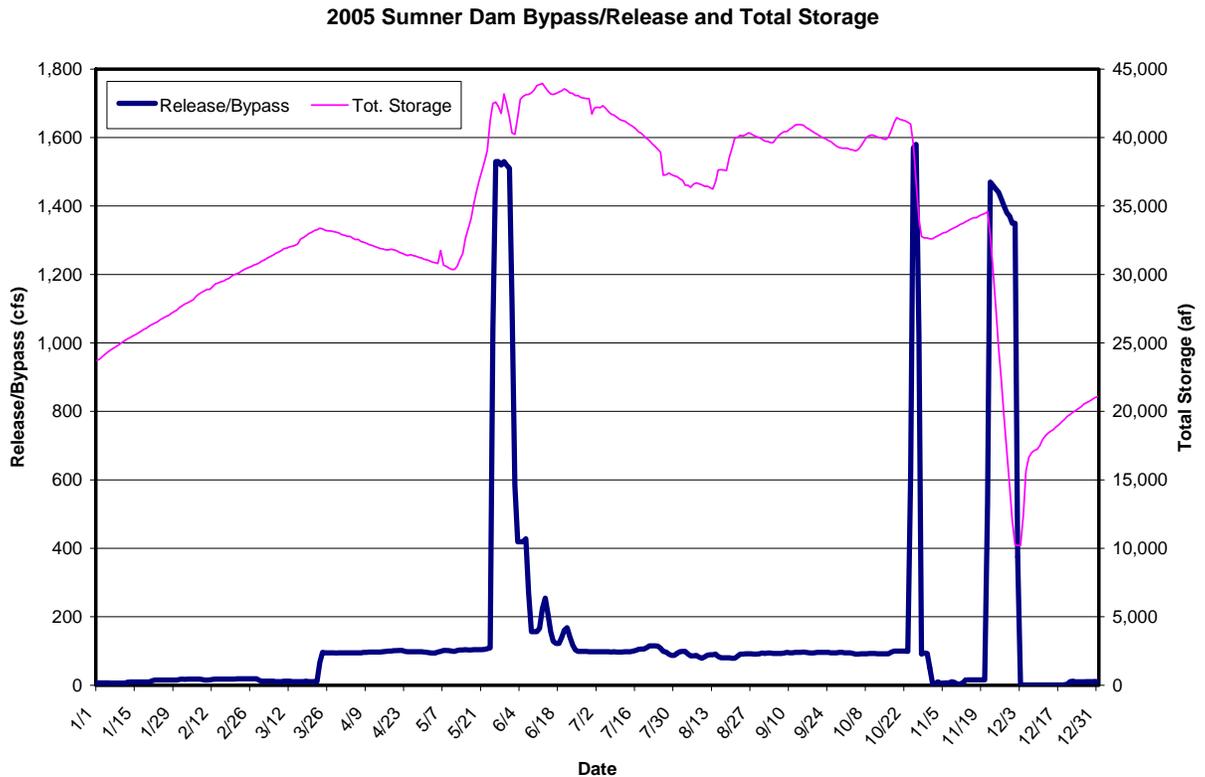


Figure 3. Calendar year 2005 Sumner Dam bypass/release and total storage (downloaded from USGS web site on 03/21/06).

2.3.2 Sumner Dam Facility Review and Safety of Dams Programs

All three radial gates at Sumner Dam are used to pass up to 56,000 cfs and are in need of repairs. CID is responsible for the repairs and for 68.36% of the cost and Reclamation is responsible for 31.64% of the cost. These repairs are scheduled for CY 2008.

Sumner Dam Standing Operating Procedures and Emergency Action Plan were revised in 2006. The Sumner Dam Comprehensive Facility Review (CFR) (examination) was completed in November 2005 and the report was completed in February 2006. There are a total of 30 incomplete recommendations.

2.4 Brantley Dam and Reservoir

2.4.1 Brantley Dam Operations

During periods without irrigation releases Brantley Dam bypasses mitigation flows of 20 cfs. 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 Carlsbad District's main canal, generally between 75 and 350 cfs, as required by irrigation demand. Additionally, Brantley Dam releases were made, in November and December 2005, 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. Figure 4 *2005 Brantley Dam Bypass/Release and Total Storage* depicts Brantley Dam's Total Storage, Release, and Bypasses.

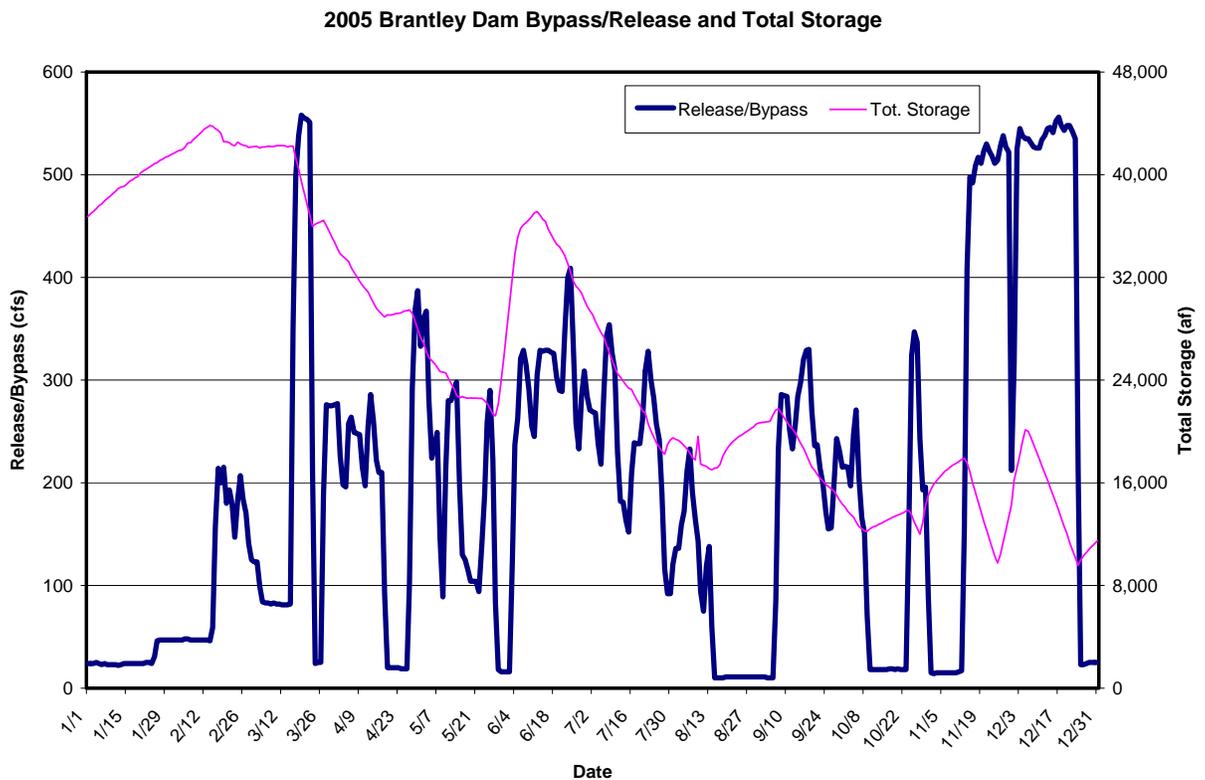


Figure 4. Calendar year 2005 Brantley Dam releases and total storage (downloaded from USGS web site on 03/21/06).

The Corps has flood operation responsibility once the reservoir rises into the flood pool, as identified by the Corps in their Water Control Manual for Brantley Dam. Even though the top of the conservation or entitlement pool for Brantley Reservoir was 3,256.13 ft (NAVD 88) for 2005, the Corps 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 36,745 af. Brantley Dam irrigation releases were initiated on March 27th and were stopped and started as needed to meet demand and to conserve water. The final irrigation release occurred on October 31st. Approximately 78,800 af were released for irrigation during this period. Brantley Reservoir reached a maximum total storage of 43,766 af on February 15, 2005. Brantley Reservoir's lowest total storage was on December 24 at a volume of 9,588 af. Brantley Reservoir end-of-year total storage was 11,493 af. From November 13th to November 24th, 41,507 af were released for the Carlsbad District's water lease program.

2.4.2 Brantley Dam Facility Review and Safety of Dams Programs

Brantley Dam Standing Operating Procedures and Emergency Action Plan were revised in 2006. The Brantley Dam Comprehensive Facility Review (CFR) (examination) was completed in November 2005 and the report was completed in March 2006. There are a total of 24 incomplete recommendations.

Sinkholes exist upstream and downstream on the left side of Brantley Dam. The sinkholes are visually monitored on a regular basis and are surveyed only if there seems to be any change in the amount of sinkholes or size of existing sinkholes. The latest survey was completed on May, 10, 2005. Currently, the sinkholes are not a structural threat to the facility.

2.5 Avalon Dam and Reservoir

2.5.1 Avalon Dam Operations

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 Carlsbad District. Water is released from Brantley Dam and the small reservoir at Avalon is used to fine tune the releases into the Carlsbad District Main Canal. Avalon Reservoir began the year with conservation storage of 1,461 af. A total of 55,808 af of water was released from Avalon Dam directly to the Pecos River in 2005 for the NMISC and Carlsbad District lease agreement. Avalon Reservoir end-of-year total storage was 1,722 af.

Diversions into the Carlsbad District Main Canal began on March 22, and ceased on October 31, totaling 77,466 af. Carlsbad District diversions are presented in *Figure 5. 2005 Carlsbad Irrigation District Main Canal Diversions*.

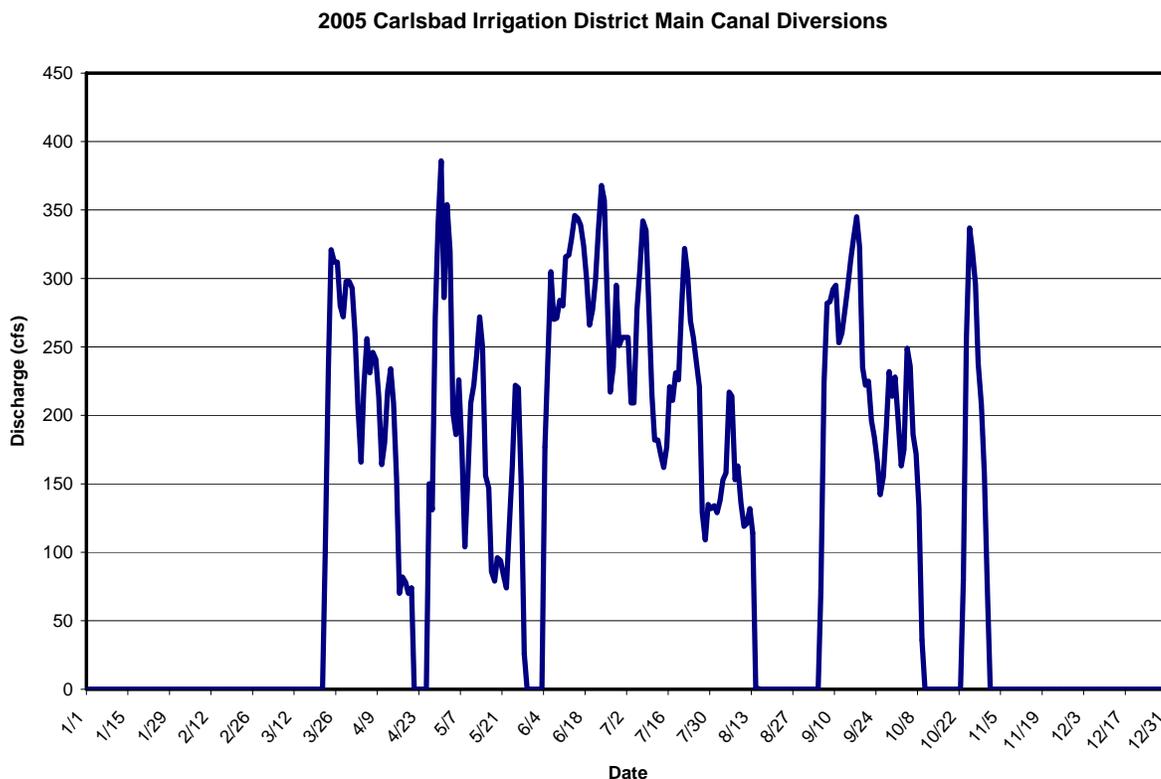


Figure 5. Calendar Year 2005 Carlsbad District Main Canal Diversions (downloaded from the USGS web site 03/21/06).

2.5.2 Avalon Dam Facility Review and Safety of Dams Programs

The Avalon Dam Comprehensive Facility Review (CFR) (examination) was completed in November 2005 and the report was completed in March 2006. There are a total of 15 incomplete recommendations.

3.0 CARLSBAD PROJECT ENVIRONMENTAL COMPLIANCE ACTIVITIES

3.1 Endangered Species Program for Water Operations

The U.S. Fish and Wildlife Service (Service) finalized the Biological Opinion (BO) extending “take” coverage for the Bureau of Reclamation’s Proposed Pecos River Dam Operations of March 1, 2003 through February 28, 2006. The BO continues “take” coverage for the Pecos bluntnose shiner from March 1, 2006 through the summer 2006 (on or about July 31, 2006) or until Reclamation implements a new

operation defined in a record of decision, whichever occurs first. The BO will include coverage for the Interior Least Tern, which was discovered nesting in 2004 at Brantley Reservoir. No terns nested during the 2005 irrigation season.

The conditions of the “take” coverage for the Pecos bluntnose shiner are that Reclamation will keep the river continuous. Reclamation’s proposed operations, including the proposed supplemental water activities, are intended to augment base flows for the shiner and avoid river intermittency. The Service anticipates the river will remain whole through the interplay of lease agreements with FSID, Pecos River water users, and groundwater pumping, in addition to the established fish conservation pool and managing block releases in cooperation with the Carlsbad Irrigation District (CID). In addition, Reclamation will create a 56 acre tern nesting and brood-rearing habitat at Brantley Reservoir with the cooperation of the Service and coordinate with the appropriate state agencies, as well as private cooperators.

The Pecos River did not go intermittent during the 2005 irrigation season; however, Pecos bluntnose shiner numbers did not improve throughout this period of time. Normal population monitoring efforts were continued by the US Fish and Wildlife Service and will continue until intermittent conditions occur. Extreme drought conditions continue to persist throughout the eastern portion of New Mexico. Although the reservoirs remain adequately supplied with water from the 2005 irrigation season, the 2006 runoff is expected to be extremely low (only 7,000 acre-feet or about 13% of the 30 year average as of March 1, 2006) and it is too soon to know whether summer rain events this year will provide enough water to keep the river flowing all season.

3.2 National Environmental Policy Act (NEPA) Activities

3.2.1 Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement

During 2005, work continued on preparation of the Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement (Carlsbad Project Operations EIS). The Carlsbad Project Operations EIS has five action alternatives and the no action alternative. An Open House meeting was held at the Bureau of Land Management Office in Roswell, NM, on December 8, 2005 to present preliminary results. The Notice of Availability was published in the Federal Register on September 1, 2005, and the draft EIS was filed with the Environmental Protection Agency and distributed to the public on that same date. A series of four public meetings were held in September 2005 allowing the public to comment on the draft EIS. The public comment period ended on October 31, 2005, with six agencies responding. The final EIS is scheduled to be issued in June 2006.

A Record of Decision is expected in August 2006. Formal Section-7 consultation is in progress.

Reclamation received a Freedom of Information Act Request from the Forest Guardians, February 28, 2006. Information on the Pecos River basin operations, the Pecos bluntnose shiner and the Interior Least Tern is currently being compiled for submitted to the Regional office for release.

3.2.1.1 Pecos River Hydrology Working Group

The Hydrology Working Group (HWG) consists of representatives from Reclamation, NMISC, and New Mexico Office of the State Engineer (NMOSE), Corps, Carlsbad District, Pecos Valley Artesian Conservancy District (PVACD), and the Service. The HWG was formed in January 2000 to further develop the river and operations simulation computer model of the Pecos River from Santa Rosa Lake to Avalon Dam. A suite of models, called the Pecos River Decision Support Software, have been linked to model the Pecos River Basin from Santa Rosa Dam to the Red Bluff gage. In 2005 the HWG continued analysis of the alternatives and selected the preferred alternative for presentation in the Draft Carlsbad Project Operations EIS.

3.2.2 Miscellaneous Purposes Contract Environmental Impact Statement

A second Environmental Impact Statement (EIS), called the Miscellaneous Purposes Contract EIS, is being prepared by Reclamation and the New Mexico Interstate Stream Commission (NMISC) to cover a long-term miscellaneous purpose contract between the Carlsbad District and Reclamation specifically for any related subsequent agreements with the NMISC. The Miscellaneous Purposes Contract EIS is spearheaded by the NMISC and would allow the NMISC to use Carlsbad Project water allotted to land located inside the boundaries of the Carlsbad District that NMISC owns or leases from other member of the Carlsbad District, 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. Work to date includes analysis of comments and a re-write of the preliminary draft EIS. The Notice of Availability was published in the *Federal Register* on January 12, 2006, and the draft EIS filed with the Environmental Protection Agency and released to the public on that same date. There was a 60-day public review period for the draft document ending on March 13, 2006, and a public meeting was held February 8, 2006, in Carlsbad, New Mexico. A newsletter providing an update on the draft EIS and the public meeting were

issued in January 2006. The final EIS is due by July 2006 and a Record of Decision is expected in August 2006.

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 Carlsbad District 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 33,200 acres. Approximately 14,000 acres of salt cedar was cleared by Reclamation, south of the New Mexico-Texas state line. The State of Texas presently addresses salt cedar clearing on these areas. Reclamation is working with the state of Texas to release the easements in Texas back to the State of Texas. 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 as a result of litigation brought by the Audubon Society, and the completion of an EIS in 1979. Fiscal Year 2006 expenditures for maintaining the cleared areas of salt cedar was \$307,524, or \$9.25 per acre. The NMISC funded \$150,000.00 of these costs. In 2006, \$130,000 was used for equipment replacement.

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

As reported by Fort Sumner District, crops grown in 2005 were alfalfa hay, other hay, irrigated pasture, cantaloupe, watermelon, honey ball, honey dew, pecans, and nursery. Out of a total irrigable area of 6,715 acres, 6,420 acres were irrigated in 2005. Total gross crop related income of \$3,866,211 was reported on Fort Sumner District's crop and water data for an average crop value of \$602.21 per irrigated

acre. Of the total water diverted, 28,133.92 af were delivered to the irrigated lands, for a total of 4.4 af delivered per irrigated acre.

5.2 Operations

The irrigation season for Ft. Sumner District typically begins March 1st and ends October 31st. The Ft. Sumner District is also allowed to divert for two, eight-day periods during the winter. This winter right is usually taken just prior to March 1st. During irrigation season, 80 to 100 cfs is usually bypassed through Sumner Reservoir depending on Ft. Sumner District's available water right. During 2005, Ft. Sumner District began calling for water on March 24, 2005 and discontinued irrigating on October 31st, 2005. Ft. Sumner District's allotment ranged from 79 to 100 cfs. A total of 33,721 af were diverted into the Ft. Sumner District 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 242 af to account for the Fish Conservation Pool water and 700 af to account for the Sumner bypass water which was passed through FSID's system during the irrigation season. A graph of Ft. Sumner District's diversions is shown in Figure 6 *2005 Fort Sumner Irrigation District Main Canal Diversions*.

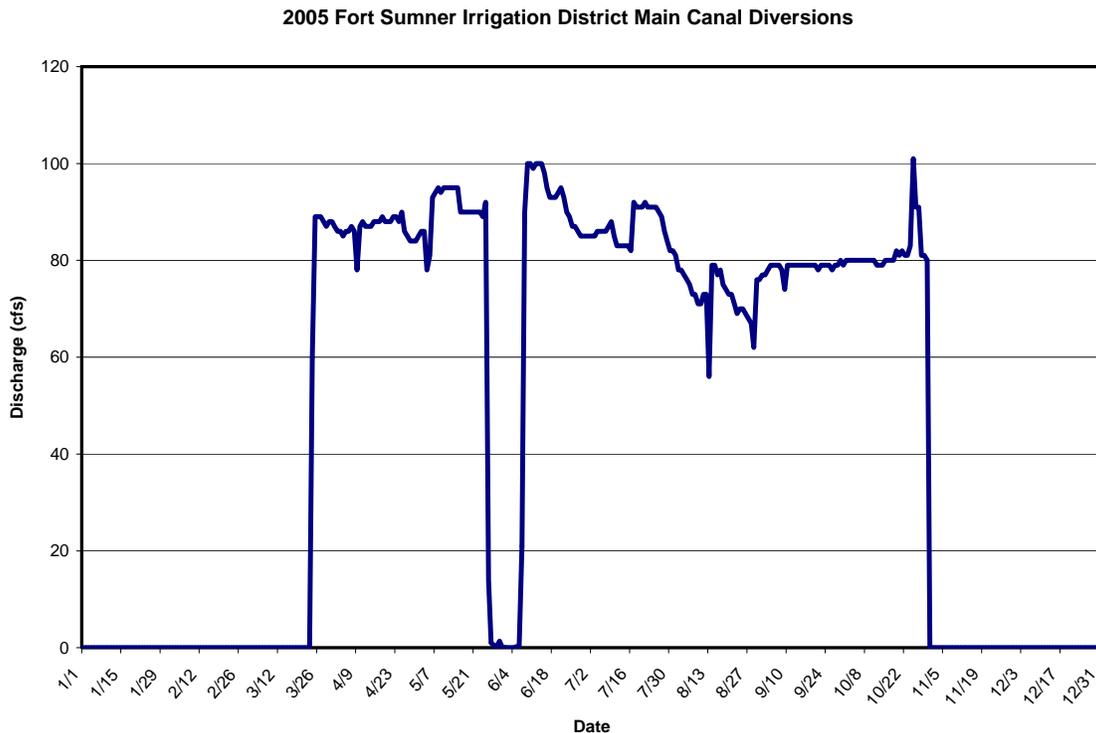


Figure 6. Fort Sumner Irrigation District 2005 diversions (downloaded from USGS web site on 03/21/06).

The Bureau of Reclamation signed a following agreement with the Ft. Sumner District to fallow land within the Ft. Sumner District and returns 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 has been extended through August 15, 2007. The purpose of the lease is to increase the flows in the upper critical habitat. In 2005 the retired acreage ranged from 716 acres to 750 acres (changes on August 15th). A total of 4,488 af were bypassed by the Ft. Sumner District into the Pecos River through the Sand Gate Diversion as reported on the USGS web site. This volume includes the 242 af of Fish Conservation Pool water and 700 af of Sumner bypasses that were passed through FSID's system during the irrigation season.

5.3 Fort Sumner Irrigation District Review of Operation and Maintenance Program

Reclamation, AAO decided to change the Review of Operation and Maintenance (RO&M) examination of the Fort Sumner Irrigation Project from every 3 years to every 6 years. The next RO&M examination is scheduled for October 2009.

6.0 OTHER PECOS RIVER ACTIVITIES AND OPERATIONS

6.1 Reclamation's Water Offset Program

Reclamation leases water rights from willing sellers within the Pecos River Basin to offset the additional depletions caused by Endangered Species Act related operations. During 2005, agreements were reached with six Pecos River pumpers and a Hagerman Irrigation Company (HIC) irrigator to lease the water rights associated with 1,421.8 acres. Applying a consumptive irrigation requirement of 2.1 af/acre to the 1,262.8 acres associated with the river pumpers and the 169 acres associated with the HIC, an additional 2,986 af was added to the Pecos River.

General calculations show that Reclamation's water offset program put more water into the Pecos River than the additional depletions incurred by the modified operations of Sumner Dam for the period November 1, 2004, through October 31, 2005. In general, the bypass flows are approximately 50 percent as efficient as block releases. Using this assumption, the bypass of approximately 3,430 af resulted in approximately 1,715 af of additional depletions to the Carlsbad Project water supply. Reclamation's water acquisition credit of approximately 2,986 af is greater than the additional depletions.

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

6.2 Carlsbad Irrigation District Water Lease Program

Reclamation and Carlsbad District entered into a 5-year agreement on February 9, 1999, which authorizes the use of Carlsbad Project water for a purpose other than agriculture. 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 Carlsbad District and the NMISC, approved by Reclamation. Such an agreement for the 2005 water year was entered into on August 26, 2005, to lease from Carlsbad District water allocated and available to Carlsbad District but uncalled for by its users (undelivered allotment water). The date for sign-up and delivery of 2005 undelivered allotment water was extended by amendment to the August 26 agreement to November 22, 2005, with delivery of that the additional water to take place by January 5, 2006. Approximately 31,921 af of water was leased 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 agreement for 2005.

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 Chaves 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 the Carlsbad Project's surface water claims (H.B. 417, NMSA 72-1-2.4). The Carlsbad District, Pecos

Valley Artesian Conservancy District, 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, and provisions for management of supplemental well pumping within Carlsbad District. The settlement also includes operating rules governing the use of water allotted to Carlsbad District lands that will be purchased by NMISC. Depending on stateline delivery status and the water supply available to Carlsbad District, NMISC allotments may be delivered to the state line or re-allotted to Carlsbad District irrigators. Under the settlement the United States and Carlsbad District have agreed to refrain from making a priority call unless the supply available to Carlsbad District drops below 50,000 acre feet. An interim period to allow the parties to meet conditions necessary for fully implementing the settlement has been extended to August 31, 2006.

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. Reclamation and the NMISC are in the process of preparing an Environmental Impact Statement (EIS) for implementation of this contract.

The settlement agreement addresses only the rights of the United States and Carlsbad District. Adjudication of individual Carlsbad District members' rights is continuing.

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 U.S. Army Corps of Engineers claiming violations of the ESA and National Environmental Policy Act. On August 31, 2004, the Forest Guardians and the Reclamation signed a Stipulation of Dismissal, ending the two-year old lawsuit. The order stipulated that Reclamation would complete the Carlsbad Project Water Operations and Water Supply Conservation EIS on or about August 1, 2006 or until Reclamation implements a new operation defined in a record of decision, whichever occurs first. Consequently, by stipulation, the Forest Guardians will not be able to file any lawsuit against the federal government's "flow control facilities" on the Pecos River that raises any violation of NEPA prior to "August 1, 2006... or the issuance of the ROD..," whichever comes first. (Civ. No. 02-749-JB/LG-ACE)

6.7 Water 2025

The Department of the Interior's Water 2025 initiative assists communities and irrigation districts in the western United States with funding to meet critical water related needs. The Department is seeking to collaborate with local interests on projects that will help reduce the potential for water related conflicts. Through the Water 2025 program Reclamation has awarded challenge grants for up to 50 percent of the cost of projects to improve conservation, efficiency, and opportunities for development of water markets. In FY 2005, the program's first year, Reclamation awarded approximately \$4 million in grants for 19 projects West-wide. In FY 2005, Reclamation expects to award approximately \$19 million through the program for application of new technologies for improved water management, measuring devices, canal lining, and implementing water banks and other market mechanisms. Water 2025 grants are awarded through a competitive process requiring prospective recipients to respond to a request for proposals (RFP). Generally, grants are limited to \$300,000 but exceptions are possible.