



STATE OF NEW MEXICO

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Date: November 15, 2017

To: Rep. Patricia Lundstrom, Chair, Legislative Finance Committee
Rep. Georgene Louis, Co-Chairman, Interim Indian Affairs Committee
Sen. John Pinto, Co-Chairman, Interim Indian Affairs Committee
Se. Joseph Cervantes, Chair, Interim Water and Natural Resources Committee

From: Tom Blaine, P.E., State Engineer 
John Longworth, P.E., Acting Director, Interstate Stream Commission 

Re: 2017 Indian Water Rights Settlement Fund Report

The 2005 Indian Water Rights Settlement Fund Act requires the State Engineer and the Interstate Stream Commission to report by November 15th every year to the Interim Indian Affairs Committee and to the Legislative Finance Committee on the following three subjects:

1. The status of proposed Indian water rights settlements requiring state financing;
2. The distribution of funds from the Indian water rights settlement fund to implement approved settlements; and
3. Recommendations on appropriations to the fund necessary to timely implement action of Indian water rights settlements.

2005 N.M. Laws, ch. 172, §1.B; NMSA 1978, § 72-1-11 (B). This memorandum presents the report of the State Engineer and the Interstate Stream Commission for 2017.

1. Status of Proposed Indian Water Rights Settlements – § 72-1-11 (B)(1)

New Mexico presently has three Indian water rights settlements in various stages of implementation: the Navajo Nation Water Rights settlement in the San Juan River adjudication, the settlement with the Pueblos of Nambé, Pojoaque, Tesuque, and San Ildefonso in the *Aamodt* adjudication, and the Taos Pueblo Water Rights settlement in the Rio Pueblo de Taos/Rio Hondo *Abeyta* adjudication.

For each of these three settlements, a settlement agreement was executed in 2005 or 2006 by the tribe or Pueblos and the State of New Mexico. The *Aamodt* and Taos Pueblo settlement agreements also were executed by other water rights owning parties.

Subsequent to the passage of federal legislation authorizing each of the settlements in 2009 and 2010, the Secretary of the U.S. Department of the Interior signed all three settlement agreements on behalf of the United States. Copies of the three fully-executed settlement agreements and related documents can be found at:
www.ose.state.nm.us/Legal/settlements_IWR.php.

A. Navajo Nation Water Rights Settlement

On April 19, 2005, the Navajo Nation and the State of New Mexico executed a settlement agreement to resolve the claims of the Navajo Nation for use of water in the San Juan River Basin in northwestern New Mexico. The Navajo settlement provides water development projects for the benefit of the Navajo Nation and non-Navajo communities in exchange for a release of the Navajo Nation's claims to water that potentially could displace existing non-Indian water uses in the basin. One of the primary elements of the settlement is the Northwestern New Mexico Rural Water Supply Project (also known as the Navajo-Gallup Water Supply Project, or "Project") that includes a pipeline currently under construction by the Bureau of Reclamation ("Reclamation"). The Project will bring a renewable surface water supply from Navajo Reservoir to both Navajo and non-Navajo communities in northwestern New Mexico.

1) Key benchmarks for implementation of the Navajo Settlement include:

Federal Legislation. On March 30, 2009, President Obama signed federal legislation that authorized the Navajo Nation Water Rights settlement, including construction of the Project and authorized the appropriation of federal funds to plan, design and construct the Project (*Northwestern New Mexico Rural Water Projects Act*, Public Law 111-11, Title X, Subtitle B) ("Navajo Settlement Act"). This Act also established the "Reclamation Water Settlements Fund," to implement Indian water rights settlement agreements approved by Congress.

Conformed Settlement Agreement. The Navajo Settlement Act authorized the Secretary of Interior to execute, on behalf of the United States, a revised settlement agreement consistent with the Act ("conformed Settlement Agreement") with the State of New Mexico and the Navajo Nation. The conformed Settlement Agreement was executed on December 17, 2010 and included proposed Partial Final Judgments and Decrees of the Navajo Nation's water rights to be entered in the San Juan River adjudication, *State of New Mexico ex rel. State Engineer v. United States, et al.*, San Juan County Dist. Ct. No. CV-75-184.

Environmental Impact Statement. On July 6, 2009, the Planning Report and Final Environmental Impact Statement for the Navajo-Gallup Water Supply Project was filed with the Environmental Protection Agency and released to the public. On October 1, 2009, Secretary of the Interior Ken Salazar signed the Record of Decision making official the Environmental Impact Statement for the Project.

Court Approval. On November 1, 2013, the adjudication court entered two Partial Final Judgments and Decrees (“decrees”) adjudicating the water rights of the Navajo Nation. The decrees resolve and determine the water rights claims of the Navajo Nation to the waters of the San Juan River stream system in New Mexico in accordance with the terms of the Settlement Agreement. In December 2013, four parties to the adjudication filed notices of appeal of the decrees and a related order of the court in the New Mexico Court of Appeals. Briefs in Chief in three of the appeals were filed in January 2015, and Answer Briefs were filed in March 2015. Three New Mexico legislators also filed an amicus brief in one of the appeals. The appeals are now fully briefed and have been submitted by the Court to a panel of judges for decision.

2) Funding for Navajo-Gallup Water Supply Project

Settlement Project Costs. The federal legislation authorizes the appropriation of \$870,000,000 to Reclamation to plan, design and construct the Navajo-Gallup Water Supply Project. The total estimated cost for the Settlement has now increased to approximately \$1.238 billion based on Reclamation’s 2017 price levels for the Project.

For federal fiscal years 2010 to 2017, Congress has appropriated and provided mandatory funding for the Navajo-Gallup Water Supply Project totaling \$613.2 million. Additionally, for federal fiscal year 2018, the President has recommended an appropriation to the Project of \$75.6 million.

State Contribution. The settlement legislation requires a \$50 million (“cost share”) contribution by the State toward Project construction costs, less funds the State has already contributed that are determined to have reduced overall Project costs (“cost share credit”). Additionally, the State may, but is not obligated to provide \$10 million for non-Indian ditch rehabilitation.

Status of State Contribution. On June 27, 2011, the State and the federal government, through the Secretary of the Interior, executed a Cost Share Agreement for the State’s cost share obligation. Pursuant to the terms of the agreement, beginning October 1, 2016, New Mexico’s remaining cost share balance will be indexed for inflation. However, Reclamation has represented that it will not index the State’s cost share balance if New Mexico can demonstrate receipt of appropriations prior to October 1, 2016 that have been allocated to the Navajo settlement. The New Mexico Interstate Stream Commission has submitted the necessary documentation to Reclamation and is waiting for an official response waiving the indexing requirement.

Based on New Mexico’s total cash contributions toward the Project and conservative estimates of anticipated cost share credit, the State has met its cost share obligation:

- a) Cash contributions: New Mexico has made cash contributions totaling \$13.6 million toward the Project from appropriations made to the Indian Water Rights Settlement Fund (“Fund”).
- b) Cost share credit: In addition to the \$13.6 million cash contributions from the Fund, Reclamation has granted the State a cost share credit of \$6.35 million. Reclamation also has preliminarily approved an additional \$8.82 million cost share credit submitted by the State. Reclamation is currently reviewing a cost share credit \$6.68 million by the State which was submitted at the end of August 2017. This brings the State’s total contributions toward elements of the Project to \$35.5 million.
- c) Remaining appropriations for which the State will seek cost share credit total approximately \$16.5 million. Once these appropriations are fully expended towards elements of the Project, the State will submit cost share credit requests to Reclamation for approval. Should Reclamation’s review result in the rejection of credit request amounts to the extent that the rejection causes the total amount of State cost-share to drop below the \$50 million dollar threshold, any resulting outstanding cost share balance shall be indexed from the October 2016 price level. In order to avoid potential additional costs that would result from Indexing, the State will continue to request that cost-share recipients judiciously submit expenditure information to the State so that credit requests can be submitted to Reclamation in a timely manner.

Implementation. Construction continues throughout the Project area. On the San Juan Lateral, Reclamation is nearing completion of the Tohlakai Pumping Plant and Reach 12B. The City of Gallup continues construction on the Gallup Regional System portion of the Project, elements of which are being funded by the State of New Mexico. Reach 27.6 is nearing completion and a construction contract for Reaches 27.7A and 27.13 was recently awarded. On the Cutter Lateral, construction by Reclamation on Reach 22A is nearing completion and construction of 22B is underway. Construction is anticipated to start in the summer of 2018 on the Cutter Water Treatment Plant. The Navajo Nation has completed construction on Project Reaches 24.1 and 25 and anticipates starting construction on the Jicarilla Apache Nation Stub and Reaches 26.1, 26.2, and 26.3 in 2018. The work being completed by the City and Navajo Nation is funded through financial assistance agreements between the two entities and Reclamation. Final design work, design data collection, environmental and cultural resources permitting and right-of-way acquisition continues on those reaches of the Project that are not yet under construction.

B. *Aamodt* Settlement with the Pueblos of Nambé, Tesuque, Pojoaque and San Ildefonso

On May 3, 2006, the State of New Mexico, the Pueblos of Nambé, Tesuque, Pojoaque, and San Ildefonso, the County of Santa Fe and the City of Santa Fe executed a Settlement Agreement to resolve the claims of the four Pueblos to the use of waters in the Nambé-Pojoaque-Tesuque stream system (“N-P-T”), a tributary of the Rio Grande in north central New Mexico. The settlement finally determines the water rights of the four Pueblos in the adjudication of water rights in the N-P-T, *State of New Mexico ex rel. State Engineer v. Aamodt, et al.*, U.S.D.C. No. 66cv06639 WJ/WPL. While most of the Pueblos’ water rights are adjudicated with senior priorities, under the Settlement Agreement the Pueblos have agreed to provide protections for non-Pueblo junior water rights in exchange for a regional water system to be constructed by the United States to serve the Pueblos and non-Pueblo residents of the N-P-T. The United States has acquired 2,381 acre-feet per year (AFY) of water to be delivered to the Pueblos from a purification plant near Otowi, including 1,079 AFY of San Juan Chama Project water, reducing the effect of the Pueblos’ demand on existing water supplies in the basin.

Construction of the system is to be funded by the United States, the State, Santa Fe County, and the Pueblos. The County will operate the system. The portion of the system that will serve non-Pueblo residents in the basin will be paid for by the State and Santa Fe County and is currently projected to deliver up to about 1,500 AFY, although this capacity may be reduced if the County determines that non-Pueblo demand for water from the system will be less. In addition to increasing the amount of water available in the N-P-T, the settlement agreement limits the amount of the Pueblos’ water rights that can be exercised with a senior priority, thereby protecting existing junior water rights in the N-P-T from possible curtailment in times of shortage.

1) Key benchmarks for implementation of the *Aamodt* Settlement include:

Federal Legislation. Federal legislation approving the Settlement Agreement was enacted into law on December 8, 2010, when President Barack Obama signed the *Claims Resolution Act of 2010*, Title VI of which is the *Aamodt Litigation Settlement Act*. P.L. No. 111-291, § 601, et seq. (hereafter “*Aamodt* Settlement Act”).

Conformed Settlement Agreement. The *Aamodt* Settlement Act authorized the Secretary of the Interior to execute, on behalf of the United States, a revised settlement agreement consistent with the Act (“conformed Settlement Agreement”) with the State of New Mexico and the other settlement parties. The conformed Settlement Agreement was executed by the parties in March 2013.

Conformed Cost Sharing and System Integration Agreement. The Cost Sharing and System Integration Agreement (“Cost Sharing Agreement”) has also been conformed to be consistent with the *Aamodt* Settlement Act, and was executed by the settlement parties in March 2013. The Cost Sharing Agreement sets out the funding obligations of the governmental parties to the settlement and establishes the fundamental

operational agreements among the parties that will be operating the regional water system.

Funding Agreement. On July 29, 2014, and as required by both the *Aamodt* Settlement Act and the Cost Sharing Agreement, the State and Reclamation executed a funding agreement for the State's payment of its share of costs for planning, design and construction of the regional water system. The future value of the estimated outstanding State obligation is \$61.5 million indexed to October 2016 price levels. See "Settlement Project Costs" discussion, below. Although the State is not obligated to make payments until construction begins (anticipated to begin in federal fiscal year 2018), the State, in its discretion, may make accelerated contributions and prepayments prior to commencement of construction; however, the State's obligation will continue to be indexed for inflation until the State portion of the contributions have been expended. On September 26, 2014, the State advanced to Reclamation \$15 million toward its total obligation. See "State Contribution" discussion, below.

San Juan-Chama Project Water. The *Aamodt* Settlement Act authorizes the allocation of 1,079 AFY of water supply contracts from the San Juan-Chama Project to fulfill settlement water supply needs for the *Aamodt* settlement. In January 2016, the Pueblos and Reclamation executed a contract for the full 1,079 AFY of San Juan-Chama Project water. In July and August, 2017, the State Engineer issued permits to the Regional Water Authority for the diversion and consumptive use of 2,381 AFY by the Pueblos, including the 1,079 AFY of San Juan-Chama Project water.

Court Approval. The *Aamodt* Settlement Act set September 15, 2017 as the deadline for the court to enter both the Partial Final Judgment and Decree on the Pueblos' water rights and a Final Judgment and Decree on all water rights in the *Aamodt* adjudication. The *Aamodt* adjudication court conducted an expedited *inter se* proceeding to determine whether to enter the proposed Partial Final Judgment and Decree adjudicating the Pueblos' water rights according to the terms of the conformed Settlement Agreement. On March 21, 2016, the Court entered its decision approving the Settlement Agreement and entered the Partial Final Judgment and Decree adjudicating the Pueblos' water rights on March 23, 2016. The State completed the adjudication of all remaining water rights in the Nambe-Pojoaque-Tesuque basin to obtain the entry by the Court of a Final Judgment and Decree for all water rights (both Pueblo and Non-Indian) in the *Aamodt* adjudication on July 14, 2017, bringing 51 years of litigation to a final conclusion. On September 7, 2017, a group of Defendants-Objectors filed a Notice of Appeal appealing the decrees and the decision approving the Settlement Agreement to the United States Court of Appeals for the Tenth Circuit, and filed their Opening Brief on November 2, 2017.

State Engineer administration. On September 12, 2017 the State Engineer promulgated administrative Rules for the Nambe-Pojoaque-Tesuque Water Master District: Active Water Resource Management, and on October 3, issued a Metering Order for metering of all wells in the NPT Water Master District.

On September 15, 2017, the Secretary of the Interior published Notice in the Federal Register that all the conditions precedent in the *Aamodt* Settlement Act had been met and that the Settlement Agreement was effective as of that date.

2) Funding for the Regional Water System

Settlement Project Costs. The *Aamodt* Settlement Act calls for the United States to build the regional water system, except for individual non-Pueblo service connection lines. The portion of the system that will serve the Pueblos will be paid for entirely by the United States and it will deliver about 2,500 AFY to them.

The present value of the construction costs is approximately \$212.4 million, which includes the State indexed cost to October 2016 price levels cost share of \$57 million and the local cost share of \$16.6 million, which will be borne by Santa Fe County. This non-federal funding will pay for the non-Pueblo portion of the proposed regional water system described above. The \$212.4 million construction cost number does not include the water right acquisition (County responsibility), service connection, or mitigation costs required by the settlement.

Between federal fiscal years 2012 and 2017, Congress has appropriated to and provided direct funding for the *Aamodt* Settlement totaling approximately \$153.4 million. Additionally, the 2018 President's budget recommendation for the Settlement is \$8 million.

State Contribution. The *Aamodt* Settlement Act requires a State contribution to the non-Pueblo portion of the settlement of \$50 million, plus increases based on the Bureau of Reclamation's construction cost index. Of the \$50 million, \$45.5 million is allocated for initial construction of the non-Pueblo portion of the regional water system, subject to increase based on construction cost inflation indexing. Of the remaining \$4.5 million, \$4 million will be reserved in a fund to pay the costs of connecting non-Pueblo users to the Santa Fe County part of the system, but this cost will not be indexed. By July 15, 2017, before entry of the final decree, \$500,000 of the State's contribution must be reserved in a fund for mitigation of possible impacts to non-Pueblo wells from Pueblo uses. This cost also will not be indexed.

Status of State Contribution. On September 26, 2014, the State made a contribution of \$15 million toward its share of costs for the regional water system. This sum represents previous allocations by the Interstate Stream Commission (ISC) to the *Aamodt* Settlement of legislative appropriations from 2011 and 2013 to the Indian Water Rights Settlement Fund. Therefore, the estimated future value of the remaining state obligation is \$61.5 M. This number was calculated based on the most current Estimated Funding Needs Spreadsheet provided by the Bureau which shows a Running Total State Funding Needs Future Value column total of \$72.0 M and adding the connection costs of \$4 M and the mitigation costs of \$500,000 and subtracting the \$15 M cash contribution referred to above.

C. Taos Pueblo Settlement

On May 30, 2006, at a signing ceremony at Taos Pueblo, the Pueblo, the State of New Mexico and several Taos-area water right owning parties executed a settlement agreement to resolve the claims of Taos Pueblo to the use of waters in the Rio Pueblo de Taos and Rio Hondo stream systems and tributaries of the Rio Grande in north central New Mexico. The Taos Pueblo Water Rights Settlement Agreement was developed through multi-party negotiations begun in 1989 between the Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association (and its 55 member acequias), the Town of Taos, El Prado Water and Sanitation District (EPWSD) and the 12 Taos area mutual domestic water consumer associations. The Taos Pueblo Settlement Agreement settles Taos Pueblo's water rights claims and expedites the final adjudication of non-Pueblo claims to water rights in the ongoing Taos area water rights adjudication suit, *State of New Mexico ex rel. State Engineer v. Abeyta, et al.*, U.S.D.C. No. 69cv07896 MV and 69cv7939 MV, Consolidated.

In exchange for adjudication of the Pueblo's water rights with senior priorities, the Settlement Agreement provides funding for new production wells and other water infrastructure improvements and mitigation mechanisms for offsetting surface water depletion effects of groundwater pumping ("Mutual Benefits Projects"); preserves existing acequia water uses and historic water sharing arrangements between the Pueblo and non-Pueblo acequias on the Rio Lucero and Rio Pueblo; and authorizes the United States to allocate 2,621 AFY of water supply contracts from the San Juan-Chama Project to the Pueblo, the Town of Taos, and EPWSD.

1) Key benchmarks for implementation of the Taos Pueblo Settlement include:

Federal Legislation. Federal legislation approving the Settlement Agreement was enacted into law on December 8, 2010, when President Barack Obama signed the *Claims Resolution Act of 2010*, Title V of which is the *Taos Pueblo Indian Water Rights Settlement Act*. P.L. No. 111-291, § 501, et seq. (hereafter "Taos Settlement Act").

Conformed Settlement Agreement. The Taos Settlement Act authorized the Secretary of the Interior to execute, on behalf of the United States, a revised settlement agreement consistent with the Act ("conformed Settlement Agreement") which was executed by all the settlement parties in January 2013.

San Juan-Chama Project Water. The Taos Settlement Act authorizes the allocation of 2,621 AFY of water supply contracts from the San Juan-Chama Project to fulfill settlement water supply needs. In 2012, contracts were executed by Reclamation and various settlement parties for the full 2,621 AFY allocation.

Court Approval. The Taos Settlement Act set March 31, 2017 as the deadline for the court to enter the Partial Final Judgment and Decree. The Taos adjudication court conducted an expedited *inter se* proceeding to determine whether to approve the Settlement Agreement and enter the proposed Partial Final Judgment and Decree

adjudicating the Pueblo's water rights in accordance with the conformed Settlement Agreement. On July 30, 2015, the Court issued a Memorandum Opinion and Order overruling the objections and approving the entry of the Partial Final Judgment and Decree, which was entered on February 11, 2016. No notice of appeal was filed.

On October 7, 2016, the Secretary of the Interior published Notice in the Federal Register that all the conditions precedent in the Taos Settlement Act had been met and that the Settlement Agreement was effective as of that date.

2) Funding for the Pueblo Water Development Fund and Mutual Benefit Projects

Settlement Project Costs. According to the terms of the Taos Settlement Act, the total cost of the Settlement is \$144 million. Of that amount, \$88 million of federal funds will be allocated to the Pueblo Water Development Fund; \$48 million (\$36 million federal, \$12 million state) will fund the Mutual Benefit Projects; \$1.15 million will be deposited by the state into a sinking fund for operations, maintenance and replacement for the Mutual Benefits Projects; and \$6.9 million will be contributed by the state to the non-Pueblo settlement parties for acquisition of water rights. Between federal fiscal years 2012 and 2015, Congress has appropriated and provided direct funding for the Taos Settlement totaling approximately \$145.7 million.

State Contribution. The Taos Settlement Act requires the State to contribute the following: \$12 million of the non-Pueblo portion of planning, design and construction of the Mutual Benefits Projects; \$6.9 million for the acquisition of water rights by the non-Pueblo parties; and \$1.15 million for the operation, maintenance and replacement for the Mutual Benefits Projects. The State's total required contribution of \$20.05 million is not subject to indexing for inflation.

Funding Agreement. On January 28, 2016, and as required by the Taos Settlement Act and the conformed Settlement Agreement, the State, through the New Mexico Interstate Stream Commission and the Department of Finance and Administration, executed a Contributed Funds Agreement with Reclamation to provide the State's share of funding for the Mutual Benefits Projects.

Status of State Contribution. On February 29, 2012, the Interstate Stream Commission, by resolution, allocated \$5 million dollars to the Taos Pueblo Settlement from the Indian Water Rights Settlement Fund. This was in addition to the Commission's allocation in 2011 of \$1.4 million for the Taos Pueblo Settlement (see below) and \$915,000 in earlier direct appropriations to some of the Settlement parties. The \$5 million allocation was part of a larger, \$15 million appropriation made by the Legislature to the Fund during the 2011 Special New Mexico Legislative Session. The State, through the Interstate Stream Commission, is currently making funds available to the non-Pueblo settlement parties from the Indian Water Rights Settlement Fund for water rights acquisition (up to \$6.9 million per the terms of the Settlement). In its 2015 special session, the New Mexico Legislature appropriated \$12.7 million to the Fund, which the Interstate Stream Commission allocated in July 2015 to the Taos Settlement. **This appropriation, combined with \$35,000 allocated**

to the Settlement from the Commission's operating budget, completes the State's funding obligations under the Taos Settlement.

2. Distribution of monies from the Indian Water Rights Settlement Fund – § 72-1-11 (B)(2)

In 2009, the Board of Finance issued severance tax bonds (STB) in the amount of \$10 million for deposit in the Indian Water Rights Settlement Fund. The Interstate Stream Commission allocated \$1.4 million of this total to the Taos non-Pueblo parties for water rights acquisition, and allocated the remaining \$8.6 million for implementation of the Navajo Settlement.

At the special session in 2011, the Legislature appropriated an additional \$15 million in STB authorization to the Fund. On December 1, 2011, the ISC certified to the Board of Finance the sale of the entire \$15 million bond authorization for the December 2011 sale. The Interstate Stream Commission subsequently allocated the \$15 million appropriation in three equal amounts of \$5 million each to the Navajo, *Aamodt* and Taos Pueblo Settlements.

During its 2013 regular session, the Legislature appropriated an additional \$10 million in STB authorization to the Fund. In April 2014, the Interstate Stream Commission certified to the Board of Finance the sale of the entire \$10 million bond authorization. The Commission subsequently allocated the \$10 million to satisfy the state's obligation under the *Aamodt* Settlement.

The Legislature did not make an appropriation to the Fund during its 2014 regular session. However, during its 2015 special session, the Legislature appropriated \$12.7 million to the Fund from several sources, including STBs, General Fund, the Tribal Infrastructure Project Fund and the Water Project Fund. On July 22, 2015, the Interstate Stream Commission allocated the entire \$12.7 million to the Taos Settlement to complete the State's cost share obligation under the Settlement.

3. Funding Recommendation – § 72-1-11 (B)(3)

The Office of the State Engineer requested funding in the FY19 Infrastructure Capital Improvement Plan (ICIP) in the amount of \$18 million a year, for the next five fiscal years to meet the State's cost share obligation for the *Aamodt* and Navajo settlements. By July 15, 2017, before entry of the final decree, \$500,000 of the State's contribution must be reserved in a fund for mitigation of possible impacts to non-Pueblo wells from Pueblo uses. In order to comply with the *Aamodt* Settlement Funding Agreement, the State was required to make a payment in the amount of \$9.0 million by October 1, 2017 and will also need to make a payment of \$9.0 million by the end of Spring 2018 in order to start construction. Therefore, it is critical that the legislature appropriate, at a minimum, \$18.0 million in FY 2019.

As the funding is appropriated towards the outstanding State cost share, and the obligation is reduced, the ISC will make appropriate adjustments for its future funding per requests in future ICIP requests.

IWRs Federal, State and Local Funds Funding in thousands

	Total Settlement Costs			Settlement Totals	Federal Approps			Initial Total State Required Contribution Non-Pueblo			State Totals (not indexed)	Current Estimated Outstanding State Obligation	Current Estimated Outstanding Local Obligation
	Project Construct	Water Rights Acquisition	Other Settlement Costs		Appropriated & Mandatory Funding to date	President's FY2018 Budget Rec.	Project Construct	Water Rights Acquisition	Other Settlement Costs	Project Construct			
Aamodt	\$ 212,424.0 ¹	\$ 5,400.0	\$ 15,299.0 ²	\$ 233,126.0	\$ 153,368.0 66%	\$ 8,000.0 69%	\$ 45,500.0	\$ 4,500.0	\$ 50,000.0	\$ 45,500.0	\$ 4,500.0	\$ 61,500.0	\$ 27,418.0 ¹
Taos	\$ 48,000.0	\$ 20,000.0	\$ 76,000.0	\$ 144,000.0	\$ 145,741.0 101%	- 101%	\$ 12,000.0	\$ 1,150.0	\$ 20,050.0 ⁴	\$ 12,000.0	\$ 1,150.0	-	
Navajo	\$ 1,135,000.0 ⁵	\$ 103,000.0	\$ 103,000.0	\$ 1,238,000.0	\$ 613,161.0 50%	\$ 75,580.0 56%	\$ 50,000.0 ⁷	\$ 10,000.0 ⁸	\$ 60,000.0	\$ 50,000.0	\$ 10,000.0	-	\$ 54,321.0
Total	\$ 1,395,424.0	\$ 25,400.0	\$ 194,299.0	\$ 1,615,126.0	\$ 912,270.0 56%	\$ 83,580.0 51%	\$ 107,500.0	\$ 15,650.0	\$ 130,050.0	\$ 107,500.0	\$ 15,650.0	\$ 61,500.0	\$ 81,739.0 ^{9,10}

Notes:

- 1 Reclamations engineering indices are as of October 2016
- 2 Other settlement costs include service connections and mitigation costs
- 3 The percentage represents the Federal amount appropriated & the President's current budget recommendation of the total respective Settlement costs
- 4 Total state contribution requirement was met in the 2015 legislation to include assuming credit for past appropriations in the amount of \$915k
- 5 Reclamations engineering indices are as of October 2017 price levels
- 6 Other settlement costs includes \$30M for Conjunctive Use Wells + \$23M for SJ River Irrigation Project Improvements & \$50M for the Trust Fund
- 7 To date, approximately \$52M has been appropriated through WTB grants and capital outlay appropriations for the Settlement projects, but will not be approved by the Bureau until the appropriations are fully expended towards the Settlement projects and officially requested to be approved. It is anticipated that the State will receive approximately 75% credit of the future expenditures that have not received final approval or have been preliminary approved
- 8 Non-mandatory cost for Non-Indian ditch rehabilitation
- 9 Appropriations to date to the IWR Fund is \$47.7 M (\$10M (2009)+\$15M (2011) + \$10M (2013) + \$12.7M (2015))
- 10 Requested \$15M for FY2019 in the Infrastructure Capital Improvement Plan