

# OFFICE OF THE STATE ENGINEER AND INTERSTATE STREAM COMMISSION

## PRESENTATION TO THE INTERIM WATER AND NATURAL RESOURCES COMMITTEE June 26, 2012

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### 1. Drought Status – See handout

### 2. Fire, Flooding, and Sediment

- There have been a number of large and severe fires in New Mexico's upland watersheds in the last two years: Las Conchas, Pacheco, Little Bear, and Whitewater Baldy Complex are examples.
- The upland watersheds produce much of the surface water New Mexicans use and rely on.
- Large and severe fires can significantly alter the upland watersheds and the water they produce for years.
- Water managers will be dealing with the effects on our rivers and water supply, both good and bad.
- Summer thunderstorms that normally produce little runoff will result, for several years after a severe fire, in flooding downstream of the fire scars.
- Last summer we experienced local flooding (at Santa Clara Pueblo, Dixon Apple Farm, and Nambe Falls Reservoir) in spite of the poor summer monsoon rains.
  - That flooding carried ash and debris, sometimes in large quantities, into Cochiti Reservoir, Nambe Falls Reservoir and the Rio Grande.
  - Ash in the Rio Grande resulted in the Albuquerque Bernalillo Water Utility Authority and Buckman Direct Diversion restricting or ceasing operations of their surface water diversions while the ash was present.
- We should expect at least a similar situation this summer.
- If a significant summer monsoon sets up this summer, we should expect much more significant flooding with much more debris and ash ending up in our rivers: the Rio Nambe, Rio Grande, San Francisco, Gila, and Rio Hondo.
- Glenwood in southwest New Mexico and Alto and Bonito reservoirs near Ruidoso are examples of communities and reservoirs at particular risk of flooding due to this year's fires.

### 3. Update on Fire/Flood response activities

- OSE provided location maps (including GPS coordinates) of public water suppliers and domestic wells in areas that are in the drainages to be impacted by flooding from the Whitewater Baldy (WWB) fire.
- OSE District personnel assisted with the initial on-the-ground assessment of potential mitigation options in the Glenwood area.
- ISC is providing staff for the Burn Area Emergency Rehabilitation (BAER) team on the WWB fire.
- Dam Safety has left messages with Alamogordo and Ruidoso to provide assistance in assessing the damage to the drainages for Bonito and Alto dams. Department of

Homeland Security and Emergency Management is coordinating with OSE's Dam Safety Bureau to work with the Army Corp of Engineers in the BAER assessment.

- OSE staff is assisting NM Environment Department in preparing a public water supplier point of diversion map within the drainages impacted by the Little Bear fire.
- OSE Staff is facilitating information exchange with Board of Finance and Village of Ruidoso on emergency funding is response to the Little Bear Fire

#### 4. Indian Water Rights Settlements

- **Navajo Nation Water Rights Settlement**
  - Federal authorizing legislation approved by Congress in Public Law 111-11 and signed by the President in March 2009 authorized construction of the Navajo Gallup Water Supply Project, a major water infrastructure project that will provide water to the Navajo Nation, the city of Gallup and the southwest area of the Jicarilla Apache Nation.
  - The Navajo Nation Water Rights Settlement Agreement was executed by the Navajo Nation, the United States and the State of New Mexico in December 2010
  - The US Bureau of Reclamation (Reclamation) awarded the first construction contract for the Project in mid-April 2012.
  - Groundbreaking ceremony on June 2, 2012, Secretary of the Interior Ken Salazar, US Senators Bingaman and Udall, Navajo Nation, Jicarilla Apache Nation and City of Gallup leaders and state and federal dignitaries.
  - Reclamation will begin construction of a section of the pipeline north of Gallup, this summer. Other elements of the project have already been or are being constructed by the Navajo Nation and the City of Gallup.
  - New Mexico is obligated to contribute \$50 million toward Project construction costs per federal authorizing legislation and a 2011 cost share agreement between the state and the US. To date, the state has previously appropriated approximately \$31.2 million toward elements of the Project and anticipates a credit of at least 75% of this amount toward its total obligation. Additionally, the state has contributed \$8.6 million from the Indian Water Rights Settlement Fund to this project. 100% of this amount will count toward the states obligation.
  - Navajo *inter se* proceeding – The parties are now in the process of presenting the proposed judgments and decrees adjudicating the Navajo Nation's water rights to the Court for approval. The Court is conducting an *inter se* proceeding to allow all other water right claimants in the San Juan basin the opportunity to review and, if they choose, object to the proposed water rights.
- **Taos Pueblo** – Federal authorizing legislation was approved by Congress under the Claims Resolution Act of 2010, Public Law 111-291 and signed by the President on December 08, 2010.
  - The parties have revised the Settlement Agreement to conform it to the legislation.
  - The revised Settlement Agreement is now being submitted to the parties for final review and execution, which we anticipate will occur by December, 2012.
- **Aamodt (San Ildefonso, Nambe, Pojoaque and Tesuque Pueblos)** –Federal authorizing legislation was approved by Congress under the Claims Resolution Act of 2010, Public Law 111-291 and signed by the President on December 08, 2010.
  - The parties have revised the Settlement Agreement to conform it to the legislation.
  - The revised Settlement Agreement is now being submitted to the parties for final review and execution, which we anticipate will occur by December, 2012.

- **Indian Water Rights Settlement Fund (IWRSF)** created in 2005:
  - State's cost-share obligation for the 3 federally authorized settlements is approximately \$130 million.
  - Total appropriations to IWRSF = \$25 million –
    - \$10 million appropriated in 2005 (converted to STBs in 2009) – ISC allocated \$8.6 million to Navajo Settlement and \$1.4 million to the Taos Settlement.
    - \$15 million appropriated in the 2011 Special Session (STBs) – ISC allocated \$5 million each to the Navajo, Aamodt and Taos Settlements.
  - OSE/ISC have advocated funding the IWRSF at a rate of \$15 million/year
- **State Tribal Summit** – June 8, 2012; Mescalero, NM
  - Tribal leaders expressed appreciation for state funding of pending settlements so far and asked about a continuing state commitment.
  - Governor Martinez expressed support for full funding of the State's cost share obligations in the pending settlements.
  - Counsel for the State explained that in light of the changes in the federal approach to settlement funding, NM does not support future negotiations for Indian water right settlements that are centered around a significant infrastructure component, unless the infrastructure will be fully funded by the United States.

## 5. Jal Basin

- Midland Texas has experienced significant impacts from the prolonged drought - virtually drying up their three reservoirs. Midland purchased the T-Bar ranch on the Texas-New Mexico border in the 1960's as a potential well field for additional water. Due to the severity of the drought, Midland has initiated plans to develop the T-Bar Ranch well field by drilling wells and building a pipeline. The wells will be located in the same small aquifer utilized by the City of Jal, raising concern about depletion of Jal's sole supply of water. Officials from Jal and Midland have met and agreed to work together to address both cities water needs. At Midland's invitation, Jal has commissioned a consulting engineer and hydrologist to develop alternative methods of obtaining water from the T-Bar Ranch and evaluate the associated costs. The consultants are putting the final touches on the evaluation and Jal is planning to present their proposal to Midland by the end of June.

## 6. Eastern New Mexico Rural Water Supply Project/Ute Pipeline Project

- Federal legislation authorizing this \$500 million project was signed on March 30, 2009, Public Law 111-11.
- Eastern New Mexico Rural Water Authority (Authority) plans to begin construction of its intake structure this summer.
- Litigation-In April 2012, the Village of Logan filed suit in federal district court in New Mexico against the US Bureau of Reclamation and the Authority alleging violations of National Environmental Policy Act (NEPA) in the planning, construction and implementation of the Ute Pipeline, and requesting that the court enjoin (stop) all design, construction and funding until proper NEPA occurs. The ISC is not a party to the litigation but is closely monitoring the suit.
- Drought Management Plan – a major concern of Logan and local residents around and near Ute Reservoir is that the recreational value of the reservoir (and its development potential) may be diminished as water is taken and put to use. The Authority is utilizing a Reclamation grant to fund a Drought Management Plan that should help mitigate this concern.

- Senator Bingaman has proposed a Rural Water Act that would prioritize completion of seven rural water supply projects in the west including the Ute Pipeline. The Western States Water Council has endorsed this proposed legislation.
- To date, state support for the water system is approximately \$20 million in grants and loans and over \$150 million (in today's dollars) have been invested in Ute Dam.

#### **7. Gila/2004 Arizona Water Settlements Act (AWSA)**

- AWSA provides New Mexico the opportunity to develop up to an additional 14,000 acre-feet/year of water and receive between \$66 and \$128 million for water utilization projects.
- The ISC must inform the US Secretary of Interior of how New Mexico intends to use its benefits under the AWSA by December 31, 2014.
- The ISC has undertaken a public planning process to inform that decision.
- In June 2011, stakeholders submitted forty-one proposals to the Commission for allocation of the funding and water available to New Mexico in the AWSA.
- In February 2012, after nine months of evaluations, the Commission selected sixteen of the forty-one proposals for further study and assessment.
- On June 20, 2012, the ISC approved an AWSA Work Plan for FY 2013 and FY 2014 that includes elements that will serve to fully or partially assess the proposals selected.
- The further study and assessment will provide the ISC with information and data on all sixteen projects and allow the Commission to make an informed decision prior to the 2014 deadline on what projects to pursue.
- All relevant AWSA planning documents are available to the public via an ISC Gila/AWSA website.

#### **8. Western States Water Council**

- Water policy advisors to the Western Governors Association (WGA)
- Met in Seattle, June 6-8, 2012 > 18 western states as members, meet three times per year
- Three principal committees; Water Resources, Water Quality, Legal and the Full Council
- Key issues considered:
  - Water Availability Data Exchange (WADE), Web-based tool for water data sharing between states
  - Policy Positions (good for 3 years, either sunsetted or reaffirmed)
  - Sunsetting: #315, 316, 317, 318, 319
  - Proposed : Rural Water Project Completion Act and 2012 WSWC Water Vision and Principles
- Considered Subcommittee Workplans for 2012/13
- WestFAST (Federal Agency Support Team) workplan for 2012-13
- WSWC Infrastructure Symposium, November 14-16 in Phoenix
- SNL Metrics Development : Electric Transmission and Interconnection Planning in the West
- Several Water States Issues
- Federal agencies jurisdiction over groundwater
- LandSat 8 Mission (thermal imager) and water management use / benefits
- Federal Water Data Programs and 2013 Budget Requests ; USGS, NRCS, NOAA, NASA
- Have asked WSWC to consider a discussion of western forest / watershed management practices in light of the several 'record' fires burning in the western US.

<p>Innovative Water Transfers Initiative &gt; 2011 WGA policy</p>	<p>"Western Governors believe states should identify and promote innovative ways to allow water transfers from agriculture to other uses (including urban, energy and environmental) while avoiding or mitigating damages to agricultural economies and communities".</p>
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## 9. The Pecos Settlement: Three Years of Implementation – Is It Meeting Expectations?

- The Pecos Settlement was signed in March, 2003 and implemented in June, 2009.
- The New Mexico Interstate Stream Commission is responsible for complying with the Settlement’s terms.
- To date, the Settlement has resulted in significant additional water for Carlsbad Irrigation District Farmers and New Mexico has stayed in compliance with the Pecos River Compact.
- **Augmentation Pumping:** ISC operates two well fields and pipelines; one in Lake Arthur and one in Seven Rivers. Since implementation, extreme drought conditions have necessitated augmentation pumping to provide water for CID farmers’ use:
  - March 1, 2011: Pumping started and has been continuous since then
  - Total pumped volume March 1, 2011 through June 19, 2012: 27,857 acre-feet
  - Total pumped volume November 1, 2011 through June 19, 2012 for the 2012 irrigation season : 15,042 acre-feet
  - Extraordinarily dry conditions and attendant meager surface water supplies have prevented ISC from meeting Target Supplies for CID
    - The well fields are designed to augment flow, and cannot entirely replace the lack of Pecos River flow as has been experienced since 2011.
- **Pecos River Compact Compliance :** One of the principal goals of the Settlement was to ensure long-term compliance with New Mexico’s Pecos River Compact water delivery obligations to Texas. Since the signing of the Settlement:
  - New Mexico has built up a substantial water delivery credit with Texas
  - The current credit is approximately 100,000 acre-feet
  - The credit allows New Mexico to use all water available in water-short years like 2011 and 2012
  - There has been no augmentation pumping for delivery to Texas – all pumping has been for CID farmers’ use

## 10. Water Trust Board

- The Board, working with member agencies, is specifically charged with implementing the State Water Plan.
- The Board is tasked with giving priority to projects that have urgent needs, and that have been identified for implementation through regional water plans accepted by the ISC.
- The WTB last met on April 25, 2012 in Santa Fe
- Awarded \$27.9 million to 24 projects
- Two projects not funded have asked for reconsideration - ABCWUA on behalf of the Carnuel water project and El Prado WSD
- Chairman Verhines also appointed new Policy and Project Review Committees
- Policy Committee met on June 4, 2012 with NMFA staff to review current policies and discuss future changes or additions.

- In the spirit of continually improving the process, prioritizing and getting projects completed, and providing consistency with other water related programs, the Policy Committee is reviewing how the WTB does business, including timing, criteria, policies, etc.
- We envision that improvements will help to streamline the process, provide clarity to applicants and the legislature, recognize the value of the planning steps, and better utilize the fiscal resources available.

## **11. 2008 Rio Grande Project Operating Agreement and N MAGO Litigation**

- The 2008 Rio Grande Project Operating Agreement between the US Bureau of Reclamation (Reclamation), the Elephant Butte Irrigation District (EBID) and El Paso County Water Improvement District No. 1 (EP1) has resulted in a reallocation of approximately 170,000 acre-feet/year of surface water supplies from EBID to EP1 in full supply years.
- The estimated value of that reallocated water ranges from several hundreds of millions of dollars to two and a half billion dollars.
- The 2008 Operating Agreement, exacerbated by the drought, is the main reason for the low allotments of water to EBID district members since 2008.
- During recent full supply years, the new operations resulted in EBID farmers receiving only two-thirds of the surface water they normally would have received (2 feet per acre rather than 3). 2011 was even worse.
- As a result of the reduced surface water allocations, EBID farmers are having to pump additional groundwater.
  - This has resulted in a double-impact to the aquifer: 1) reduced surface water available to recharge the aquifer; and 2) increased groundwater pumping.
- The amount of surface water taken from New Mexico in full supply years is equivalent to about two to three times the water Albuquerque consumes in a year or about 15 times what Las Cruces consumes.
- In late July 2011, after New Mexico and Texas were unable to agree on a relinquishment of New Mexico credit water, ISC staff learned that Reclamation planned to release about 65,000 acre-feet of New Mexico' and Colorado' Rio Grande Compact credit water.
- Over New Mexico's objections, Reclamation ultimately released about 33,000 acre-feet of New Mexico credit water to EP1 and to Mexico – none of it went to EBID.
- This unilateral Reclamation action deprived New Mexico Middle Rio Grande water users upstream of Elephant Butte the ability to store, in future Article VII years, a part of their lawful apportionment, as a relinquishment would.
- In August 2011, the New Mexico Attorney General, on behalf of the state, filed a lawsuit against Reclamation in federal district court in New Mexico, based on Reclamation's unauthorized release and reduction of New Mexico's Rio Grande Compact credit water and inequities in the 2008 Rio Grande Project Operating Agreement.
  - Since the litigation was filed, EP1 and EBID have been joined in the litigation as party defendants, and the city of Las Cruces has intervened in the suit as a plaintiff-intervenor.
  - The Middle Rio Grande Conservancy District (MRGCD) made a second request in early May to intervene in the suit as a plaintiff-intervenor after the court denied its earlier request.
  - The most recent activity in the case occurred on June 13, 2012, when the AG filed a response to EP1's motion to dismiss the lawsuit.
  - OSE and ISC are providing support to the Attorney General's Office on the litigation.
- As a result of Reclamation's unauthorized release of credit water, the Compact Commission and its Engineer Advisors have not been able to agree on 2011 credit water accounting.

- EP1 (the Texas irrigation district) is the primary beneficiary of Reclamation's release.
  - Texas wants the Compact Commission to validate the release as a normal practice.
  - New Mexico and Colorado do not agree with the proposed change.

## **12. Major Litigation and Appeals Update**

- *Tri-State Generation, et al. v. D'Antonio*, NMSC No. 32,704, AWRM ("Tristate"): challenge to the state engineer's framework rules for implementing priority administration, whether the water rights to be administered have been adjudicated or not, as directed by this Legislature pursuant to 1978 NMSA, § 72-2-9.1. The New Mexico Court of Appeals, affirmed in part and reversed in part, both the State Engineer and Tristate were granted certiorari by the New Mexico Supreme Court. It has been briefed, argued and submitted for decision.
- *Bounds, et al. v. The State of New Mexico, et al.*, NMSC No. 32,713 and *New Mexico Farm & Livestock Bureau v. The State of New Mexico, et al.*, NMSC No. 32,717, Domestic Well Statute ("Bounds"): challenge to the constitutionality of the domestic well statute, 1978 NMSA, § 72-12-1.1. The New Mexico Court of Appeals held that the domestic well statute is constitutional. Bounds and the Farm Bureau were both granted certiorari by the New Mexico Supreme Court It has been briefed, argued, and submitted for decision.
- *Carangelo v. Albuquerque Bernalillo County Water Utility Authority*, NMCA No. 26,757, the NMCA issued an opinion, granted rehearing and issued a new opinion, then, withdrew that opinion so parties could file briefs on the issues in the rehearing. The briefs have been filed and we await another opinion.

## **13. Middle Rio Grande Water Operations Biological Opinion – Rio Grande silvery minnow & Southwestern willow flycatcher**

- The existing 2003 Biological Opinion for MRG Water Operations provides compliance with the Endangered Species Act (ESA) for all Rio Grande water users from the NM/CO stateline to Elephant Butte Reservoir until the beginning of 2013.
  - Since 2003, ISC has provided about \$14 million to match over \$120 million of federal dollars for ESA compliance activities.
- The ISC is working with Federal agencies (the US Army Corps of Engineers, Reclamation, and the US Fish and Wildlife Service) and Non-Federal entities (NM Department of Agriculture, NM Department of Game & Fish, NM Attorney General's Office, MRGCD, Albuquerque Bernalillo County Water Utility Authority, City of Albuquerque, Buckman Direct Diversion, Sandia Pueblo, Isleta Pueblo, Santa Ana Pueblo, Santo Domingo Pueblo, MRGCD Rate Payers Association) to develop a new Biological Opinion by 2013, because of expiration of current Biological Opinion and the reduced availability of supplemental water for the minnow.
- Our goals are: continued ESA compliance for our water users, recovery of the silvery minnow and southwestern willow flycatcher, and implementing a long-term, sustainable, water operations regime that provides certainty for our water users.
- Currently the Middle Rio Grande Endangered Species Collaborative Program is in the middle of a transition into a Recovery Implementation Program (RIP).
  - RIP provides an end game strategy (i.e., recovery).
  - RIP provides additional water management flexibility through adaptive management.
- Possibility of new endangered species litigation once the new biological opinion is issued.

#### 14. Water Rights Adjudications Status Report

- New Mexico has twelve water rights adjudication suits pending in the state and federal courts. These cases involve a combined total of over 72,000 defendants.
- Last Friday, June 22, 2012, Special Assistant Attorneys General from the OSE Litigation and Adjudication Program (LAP) presented to the courts the State's Rule 71.3 Report for FY 2013. The Rule 71.3 Report summarizes the State's available resources, priorities, and resource allocations across all twelve pending adjudications for FY 2013. The State Engineer would welcome an opportunity during the interim to present this report to the committee.
- LAP is currently experiencing a 38% vacancy rate in the core technical and legal positions dedicated to adjudication work. LAP's remaining hydrographic survey staff and attorneys nonetheless continue to work to move all twelve pending adjudications forward towards the entry of final decrees.
- In addition to ongoing work to resolve individual water right "subfiles," proceedings in the Lower Rio Grande ("LRG") water rights adjudication have focused over the past year on three separate "Stream System Issue Sub-proceedings." These are proceedings to resolve issues which could directly affect the water rights of all or a significant number of water right owners in the LRG stream system. These three LRG stream system issue proceedings are:
  - *SSI 101: Irrigation Water Requirements* – This proceeding determined the amount of water to be adjudicated for irrigation water rights in the LRG. Issues included the determination of a basin-wide consumptive irrigation requirement ("CIR") and farm delivery requirement ("FDR") for all crops, and whether mature pecan orchards should be adjudicated, based on beneficial use, a CIR and FDR that are different from the basin-wide CIR and FDR. In addition to the State, the main parties to this proceeding were the New Mexico Pecan Growers, the Southern Rio Grande Diversified Crop Farmers Association, and the Elephant Butte Irrigation District (EBID). After trial commenced in June, 2011, the four main parties agreed on a settlement in principle, and Judge Valentine on August 22, 2011 entered a Final Judgment adopting the agreed upon irrigation water requirements for all crops, including pecans. The Judgment provides for a base FDR of 4.5 acre-feet per acre per year (afay) for acreage irrigated with groundwater, and 3.024 afay for acreage irrigated with surface water only. The Judgment also provides that individual groundwater irrigators may receive a higher FDR of up to 5.5 afay if they submit proof they have beneficially used such an amount of water in the past. Over 1,000 groundwater irrigators have submitted to the OSE notices of intent to submit evidence supporting an FDR higher than 4.5. The deadline to submit such evidence is June 30, 2012.
  - *SSI 104: Interests of the United States* – This proceeding will determine the interests of the United States deriving from the establishment of the Rio Grande Project in the LRG. Among other issues, it will address whether groundwater is a source of supply for the Rio Grande Project and the priority date for the Project. This SSI was designated in 2010 in response to claims of some water right owners to priority dates senior to the Project. It was also prompted by the collapse of an agreement in principle announced in 2009 between the State and the United States on the rights of the United States for the Project. After negotiations among the parties to this SSI reached an impasse in late 2011, Judge Wechsler returned the proceeding to a litigation schedule. The parties are

currently briefing dispositive motions addressing the United States' claims to groundwater, with a hearing on the motions scheduled on August 1, 2012. While required by federal reclamation law to follow state water law, the United States is asserting an unfounded and unprecedented claim that other federal law pre-empts state law.

- *SSI 105: Claims of the Estate of Nathan Boyd* – This was an expedited *inter se* proceeding on the claims asserted in the LRG adjudication by Scott Boyd, the administrator of the estate of Nathan Boyd, his grandfather. The Boyd estate had filed claims with the adjudication court that, if recognized, would have displaced the United States' rights to impound and store surface water in Elephant Butte and Caballo reservoirs for the Rio Grande Project. The Boyd Estate's claims were extensively litigated in the New Mexico and US Supreme Courts in the 1890s and 1900s. On February 24, 2012, Judge Wechsler issued an order granting motions to dismiss filed by the United States and the City of Las Cruces. Judge Wechsler ruled that the final judgment entered against the Boyd estate in 1903 precludes the estate's claims today, and that the estate had failed to show that the 1903 judgment was the product of fraud. On April 6, 2012, the Boyd estate filed a notice of appeal of the dismissal of their claims.

## **15. Middle Rio Grande (MRG) Flood Control Infrastructure**

- Big federal push to address unsafe levees nationwide.
- The Rio Grande has hundreds of miles of levees many of which are over 50 years old and in poor shape.
- The Interim Water and Natural Resources Committee has been briefed on the status of MRG levees for the past few years, including FEMA insurance issues.
- The ISC is collaborating with the Middle Rio Grande Conservancy District (MRGCD) as local sponsors to a multi-year US Army Corps of Engineers (Corps) project to replace over 50 miles of non-engineered levee near Socorro and the Bosque del Apache with an engineered levee.
  - The total cost of the project is estimated at \$150 million with a non-federal cost share of approximately 15 percent.
  - The Corps has received \$10 million to begin work and anticipates receiving another \$10 million in FY2013.
  - The MRGCD, the Water Trust Board, and ISC have provided funding to match the first \$10 million of Corps funds plus planning, design, and compliance costs.
- Additional annual State cost share funding will be needed for about the next 15 years if the project is to be completed.

## **16. Colorado River Collaboration**

- The seven Colorado River basin states (AZ, CA, CO, NM, NV, UT & WY) are collaborating with Reclamation to conduct a Colorado River Basin Study to evaluate basin-wide water supply and demand
  - So far, the study has identified significant gaps in water supply and demand under various scenarios.
  - A critical element of the study is to identify options and strategies to bridge the supply/demand gap.

- The study is generating a large amount of interest among water users in the Colorado River basin.
- The study began in 2010 and is scheduled to be completed this September. –
- The seven Colorado River basin states are working with Reclamation and the US International Boundary and Water Commission to find ways to collaborate with Mexico to augment supplies, share shortages, share surpluses and work on environmental issues of mutual interest.

### **17. State Water Plan/Regional Water Plans**

- State Water Plan Update is in progress and should be published by June 2013.
- Completed chapters will be release for public review beginning in late August 2012.
- OSE/ISC website will be used to make the Plan available to the public and to collect input.
- The updated plan will be presented to the Interstate Stream Commission and Water Trust Board in public settings.
- Regional Water Plans: focus on revising the regional water planning template to resolve inconsistencies between regional plans and in relation to the State Water Plan.

### **18. Dam Safety**

- 217 deficient dams statewide with 104 publicly owned.
- Estimated cost to address the deficient publicly owned dams is \$180 million. The cost to address the top ten projects averages is \$5 million per year for 10 years.
- No Capital Improvement Project (CIP) funding for new projects was received in the 2012 legislative session. The Town of Springer’s drinking water dams is a shovel ready project waiting for construction funds.
- Dam Safety Bureau Workload:
  - Safety inspections of existing dams;
  - Review of engineering plans evaluating and repairing existing dams;
  - Review of Emergency Action Plans & Breach Analysis for existing dams;
  - Review of Operation and Maintenance Manuals for existing dams;
  - Provide Project Management of CIP funds for statewide Dam repair and new construction
- Cabresto Dam rehabilitation project (OSE providing project management for the ditch owners):
  - Final Notice to Proceed issued to ASI Constructors
  - ASI remobilized in mid May.
  - Contractor is behind schedule and will begin double shifts in July. This will increase the engineering supervision costs for the project.
  - If the Carson Forest is closed due to the fire danger, the cost will increase to implement a fire protection plan to keep the Contractor working at the site.
  - Work must be complete before winter set in this year.