



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Javier M. Gonzales, Mayor*

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

November, 4 2015

Jon Boller  
Senior Staff Attorney  
Legislative Council Service  
Room 411, State Capitol  
Santa Fe, NM 87501  
Phone: (505) 986-4618

Dear Members of the Water and Natural Resources Committee:

The Aamodt water rights adjudication of the Nambe-Pojoaque-Tesuque stream system (N-P-T) is the longest running federal case in the United States. Decades of litigation, followed by several years of negotiations have resulted in a Settlement Agreement, which will resolve previously intractable issues in the lawsuit.

In May of 2006 the State of New Mexico, Santa Fe County, the City of Santa Fe, and the Pueblos of Nambé, San Ildefonso, Pojoaque, and Tesuque approved the Settlement Agreement. At the time, the only party that did not approve the Settlement Agreement was the Federal Government, because such approval requires the consent of Congress.

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 (hereafter "Settlement Act").

Since signing the Settlement Act into law, the parties have conformed the Settlement Agreement to the Settlement Act and moved the Court for entry of a Partial Final Decree on the Pueblos' water rights before the Settlement Agreement is implemented and a final decree is entered ending the case.

Among other goals, the Settlement Agreement contemplates a diversion project as part of a new regional water system, which will bring imported water by pipeline into the N-P-T

from the Rio Grande. Adding imported water to the N-P-T: 1) increases the water supply for all users; 2) lessens impacts on the aquifer over time; and 3) protects existing uses and provides reliability of supply and greater certainty regarding use of water in a historically water-short basin.

The regional water system will divert, treat, and distribute San-Juan Chama Water (other water will also be used, such as native RG and Top of the World) from the western edge of San Ildefonso to the southern edge of Tesuque Pueblo. Most of the capital funding comes from the Federal government with the Bureau of Reclamation as the federal agency overseeing the project.

The City's role in the Settlement Agreement is relatively small. Unlike the County, the City will not be building off of the regional water system to supply non-pueblo domestic well owners. Rather the City, through the Settlement and Cost Sharing Agreement, agreed to provide offsets to the Pueblo of Tesuque for the "pumping of ground water that has effects on the ground and surface water supplies of the Pojoaque Basin," *Settlement Act*, Section 624(a)(7). The City and the Pueblo of Tesuque are negotiating a separate offset agreement pursuant to the Settlement Agreement and the Act. In return, all of the Pueblos waive any claims against the City for groundwater pumping that affects the Pojoaque basin.

However, the City's interest in the success of the Settlement Agreement is greater than our stated role. Indeed, the BIA in conjunction with the Pueblos and the State are creating a new groundwater model to determine what impact groundwater pumping has on the N-P-T stream system. City water points of diversion (wells) that impact the N-P-T will likely be affected by the new groundwater model. Hence, the City eagerly awaits the opportunity to evaluate and participate in the development of the new groundwater model.

Finally, the City supports regional cooperation between governmental entities. The City hopes that the Pojoaque Basin Regional Water System becomes a model of cooperation between all of the governmental entities involved and the collective public that we serve.

Sincerely,



Marcos D. Martínez  
Assistant City Attorney  
City of Santa Fe