



Aamodt Water Rights Settlement

Pojoaque Pueblo Community Meeting

Sandra Ely

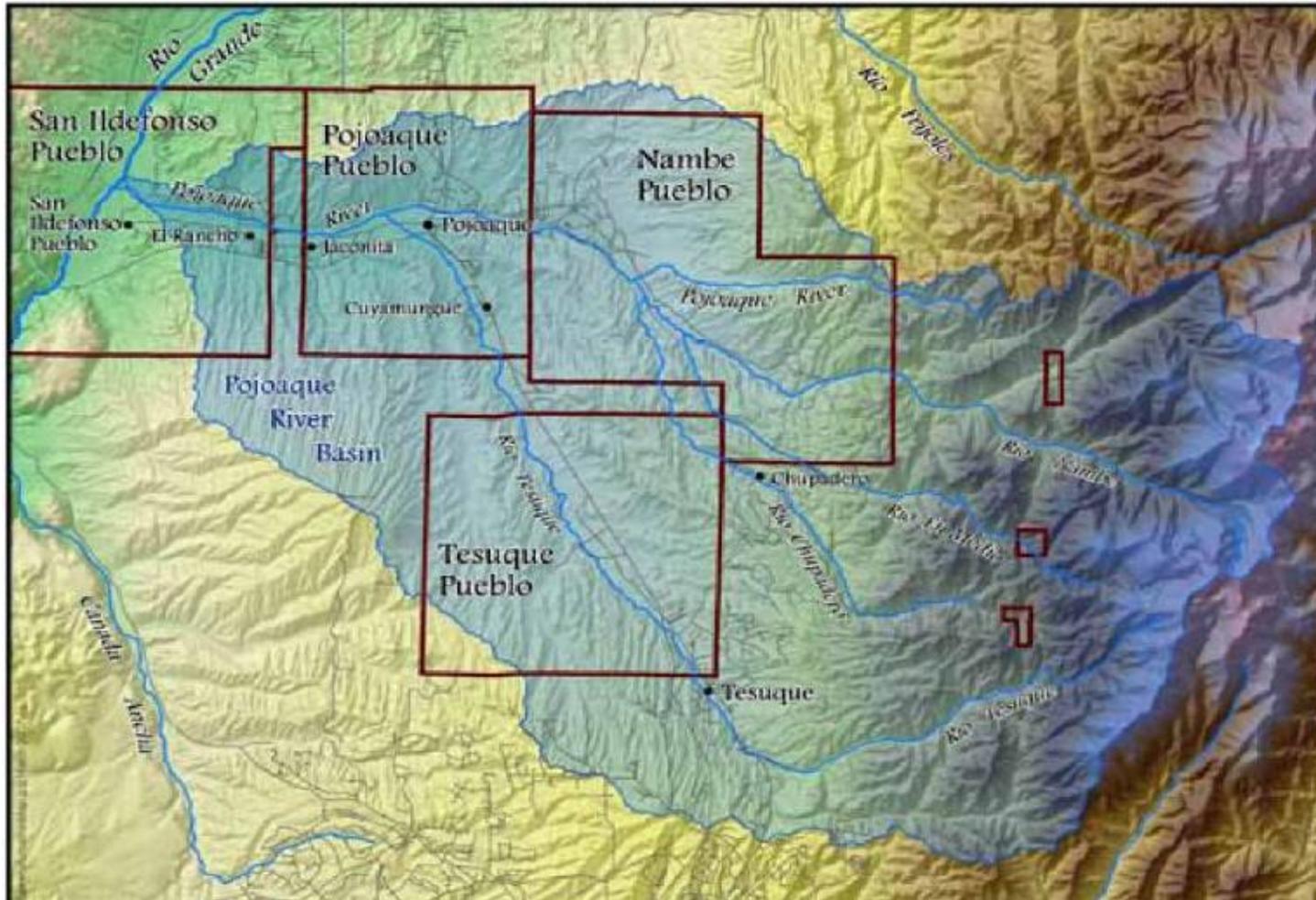
Santa Fe County

November 3, 2016

Overview

- Why Santa Fe County Supports:
 - Settlement Agreement
 - Regional Water System
- Milestones Reached
- Milestones Remaining

Pojoaque Basin and Area of Aamodt Settlement Agreement



Why Santa Fe County Supports Aamodt Settlement Agreement

Protects non-Pueblo Water Rights

- Affords all non-Pueblo water right owners the opportunity to prove the full amount of their water rights.
- Creates a 0.5 afy presumptive minimum for domestic wells, not otherwise restricted, regardless of actual beneficial use.
 - 0.5 afy \approx 162,900 gallons/year \approx **13,570** gallons/month.
 - exceeds the EPA's estimated national average annual use by a family of four of 0.45 afy = 146,000 gallons/year = **12,166** gallons/month.
 - the average County utility residential customer uses approximately 0.18 afy \approx 60,000 gallons/year \approx **5,000** gallons/month.
- Allows domestic well right owners to elect to continue using their well or connect to the regional water system.
- Provides priority-call protection for non-Pueblo water rights.

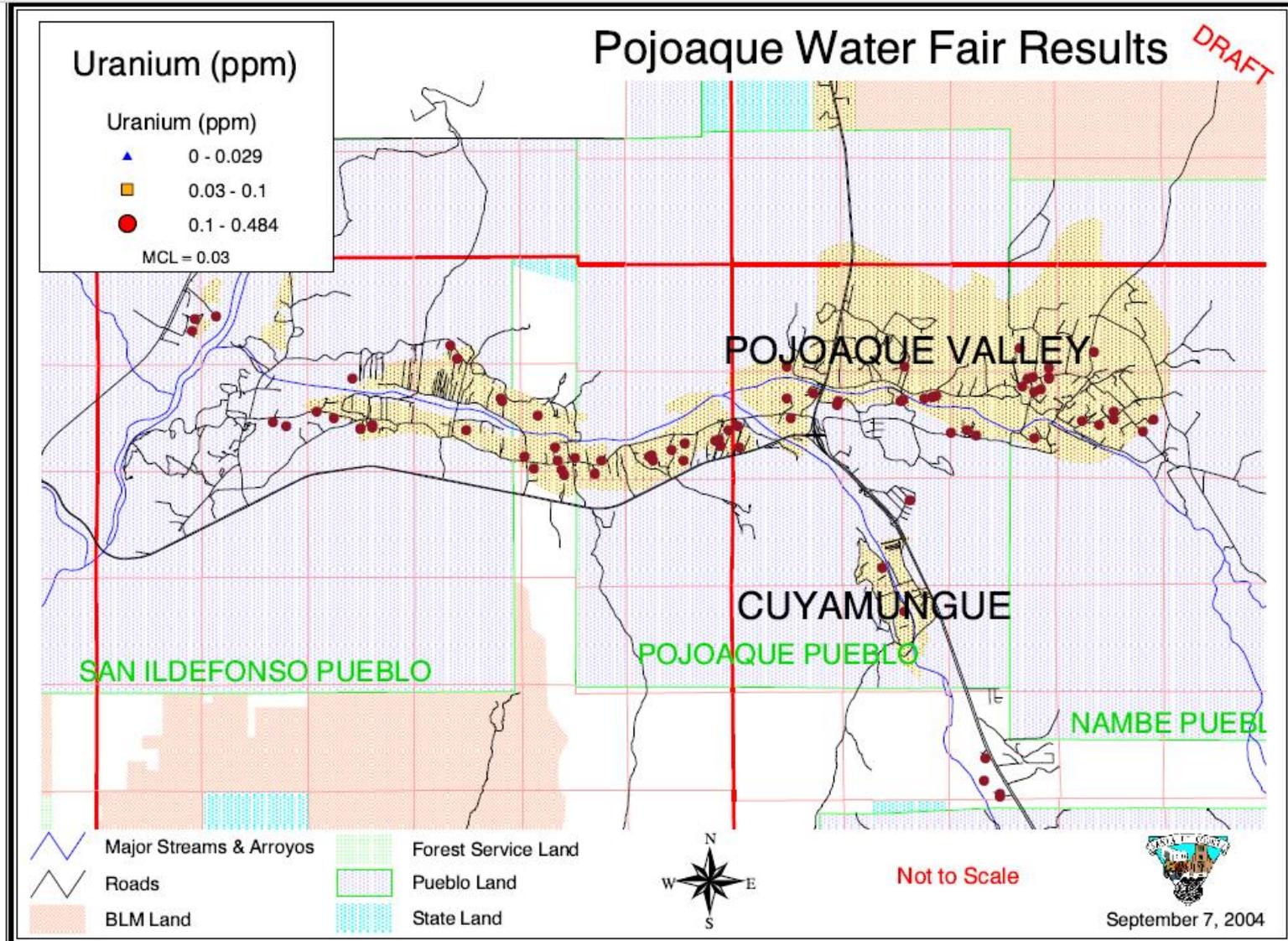
Why Santa Fe County Supports Aamodt Settlement Agreement

- Protects traditional agriculture and acequias.
- Quantifies Pueblos' senior water rights.
- Promotes surface flows and ecosystem health for Rios de Nambe, Pojoaque, and Tesuque.
- Clearly superior to the alternative: a water rights adjudication that determines the size of each water right owner's slice of a fixed pie.

Why Santa Fe County Supports the Regional Water System

- Provides a **safe, reliable** source of potable water for both Pueblo and non-Pueblo users in the Pojoaque Basin and Santa Fe County.
 - 2,500 afy for Pueblos.
 - Up to 1,500 afy for County water utility.
- Brings in water from the Rio Grande for both Pueblo and non-Pueblo residents.
- Protects customers from groundwater contamination.

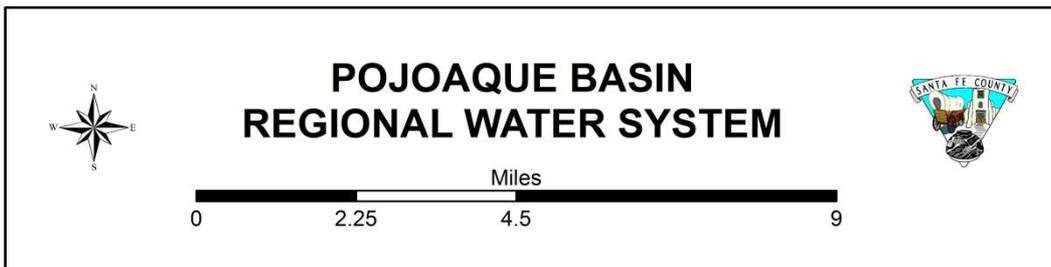
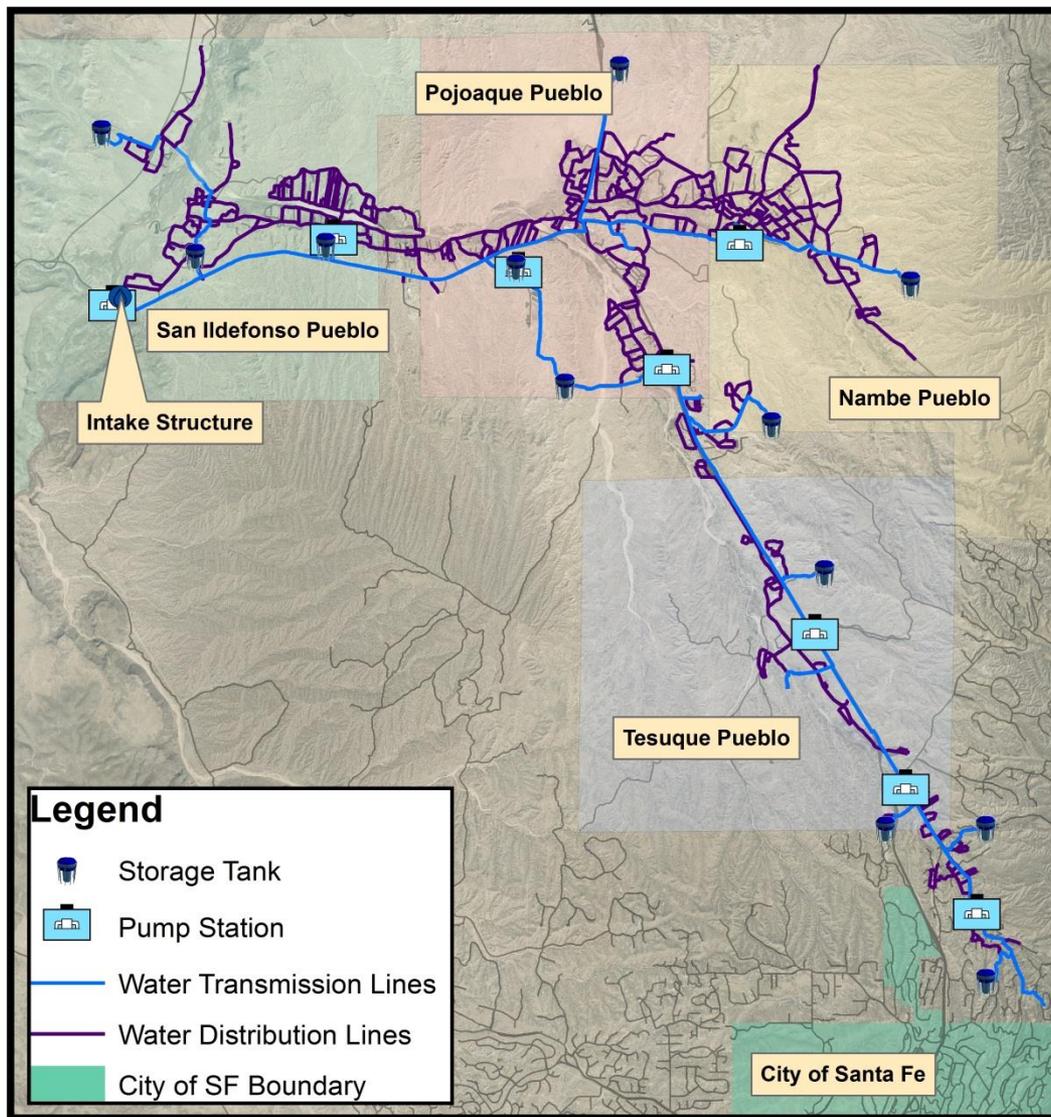
Water Quality in the Basin



Why Santa Fe County Supports the Regional Water System

- Promotes economic development, both from construction and operation.
 - construction costs are estimated at \$261.2 million (2024).
 - federal share is \approx 65%.
 - construction, operations/maintenance will create jobs and bring new money into the local economy.
- Recharges aquifer by importing surface water and reducing well water usage.

Regional Water System Service Area (projected)



Estimated Construction Cost Share (excluding connection costs)

Party	2006 Dollars (in Millions)	Future Value (Indexed through 2024)	Remaining to be Appropriated
Federal	\$106.4	\$177.5	\$93.4
State*	\$45.5	\$72	\$57
County**	\$7.4	\$11.7	\$11.7
Total***	\$159.3	\$261.2	\$162.1

* Does not include \$4M for connection fee fund or \$0.5 M for impairment fund. Remaining funds needed in Federal FY 2018-24 at approx. \$9 M annually.

** Does not include up to \$9 M for other County connection costs (thru 2024).

*** Does not include tribal in-kind contributions for land and planning.

Settlement Agreement Milestones Reached

2010- Congress enacts Aamodt Litigation Act.

2013 - Cost Sharing and Systems Integration Agreement signed; Revised Settlement Agreement signed.

2014 – U.S. and State, through the Interstate Stream Commission, enter into Funding Agreement for the State's Share of Costs for the Regional Water System.

- State's estimated share of costs, indexed, is about \$72 million.
- State's obligations are contingent upon appropriations.

2015- Water rights transfer application filed with OSE.

2016 - Federal court enters Partial Final Decree, overruling objections to Settlement Agreement and formally declaring the Settlement Agreement in effect.

Milestones and Deadlines Remaining (statutory, contractual, or projected)

November 29, 2016

- Board of County Commissioners of Santa Fe County projected to take action on Pojoaque Basin Regional Water Authority Joint Powers Agreement.

2017

- **Well Election** (Court has yet to set a deadline)- Domestic well owners elect one of three options regarding the use of their well and connection to the County Water Utility:
 1. Discontinue use of their well and connect to CWU.
 2. Continue using their well and limit the amount of use in accordance with the Settlement Agreement.
 3. Continue using well and limit use until their property is transferred to a new owner. New owner connects.

Milestones and Deadlines Remaining, cont.

September 15, 2017



- All water rights acquired.
- Congress fully appropriates all authorized funds required under the Settlement Act (other than funding for the RWS).
- Office of State Engineer issues permits changing the point of diversion of water rights acquired by the U.S. for the Pueblos.
- State appropriates \$0.5 M for Impairment Fund to mitigate impairment to Non-Pueblo groundwater rights as a result of new Pueblo water use.
- Final decree issued by the U.S. District Court that sets forth the water rights for all parties to the Aamodt Case.

Milestones and Deadlines Remaining, cont.

November, 2017

- Funding Agreement between U.S. and Santa Fe County for Santa Fe County's Cost Share of RWS executed.

January, 2018

- EIS/ROD complete.

April, 2018

- Final RWS design complete. Construction of the RWS begins.

Federal Fiscal Year 2018 through RWS Completion

- State and County provide their share of funding for RWS.
- State provides \$4 million in funding for Pojoaque Valley Water Utility Connection Fund to pay for water service connections for non-Pueblo Members.

Milestones and Deadlines Remaining, cont.

May 15, 2018

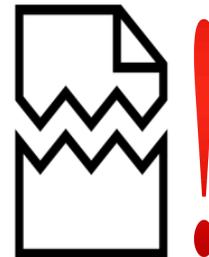
- Operating Agreement executed and submitted to the Secretary of Interior.

June 30, 2021

- Bureau of Reclamation (BOR) verifies that RWS is complete or will be by June 30, 2024.

June 30, 2024

- RWS construction substantially complete.



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Pojoaque Satellite Office Hours: **Tuesday 4:00 to 6:00**

<http://www.santafecountynm.gov/>