



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

**Statement
Of
Thomas C. Turney
State Engineer
State of New Mexico
Before the
Indian Affairs Committee
Of the
United States Senate
On
*S. 2508, To Amend the Colorado Ute Indian Water Rights
Settlement Act***

June 7, 2000

Mr. Chairman and Committee members—thank you for the opportunity to testify on S. 2508. I testify on behalf of the State of New Mexico. S. 2508 authorizes the Secretary of the Interior, acting through the Bureau of Reclamation, to construct, operate and maintain certain water diversion and storage facilities under the Animas-La Plata Project authorized by Public Law 90-537, approved September 30, 1968. It is our understanding that the facilities authorized for construction by S. 2508 would be operated consistent with provisions of the Animas-La Plata Project Compact, which was approved by the Congress in Public Law 90-537. We support this bill as it proposes to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for final settlement of the claims of the Ute Indian tribes. The bill authorizes a smaller,

reconfigured project than originally contemplated at the time of 1988 Act.

The project has significant benefits for many communities in Northwest New Mexico. The need for a dependable water supply for Northwest New Mexico has long been recognized. Communities along the Animas River divert water from a river which has historically, during periods of extended drought, run dry. Upstream raw water storage must be provided so that water can be released into the river when the river approaches a low flow stage. If water is not available in the river, communities will simply run short of water for drinking or bathing or other municipal purposes. But doing without water is not really an option. People cannot survive without water. Wet water in a dry state such as New Mexico is a necessity -- not a luxury. The reconciled Animas-La Plata project is designed to provide a source of wet water, during these periods of low river flow, for both Indian and non-Indian communities in New Mexico. New Mexico must strongly support a project that provides dependable, wet water for its citizens.

S. 2508 is the result of laborious negotiations. The bill creates a reconciled project, which, while providing wet water to New Mexico, also contains many additional features. The reconciled project significantly reduces capital costs; it reduces river depletions to a level that will provide protection for an endangered species; and it provides protection for senior New Mexico water right holders. It further provides for an assignment of portions of the water right permit, earlier endorsed by the State Engineer to the Department of Interior, to New Mexico project beneficiaries who have or will actually put the water to beneficial use.

The bill includes language to insure that the Animas- La Plata project can deliver wet water to the Navajo Nation communities in the area of Shiprock. Over the past two decades, Shiprock's population has swelled. The conveyance pipeline contained within the bill, as a non-reimbursable feature, is essential to address the public health and safety of

these Navajo communities. Our support of this Navajo Nation municipal pipeline assumes that the Navajo Nation will not file additional claims against the New Mexico non-Indian beneficiaries of the project.

Comments have been made by one of my sister agencies on Reclamation's Draft Supplemental Environmental Impact Statement for the project regarding the impact of the project on stream bottom deposits. Stream bottom deposits are a part of surface water quality standards promulgated by the New Mexico Water Quality Control Commission -- a Commission upon which I sit as a constituent agency. The State does not believe that a violation of water quality standards would be a necessary result of the project, or that such an impact from the project would necessarily preclude the project from going forward. We believe that Reclamation has additional information that can be used to answer concerns regarding any possible impacts relating to stream bottom deposits. Alternatively, we anticipate Reclamation will be able to provide various mitigation measures, perhaps implemented through ongoing operation and maintenance practices. New Mexico stands ready to work with the project beneficiaries, using sound science, to identify approaches, if any are needed, to ensure that the reconciled project meets New Mexico Standards for Interstate Surface Waters.

It is very important, not only to New Mexico water users, but to all water users of the San Juan River system, that storage of Animas River flows be implemented in order to make the water supply available from the San Juan River system usable for development of the water apportioned to the States of Colorado and New Mexico by the Upper Colorado River Basin Compact. Further, storage and regulation of Animas River flows, in concert with the regulation afforded by Navajo Reservoir, can enhance the success of the San Juan River Basin Recovery Implementation Program to achieve its goals to conserve endangered fish species and to proceed with water development in the San Juan Basin.

In closing, S. 2508 will aid in providing a more dependable water supply for Indian and non-Indian communities in northwest New Mexico. Northwest New Mexico is growing and it is important to provide an adequate water supply for the area's future.

Thank you.