

Statement  
of  
Thomas C. Turney  
New Mexico State Engineer  
before the  
Senate Committee on Indian Affairs  
and  
Subcommittee on Water and Power of the Senate Energy and Natural  
Resources Committee  
on  
S. 1771, *the Colorado Ute Settlement Act Amendments of 1998*

June 24, 1998

I appear today on behalf of S. 1771, which would make changes to the authorized Animas La Plata project, a project to which communities in New Mexico are beneficiaries.

The need for a dependable water supply for Northwest New Mexico has long been recognized. Communities divert water from the Animas River which historically has run dry during periods of extended drought. Raw water storage must be provided to supply water when the river is in a low flow stage. The Animas - La Plata project is designed to provide a water source during low flow river conditions for both Indian and non Indian Communities in New Mexico, a goal which the State of New Mexico strongly supports.

On June 24, 1997, the New Mexico Interstate Stream Commission, passed a resolution supporting a modified Animas La Plata Project that:

Substantially lowers project costs from the current approximately \$750 million estimated cost;

Stays with the 57,100 acre-feet of depletion allowed by the U.S. Fish and Wildlife Service Biological Opinion,

Is designed to protect senior and junior New Mexico water rights,

Transfers or assigns that portion of the Animas-La Plata Water Right Permit concerned with municipal and industrial use, now held by the Secretary of the Interior, to the holders of municipal and industrial permits previously issued by the New Mexico State Engineer.

S. 1771 is designed to support these objectives. Although we have not been provided a detailed breakdown of project costs or design configurations, it is our understanding that the estimated project costs have been substantially reduced.

The bill further provides for a distribution of project water which stays within the U.S. Fish and Wildlife Services Biological Opinion.

A basic premise of the project is that senior water rights in New Mexico will be protected. As the project planning proceeds forward, projected operating schedules will have to be developed by the Bureau of Reclamation, in close cooperation with the New Mexico State Engineer, which will adequately demonstrate that senior water right holders will in fact be protected.

The bill contains language directing the Secretary of the Interior to assign a portion of the water right permit, now held in the Secretary's name, to certain non-Indian project beneficiaries in NM. Although, we have made recommendations on appropriate language on the assignment issue, our changes have not yet been incorporated into the bill. Once these changes are made, we can support this assignment language.

Additionally, we have had discussions with the Navajo Nation to include language in the bill to insure that the water which they will receive under the project can be delivered to the Navajo communities downstream of Farmington to Shiprock. Currently, the City of Farmington supplies up to 3 million gallons per day of treated potable water, via a 30 year old ductile iron pipeline, to Shiprock and Navajo families living on the south side of the San Juan River. Over the past two decades, Shiprock's population has swelled. Proposed amendments to the bill, which are now being discussed, would allow for the construction of a new Farmington to Shiprock pipeline to augment the existing pipeline. This pipeline is essential to address the public health and safety of the Navajo communities and is a project which the State very much endorses. The State welcomes the involvement in these ongoing discussions to insure that the water rights of all parties are properly defined pursuant to state law.

The proposed Animas La Plata project settles the claims of two Colorado Ute Indian tribes to waters of the Animas and La Plata rivers. This is an important aspect of the project to the New Mexico water users on these two rivers in order to assure the water available to them from their water rights.

In closing, S. 1771 will aid in providing a more dependable water supply for both 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.