Rio Grande Reservoirs: Legal Framework and Operations

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Rio Grande Compact Commission

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Rio Grande Reservoirs
Legal Framework and Operations

Herman Settemeyer
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Rio Grande Compact Commission
Laws of the Rio Grande

- Treaty’s with Mexico
  - 1906 Convention
  - 1944 Treaty
- Rio Grande Compact
- Congressional Authorizations
  - Flood Control Act of 1960 (86-645)
  - San Juan-Chama Project (87-483)
  - Cochiti Permanent Pool (88-293)
- State Water Law
Rio Grande Compact Implications

- Compact apportions native flows between Colorado, New Mexico and Texas
- Provides an opportunity for development of waters from outside the basin
- Provides an opportunity to construct reservoirs after approval of the Compact
Rio Grande Compact Implications continued

- Provides for a detailed water accounting to ensure native water deliveries are not impacted
- Specific Compact provisions related to post-compact reservoirs
  - Article VII Rio Grande Compact - 400kaf restriction
  - Article VIII Rio Grande Compact - Release from reservoirs when in debt
Rio Grande Basin Water Supply

- Rio Grande flows – Native waters
- Imported waters
  - Closed Basin Project - Colorado
  - Trans-mountain water – Colorado
  - San Juan-Chama Project – New Mexico
Major Reservoirs

- Rio Grande and Platora Reservoirs – Colorado
  - Rio Grande Reservoir – pre-compact
  - Platora Reservoir – post-compact
- Heron, El Vado, Abiquiu, Cochiti – Upper Rio Grande New Mexico
  - All authorized by federal legislation
  - All post-compact reservoirs
  - Heron stores SJC water
  - El Vado – water supplies for the Middle Rio Grande
  - Abiquiu and Chochiti – Primarily for flood control
Rio Grande History

- Early history of irrigation
  - San Luis Valley of Colorado
  - Middle Rio Grande of New Mexico
  - Rio Grande Project

- Growing municipal demands
  - Albuquerque
  - El Paso
  - Juarez

- What’s new
Reservoir Operations

Operations must be in compliance with the Rio Grande Compact.

Operations must be in compliance with federal authorizations.

Water use must be in compliance with federal authorizations and state water laws.
Is there Flexibility

- Rio Grande Compact Commission can accommodate certain deviations
  - Relinquishment of credit water
  - PL86-645
  - Conservation water agreement
- Changes to federal authorizations require Congressional action
Can There Be More Flexibility

- Coordination/cooperation between the states and federal agencies
  - Coordinated releases of water from upstream to downstream
  - Formal operating plan for Elephant Butte Reservoir
- How provisions of the Compact are interpreted
  - Definition of “Project Storage” …storage below Elephant Butte….
  - “Usable Water” …release in accordance with irrigation demands….
Is there any flexibility in these definitions?

Can we store "Projects Storage" upstream?

Can we release water from Elephant Butte year round?
Conclusions

- Changing water demands will require more flexibility
  - Municipal needs, environmental needs, variations in water supply
- Changes must be within the terms of the Rio Grande Compact
  - No State supports changing the Rio Grande Compact
- We’ve found ways to address issues before - I think we can and will continue
- Texas will require that it’s Compact entitlement be delivered - but is open to flexible options which do not impact our water supplies
Questions