

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2013 JUN 11 AM 8:09

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, *ex rel.*
THE STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

AB-07-1

Claims of Navajo Nation

No. CV 75-184

Honorable James J. Wechsler
Presiding Judge

DESCRIPTIVE SUMMARY: Supplemental exhibits in support of Community Ditch motion for partial summary judgment No. 3, based upon new information provided by the U.S. government on June 6, 2013. The Colorado Basin River Forecast Center calculates that the natural flow of the Colorado River system will be 4.8 million acre-feet for 2013, far less than the 15 million acre-feet assumed by the 1922 Colorado River Compact.
NUMBER OF PAGES: 3 +12 pages of exhibits
DATE OF SERVICE: June 7, 2013

**SUPPLEMENTAL EXHIBITS IN SUPPORT OF COMMUNITY DITCH
MOTION FOR PARTIAL SUMMARY JUDGMENT NO. 3 – CONCERNING
AVAILABILITY OF WATER AND IMPACTS ON OTHER WATER USERS**

The Community Ditch Defendants submit herewith two supplemental exhibits in support of their Motion for Partial Summary Judgment No. 3 – Concerning Availability of Water of Water and Impacts on Other Water Users.

This new information was made available yesterday, June 6, 2013, by the United States government, one of the parties in this case. The information comes from the Colorado Basin River Forecast Center (CBRFC), a sub-agency of the United States Weather Service and the National Oceanic and Atmospheric Administration (NOAA).

JUDGE

D✓

Supplemental Exhibit 1 consists of pertinent selected pages from a webinar presentation by the CBRFC on June 6, 2013 starting at 11 AM. *Inter alia*, the CBRFC predicts that the natural unregulated flow of the Colorado River system at Glen Canyon Dam will be 4.8 million acre-feet for the water year 2013. This compares with the 15 million acre-feet which was assumed by the persons who negotiated the Colorado River Compact of 1922.

Supplemental Exhibit 2 is an extension of the pro forma calculations of the Allocation of Water Under Colorado River Compacts, filed as Exhibit A to the motion about availability and impacts (Motion No. 3) on April 15, 2013. The original calculations did not go low enough, so this filing shows the legal allocation of water at 7.5 million acre-feet and 5.0 million acre-feet, which is close to the CBRFC forecast.

A copy of the entire webinar presentation is available from the CBRFC. A copy of the entire presentation is also being emailed to Stanley Pollock for distribution to other proponents of the proposed settlement if they request it.

Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

Victor R. Marshall

Attorneys for San Juan Agricultural Water Users
Association; Hammond Conservancy District;
Bloomfield Irrigation District; various ditches; and
various members thereof.

12509 Oakland NE

Albuquerque, NM 87122

505-332-9400 / 505-332-3793 FAX

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2013, a true and correct copy of the foregoing was served on the parties and claimants by attaching a copy of said document to an email sent to the following list server: wriavajointerse@nmcourts.gov and to the filing list referred to in the Notice of Amended Service List filed February 25, 2013.

/s/ Victor R. Marshall

Victor R. Marshall, Esq.

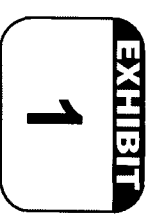
CBRFC

June 2013

Water Supply Webinar

June 5, 2013

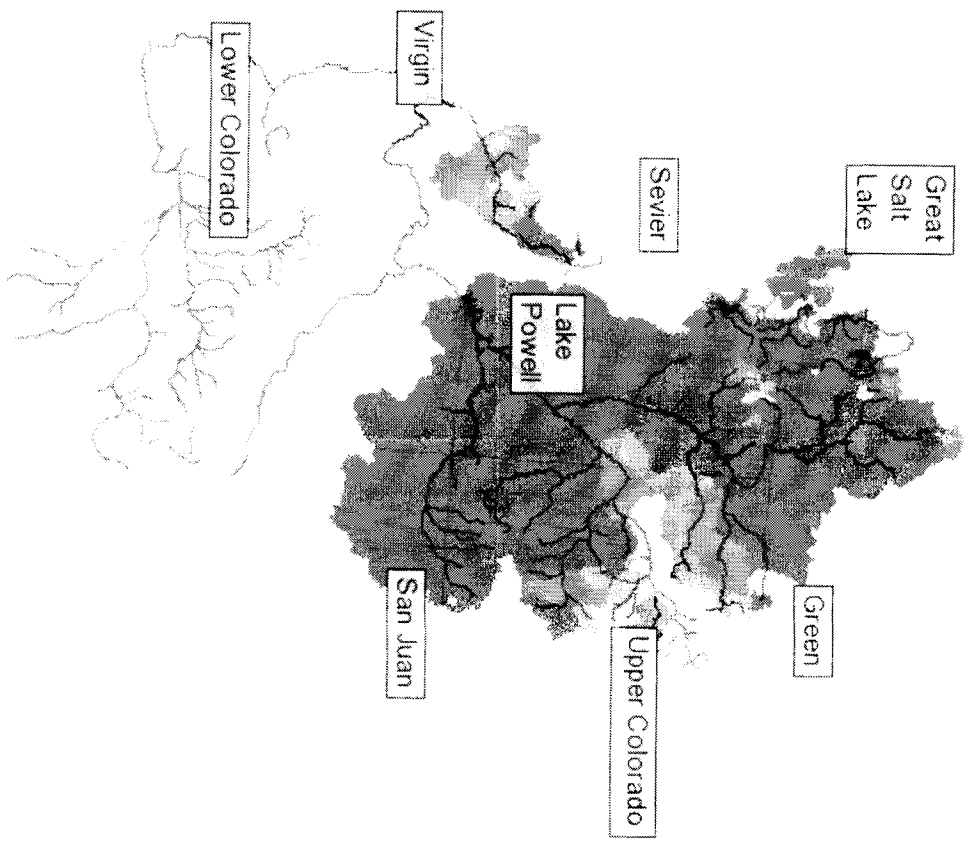
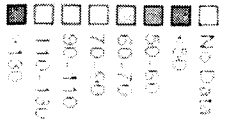
Gregg Smith



These slides: www.cbrfc.noaa.gov/present/present.php

Today's Presentation

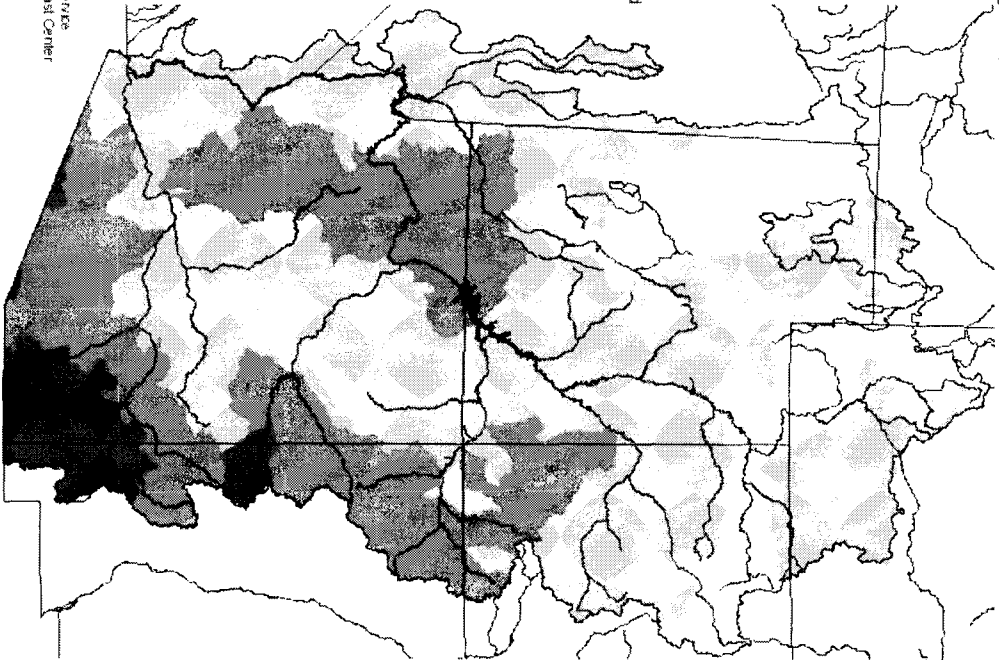
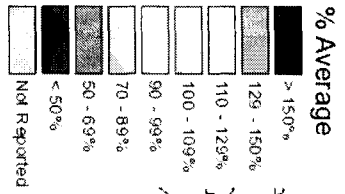
- Weather Review
- Current Snow States/Review
- Water Supply Forecasts
- Future Weather
- Peak Flows



Web Reference: <http://www.cbrfc.noaa.gov/wsup/pub2/map/html/cpub.php>

Seasonal Precipitation, October 2012 - April 2013

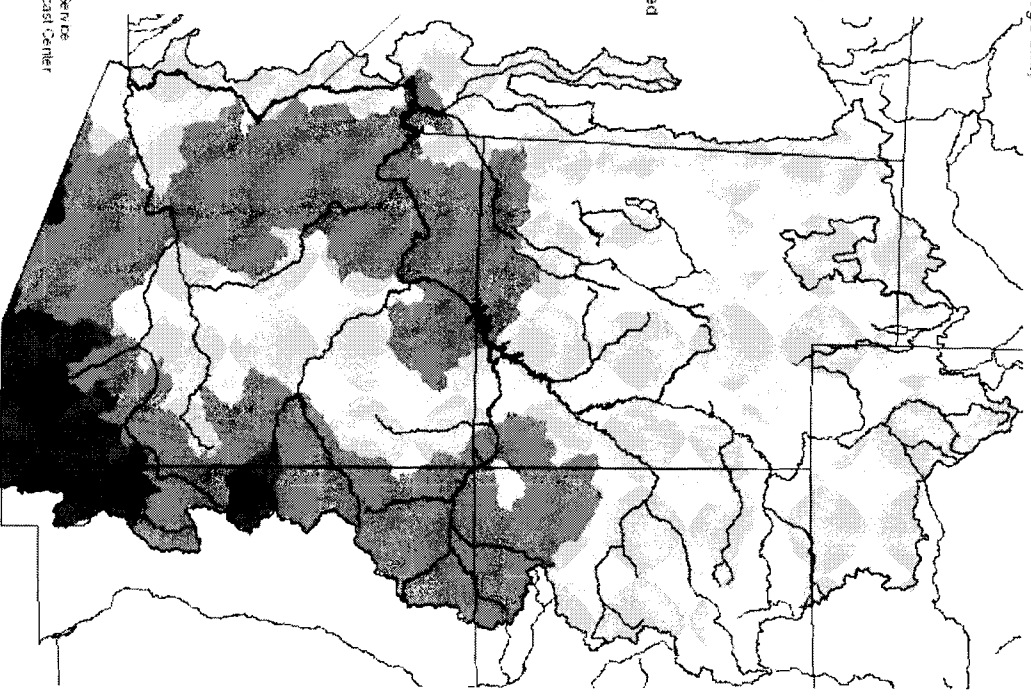
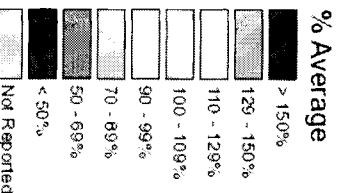
(Averaged by Hydrologic Unit)



Prepared by
NOAA, National Weather Service
Colorado Basin River Forecast Center
Salt Lake City, Utah
www.cbrfc.noaa.gov

Seasonal Precipitation, October 2012 - May 2013

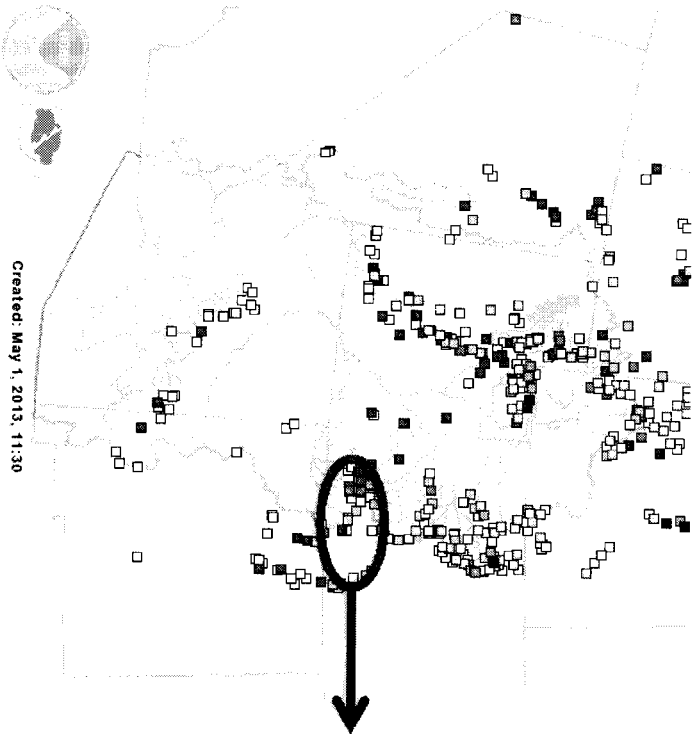
(Averaged by Hydrologic Unit)



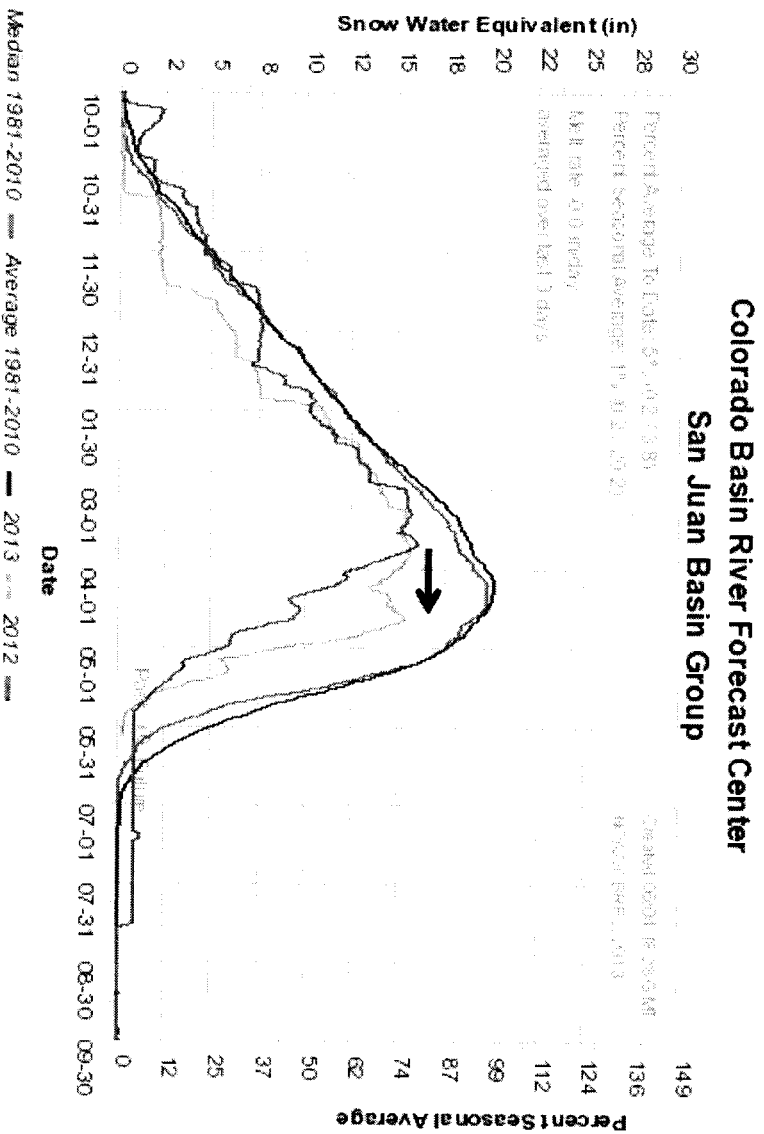
Prepared by
NOAA, National Weather Service
Colorado Basin River Forecast Center
Salt Lake City, Utah
www.cbrfc.noaa.gov

Web Reference: <http://www.cbrfc.noaa.gov>

Snow: San Juan River Basin



Created: May 1, 2013, 11:30



Web Reference: <http://www.cbrfc.noaa.gov/station/sweplot/snowgroup.php>

June, 2013

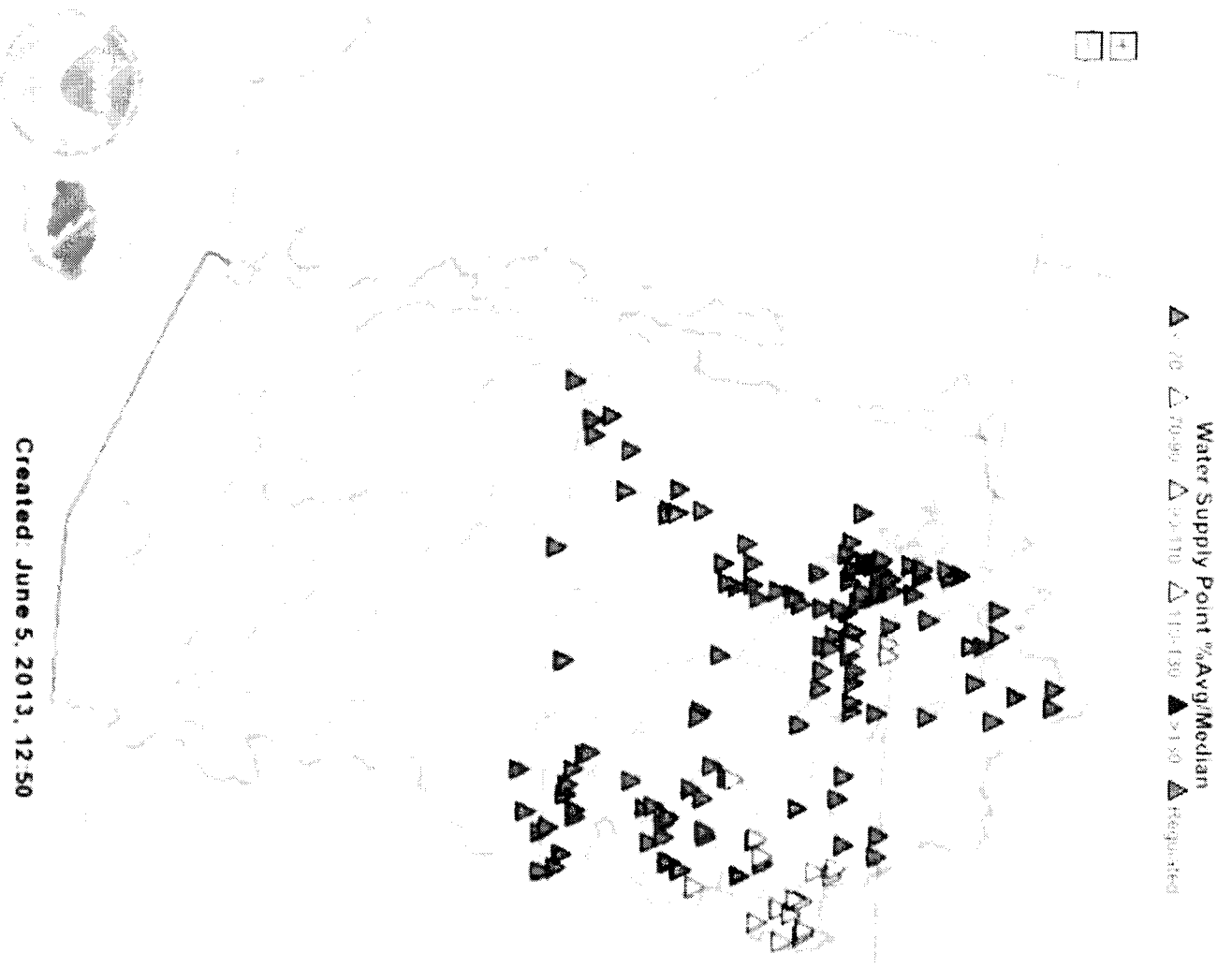
Water Supply Forecasts

Highlights:

- Much below average forecasts widespread. Increased to near average Colorado River headwaters.

Major factors:

- Dry antecedent soil moisture conditions
- Dry: Oct – Nov, Feb-Mar, April (San Juan), May
- Dismal snowpack most areas



June, 2013 Water Supply Forecasts

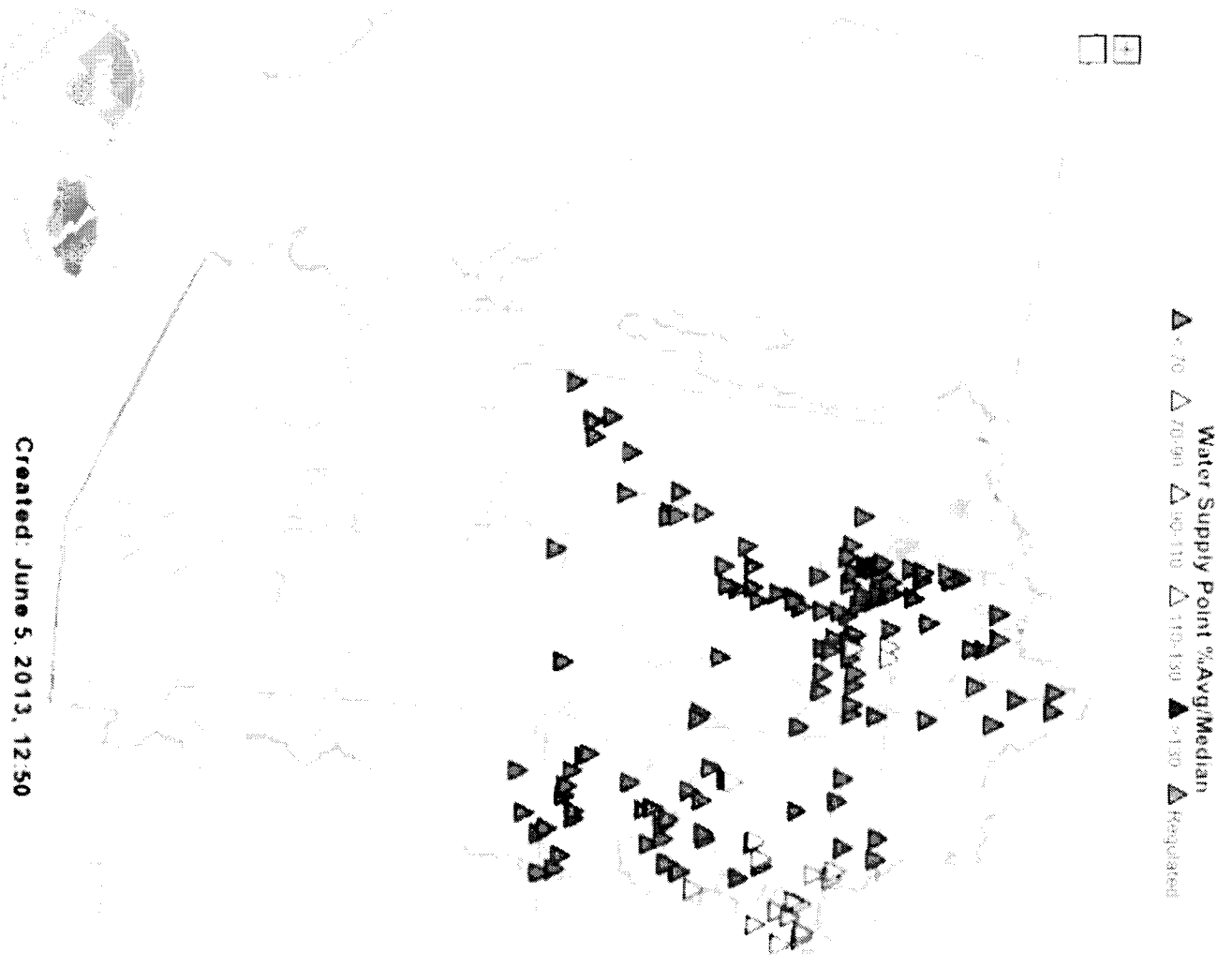


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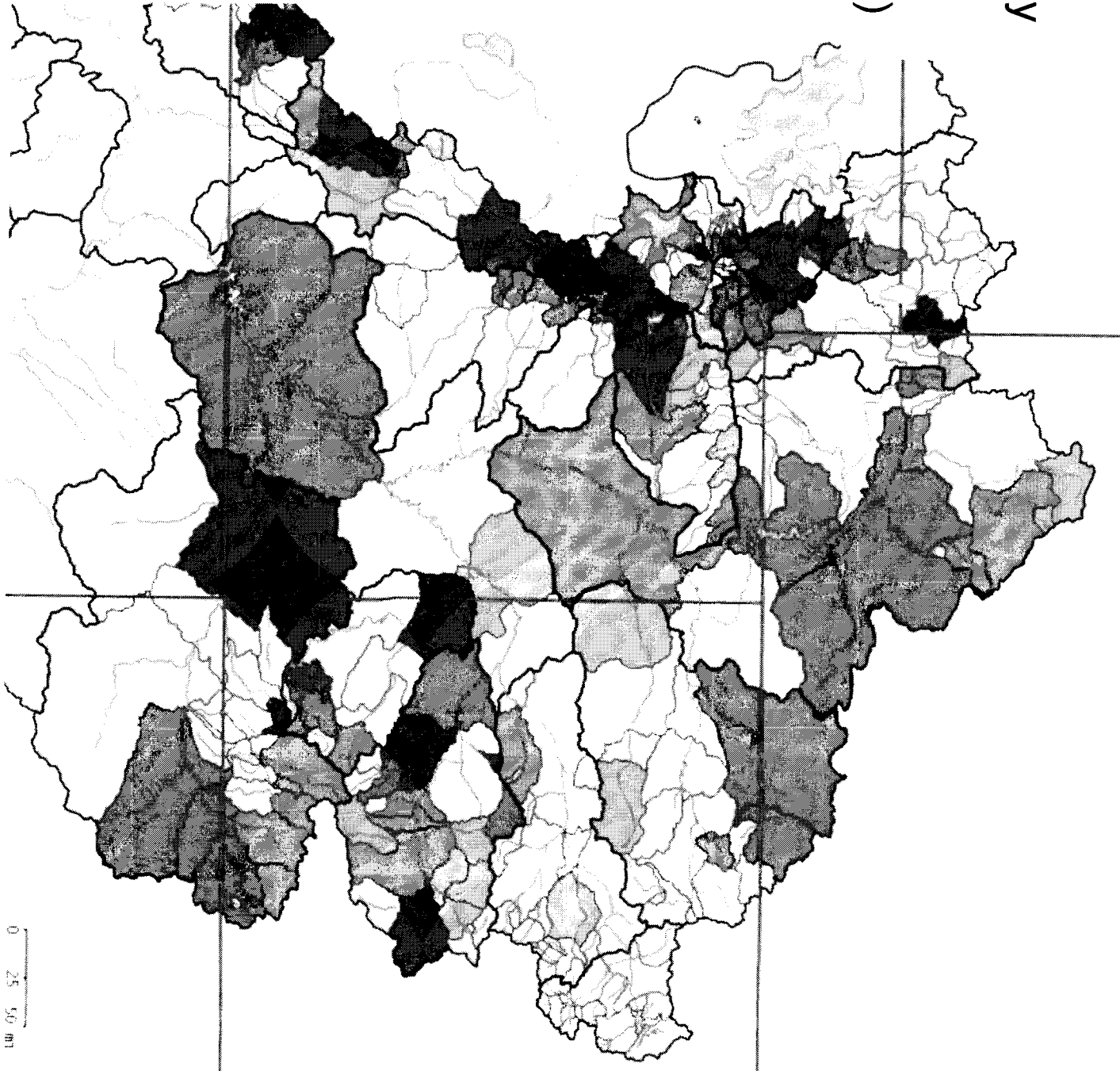
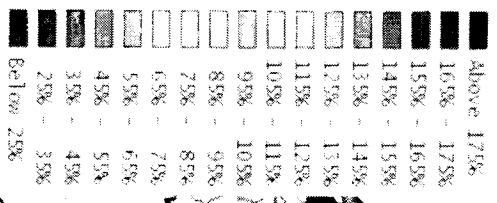
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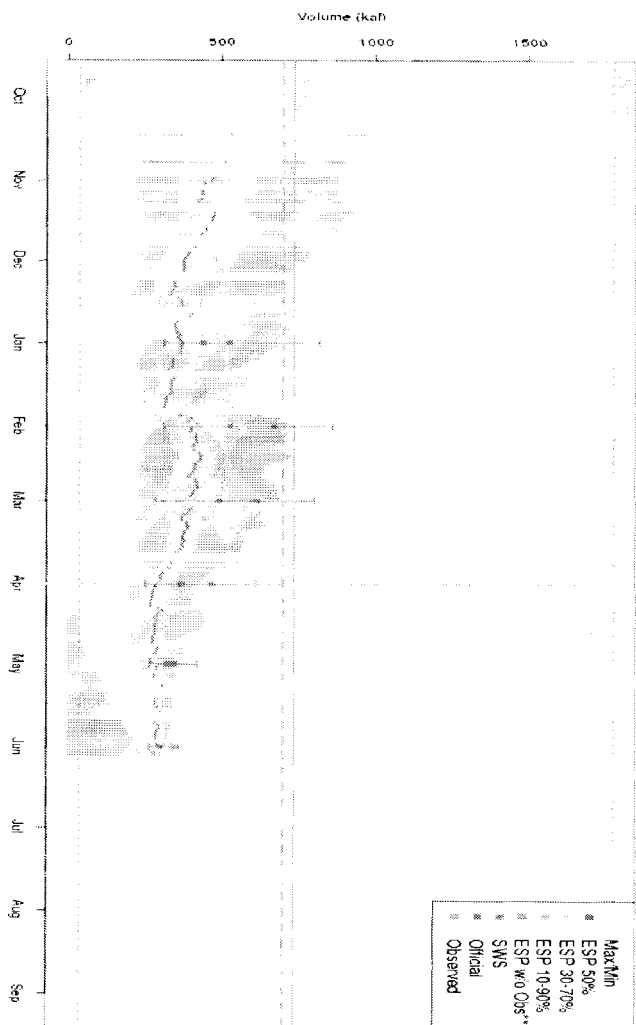
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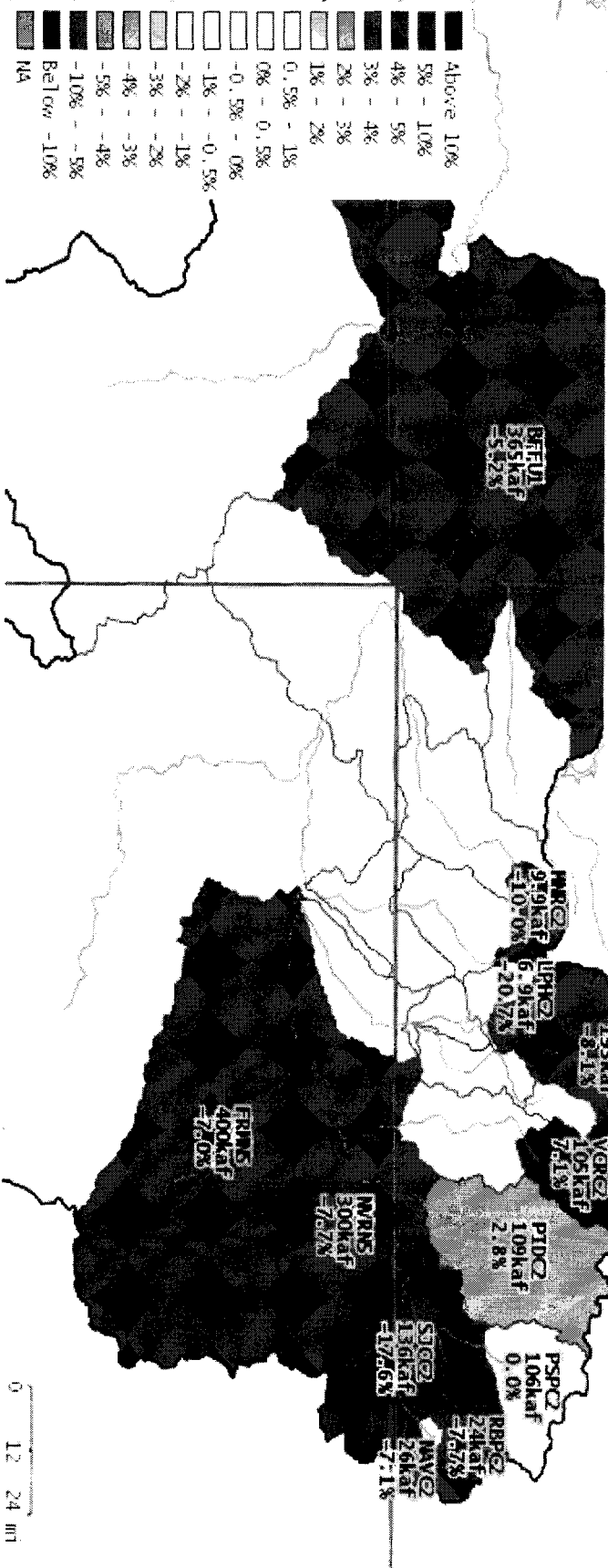
June 1st April-July Volume Forecasts by River Basin

(percent of average)





Plot Created 2013-06-03 12:40:40 Latest ESP Run from 2013-06-04 CBRFC NWS NOAA
 Maximum of 1776.3 in 1979 Minimum of 56.7 in 2002 Average Median for 1997-2010
 *These ESP forecasts do not include observed and are wet/dry runoff



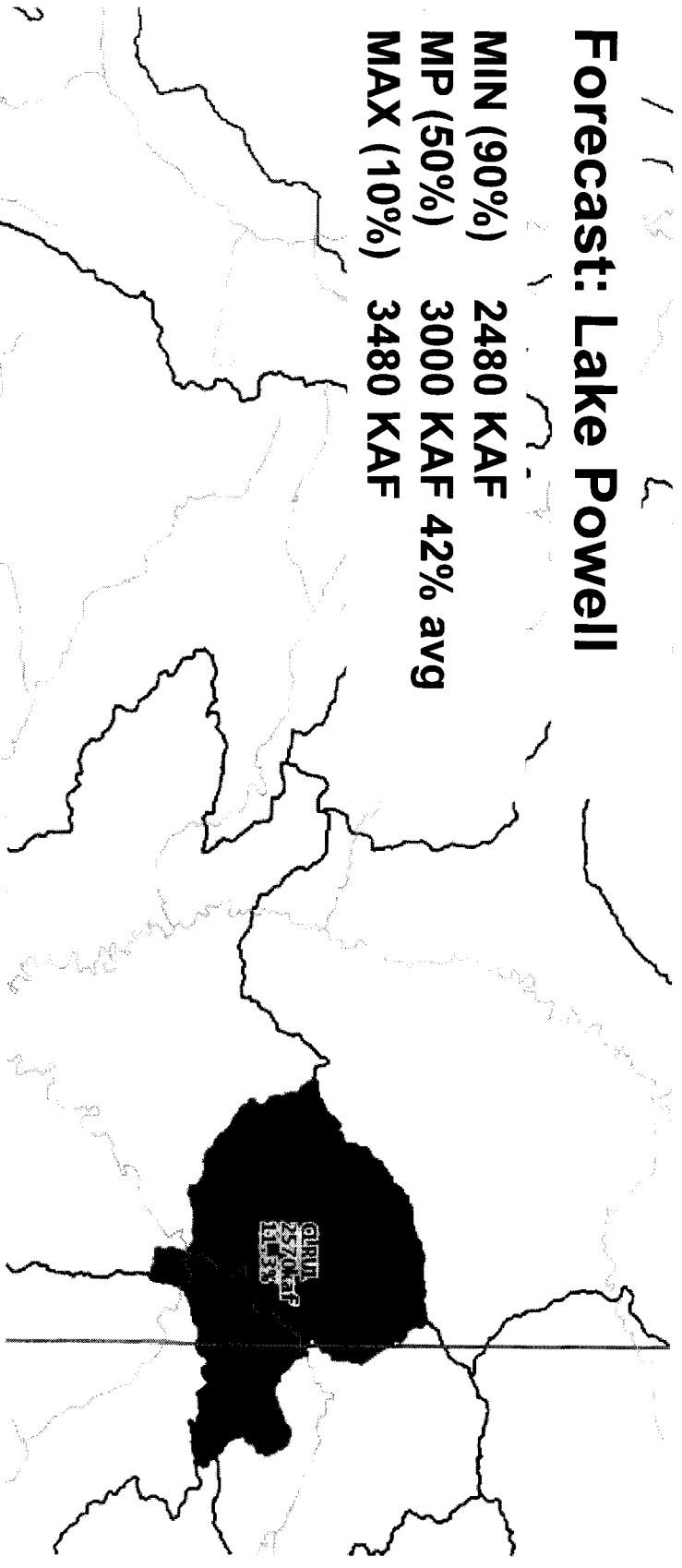
Forecast: San Juan Basin

Navajo Reservoir:

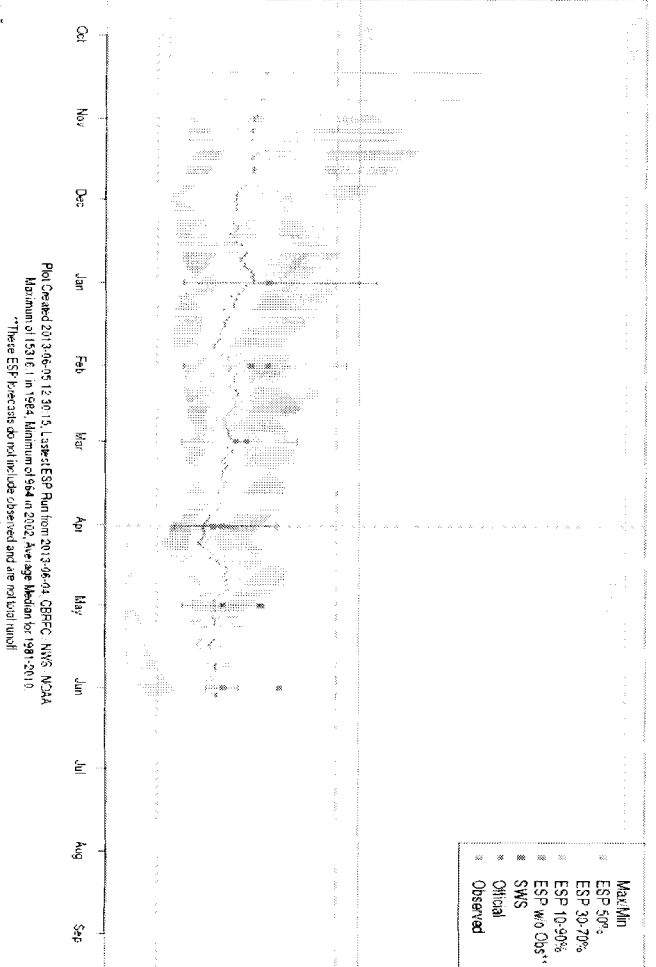
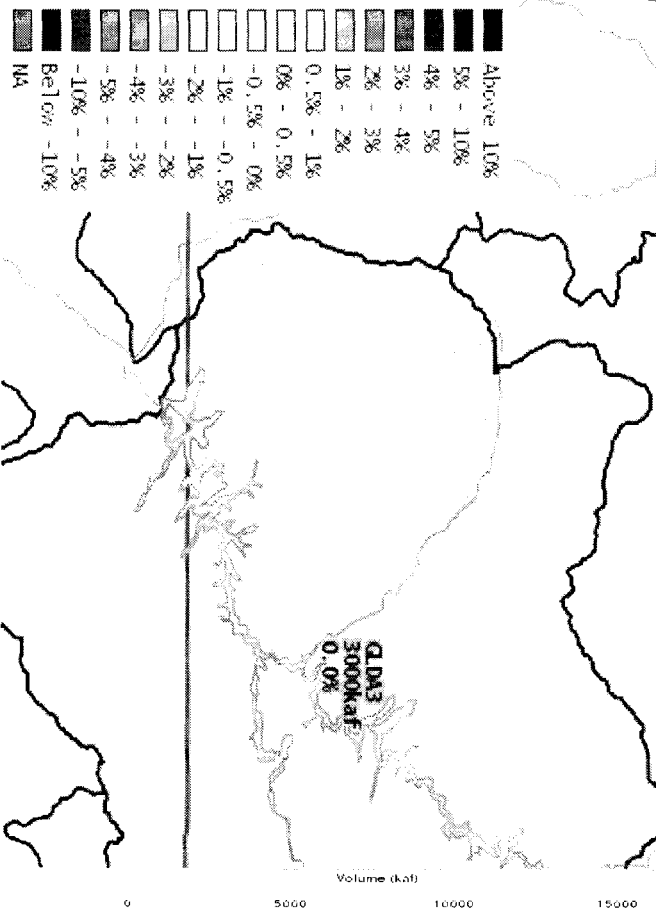
MIN (90%) 265 KAF
MP (50%) 300 KAF
MAX (10%) 340 KAF
41% avg

Forecast: Lake Powell

MIN (90%) 2480 KAF
MP (50%) 3000 KAF 42% avg
MAX (10%) 3480 KAF



2013 Runoff Forecast Apr-Jul
Colorado - Lake Powell- Glen Gyn Dam- At (GLDMS)



Plot Created 2013-06-05 12:30:15. User:ESP Run from 2013-06-04 08:00. NWS. NOAA
 Maximum of 13316.1 in 1984. Minimum of 564 in 2002. Average Median for 1991-2010
 **These ESP forecasts do not include observed and are individual runoff

LAKE POWELL

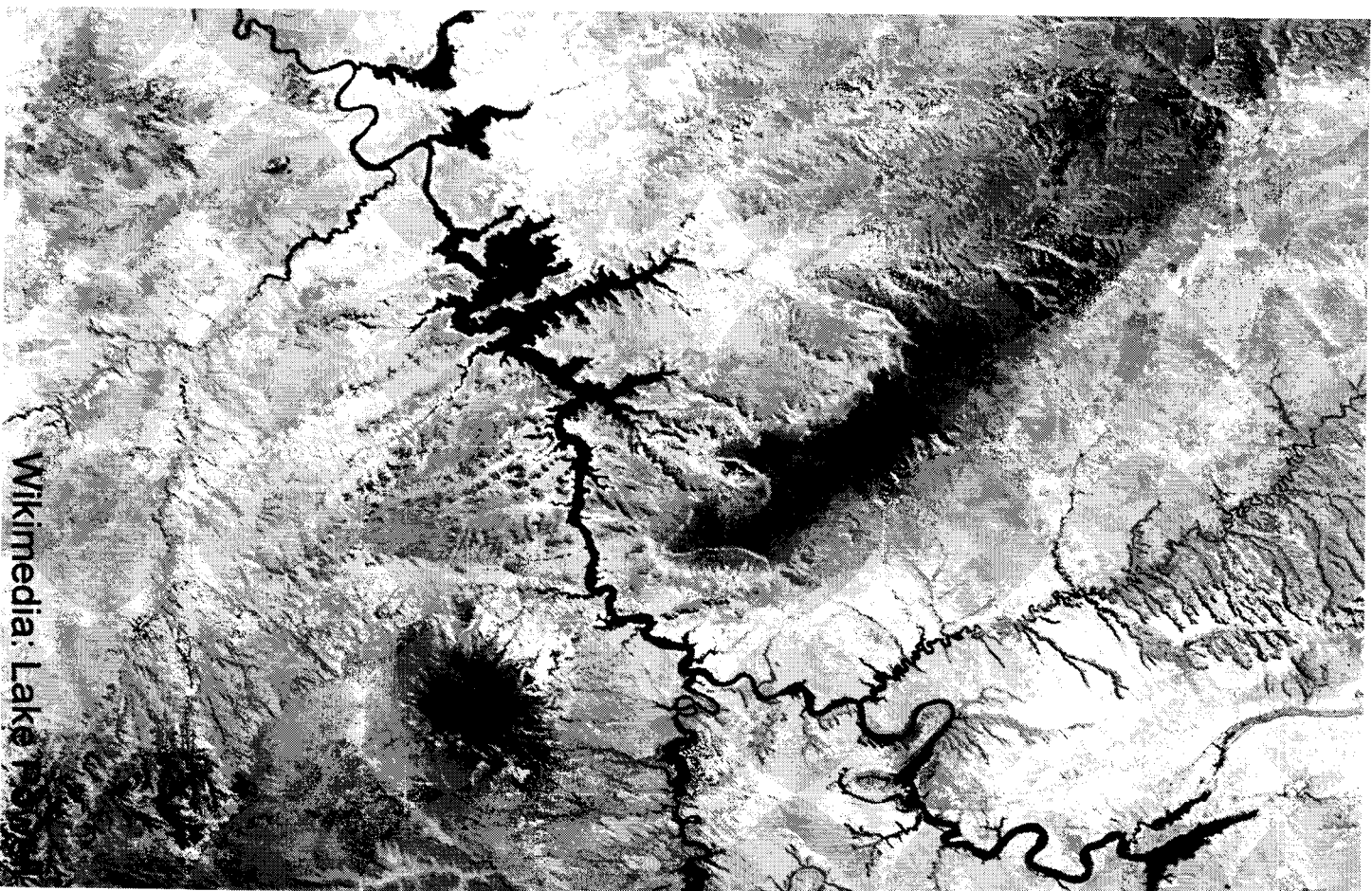
If...

The current Apr-Jul forecast of 3 MAF occurs:

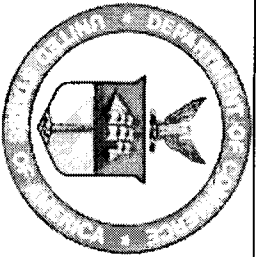
- Would be 4th driest Apr-Jul on record
- 2012-2013 would be the 2nd lowest consecutive Apr-Jul periods at 5.1 MAF (2002-2003 had 4.9 MAF)

The current Oct-Sep forecast of 4.8 MAF occurs:

- Would be 3rd driest Oct-Sep on record (just above 2012)
- 2012-2013 would be the 3rd driest 2-year period on record at 9.7 MAF (2002-2003 had 8.8 MAF) (2001-2002 had 9.6 MAF)



Feedback, Questions, Concerns always welcome.....

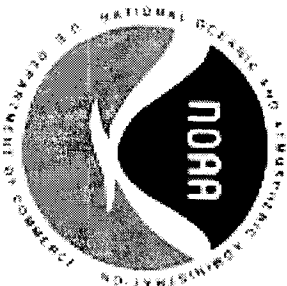


Greg Smith

CBRFC Senior Hydrologist

Phone: 801.524.5130

Email: greg.smith@noaa.gov



ALLOCATION OF WATER UNDER COLORADO RIVER COMPACTS

CC - Colorado River Compact of 1922, NMSA § 72-15-5.

UB - Upper Basin Compact of 1948, NMSA § 72-15-16.

ANNUAL "NATURAL" OR "VIRGIN" FLOW in acre-feet¹

	5,000,000	7,500,000
<i>less</i>		
Priority for Lower Basin ² CC Art. III (d)	7,500,000	7,500,000
½ of obligation to Mexico 1944 Treaty; CC Art. III (c)	750,000	750,000
Arizona's share of Upper Basin UB Art. III (a) (1)	50,000	50,000
OWED TO LOWER BASIN	8,300,000	8,300,000
UPPER BASIN REMAINDER	<u>(3,300,000)</u>	<u>(800,000)</u>
New Mexico's 11.25% share ³ UB Art. III (a) (2)	(371,250)	(90,000)
<i>less: demands on the San Juan River</i>		
Navajo settlement claim (depletion) ⁴	335,681	335,681
Required water for endangered species at Bluff UT ⁵	759,293	759,293
Jicarilla settlement claim	32,000	32,000
San Juan - Chama Project ⁶	135,000	135,000
Ute Mountain Ute claim	?	?
Other U.S. claims for nat. parks, forests, etc	?	?
Evaporation from Navajo Reservoir, etc ⁷	28,208	28,208
Shared Evaporation from Lake Powell, etc ⁷	59,749	59,749
Local farms, homes, municipalities, industry	?	?
UNRESOLVED NEW MEXICO DEFICIT	(1,721,181)	(1,439,931)
AVAILABLE FOR CONSUMPTION IN NEW MEXICO by non-Indians ⁸	none	none

Pro forma. Figures are projected, estimated, and annualized.

