



# **THE AAMODT SETTLEMENT**

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# Why A Settlement?

- ❖ Over a century of water use conflict in the Nambe-Pojoaque-Tesuque Basin between Pueblo and non-Pueblo users
- ❖ Forty-two years of litigation failed to resolve the conflict
- ❖ Insufficient water supply in water-short basin to satisfy Pueblo and non-Pueblo users
- ❖ Uncertainty for both Pueblo and non-Pueblo users as to the extent of rights and ability to use
- ❖ Depletion of aquifer and streams and springs by continued groundwater development
- ❖ Water quality issues



# How Does the Settlement Resolve the Water Use Conflicts?

- ❖ Quantifies Pueblo claims
- ❖ Provides certainty to Pueblos as to quantity and use of their water rights
- ❖ Provides certainty to non-Pueblo users as to their water rights and uses
- ❖ Respects existing non-Pueblo users (limits Pueblo priority calls)
- ❖ Provides for administration of Pueblo and non-Pueblo rights
- ❖ Establishes a Regional Water System to provide additional water supply to the water-short basin to all valley residents
- ❖ Regional Water System and additional water allows:
  - Decreased stress on aquifer and surface supplies
  - Water for future development
  - More limited quantification of in-basin Pueblo uses
  - Clean water



# Quantification of Pueblo Water Rights

(In Basin Use)

Pueblo	Existing Use (afy)	Future Use (afy)	Supplemental Pueblo Right (afy)
San Ildefonso	288	958	0
Pojoaque	236	0	475*
Nambe	522	937	0
Tesuque	345	374	0
<b>Total</b>	<b>1391</b>	<b>2269</b>	<b>475</b>

\*Until 475 afy is available to Pojoaque from the Regional Water System



## Pueblo Water Rights (continued)

- ❖ 2,500 acre-feet per year of acquired water from outside the basin through the Regional Water System:
  - 475 afy to Pojoaque to replace in basin supplemental right
  - 375 afy to each Pueblo for any purpose
  - 525 afy to be allocated among the Pueblos for economic development purposes



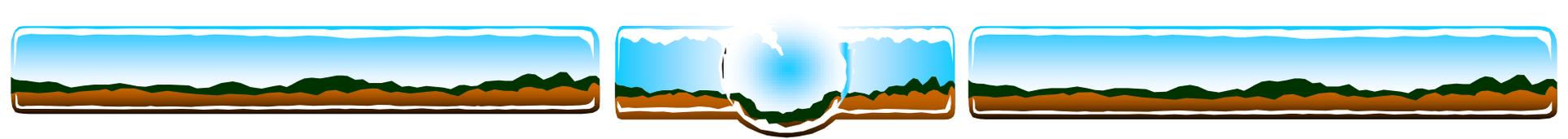
# NON-PUEBLO WATER USE

## ❖ Groundwater

- All new uses in basin with access to Regional Water System must connect
- No new appropriations
- Existing users who opt to sign settlement can:
  - Hook-up to system and receive clean reliable supply
  - Keep well and minimum use of .5 afy
  - Keep well until transfer of property and minimum use of .5 afy
- Pueblos limit priority enforcement as to settling well owners
- Pueblos limit *inter se* challenges

## ❖ Surface Water

- Pueblos limit priority enforcement
- Pueblos limit *inter se* challenges



# ADMINISTRATION

- ❖ Settlement Agreement ensures administration and enforcement of Pueblo and non-Pueblo water rights (including metering and reporting of all uses)
- ❖ OSE administers non-Pueblo rights pursuant to Settlement Agreement and Final Decree
- ❖ Each Pueblo administers Pueblos' First Priority Rights, Reserved Rights and water rights created under State law but approved for use on that Pueblos' lands
- ❖ OSE serves as Water Master to determine whether transfers of Pueblo rights affects Pueblo or non-Pueblo users
- ❖ Rules for administration (Water Master Rules) will be agreed upon by OSE, the United States and the Pueblos and promulgated by OSE after a public comment period



# REGIONAL WATER SYSTEM

## Governance, Infrastructure & Water Supply

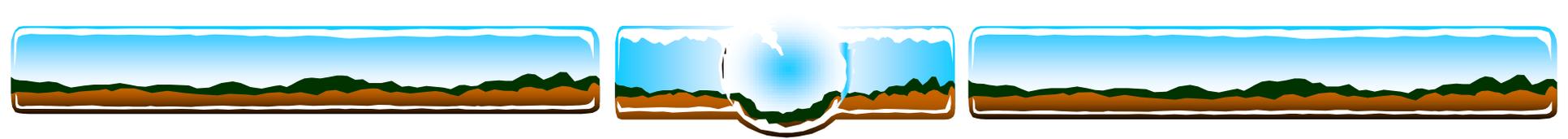
- ❖ Owned and operated by Regional Water Authority (Four Pueblos and County) pursuant to an operating agreement
- ❖ Comprised of “trunk” or backbone system (point of diversion, treatment plant, trunk line, deep wellfield, *etc.*) and 5 distribution systems (County and Four Pueblos)
- ❖ Regional Water System to be operated as a unified system; Pueblo members are customers of individual Pueblo utilities; and County customers are customers of County utility
- ❖ Regional Water System provides 60% of capacity and water to Pueblos (2,500 af); 40% of capacity and water to County Water Utility (1,500 af)
- ❖ Federal government pays approximately 65% of cost; remainder local cost share
- ❖ Pueblos received \$37.5 M to offset some OM&R costs for life of project



# REGIONAL WATER SYSTEM

## Purpose and Benefits

- ❖ Importation of additional water supply for:
  - Existing and future Pueblo needs (necessary to settle claims)
  - New non-Pueblo uses (protect aquifer and streams; clean water supply)
  - Voluntary connection of existing non-Pueblo users (protect aquifer and streams; clean water supply)
  
- ❖ Provides necessary infrastructure to:
  - Ensure reliable clean water supply to all valley residents
  - Provide renewable surface supply and protect basin aquifer
  - Enhanced fire protection



# Settlement Contingencies

- ❖ Regional Water Authority formed
- ❖ Final Decree (including all Pueblo and non-Pueblo water rights) entered by 2017
- ❖ Water supply acquired and transfers for Regional Water System approved by OSE
- ❖ Regional Water System “substantially complete” by 2024
- ❖ Federal and State appropriations
- ❖ Water Master Rules developed and promulgated with public notice and comment



# Conclusion

- ❖ The Settlement provides an opportunity to fully and finally resolve decades of conflict over water in the Pojoaque valley.
- ❖ The additional water for the Pojoaque valley provided by the Settlement through the regional water system will provide water certainty and security for future generations.
- ❖ The Pueblo of Pojoaque and its sister Pueblos look forward to fully implementing the Settlement in cooperation with all valley residents.