

## NEW MEXICO INTERSTATE STREAM COMMISSION

### COMMISSION MEMBERS

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JAMES WILCOX, Carlsbad



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STATE CAPITOL  
POST OFFICE BOX 25102  
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FAX: (505) 827-6188

July 23, 2010

Ms. Elizabeth Taylor  
Ms. Jolene McCaleb  
Taylor & McCaleb, P.A.  
Post Office Box 2540  
Corrales, New Mexico 87048-2540  
Via Facsimile (505) 888-6640

Richard B. Cole, Esq.  
Keleher & McLeod, P.A.  
P.O. Box AA  
Albuquerque, NM 87103  
Via Facsimile (505) 346-1370

Re: Documents on Amended Privilege Log in the lawsuit entitled "San Juan Water Commission v. John D'Antonio, New Mexico State Engineer", filed in the 11<sup>th</sup> Judicial District Court, docket number CV 2008-1699

Dear Liz, Jolene and Richard:

At our meeting on Monday, July 20, 2010, you asked Dan and me to further discuss certain documents on the Amended Privilege Log with Mr. Whipple, to either provide more information about the documents, or consider redacting them. Dan and I have discussed the documents with Mr. Whipple and have come to the following conclusions:

Document #1 - This is a communication between Mr. Whipple and ISC General Counsel Tanya Trujillo, in which Mr. Whipple requested Ms. Trujillo's legal review of Navajo Settlement provisions, and requested legal advice. The ISC will therefore continue to assert privileges on this document.

Document #2 - This is also a communication between Mr. Whipple and ISC General Counsel Tanya Trujillo, in which Mr. Whipple requested Ms. Trujillo's legal review of Navajo

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Ms. Elizabeth Taylor  
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Mr. Richard Cole  
July 23, 2010  
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Settlement provisions, and requested legal advice. The ISC will therefore continue to assert privileges on this document.

Document #s 3 and 4 - You asked for the September 6, 2006 letter referenced in these documents so that you could further assess privilege and/or relevancy. We are therefore producing a copy of the September, 2006 letter sent by Arizona to the Secretary of the Interior dated September 6, 2006.

Document #8 - This document memorializes discussions between Dan Rubin and Mr. Whipple. The OSE does not feel that it can redact the document, and will therefore continue to assert privileges on the document.

Document #9 - This document also memorializes discussions between Dan Rubin and Mr. Whipple. The OSE does not feel that it can redact the document, and will therefore continue to assert privileges on the document.

Document #11 - In our meeting on Monday, you indicated that issues 2 and 3 in this memo were irrelevant to your lawsuit. The OSE has therefore agreed to produce the document, with issues 2 and 3 redacted.

Document #16 - Mr. Whipple pointed out that one page of #16 is his notes from a meeting on 2/15/07 with Jim Dunlap, Liz Taylor, Randy Kirkpatrick, Estevan Lopez, Tanya Trujillo, DL Sanders and John Whipple. We will therefore produce this document to you. However, the other pages in #16 are Mr. Whipple's notes concerning this litigation, and possible settlement of this litigation, so the OSE will continue to assert privileges on these documents.

Document #31 - You indicated in our Monday meeting that all pages of this document were irrelevant, with the possible exception of the last page which references ALP. You also asked the ISC to produce a redacted version of this last page. Mr. Whipple indicates that the document was prepared in connection with Navajo Settlement negotiations. Therefore, the ISC must continue to assert privileges on this document.

Document #32 - This is apparently a document provided by Tom Turney to DL Sanders, with notes from Mr. Sanders on the document. At the Monday meeting, we agreed that DL Sander's notes on this document could be redacted. The OSE will therefore produce this document with the notes redacted.

Document #34 - At the Monday meeting, you indicated that, with regard to any draft depletion schedules, you were only interested in references to ALP and Navajo Gallup. You

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therefore asked us to produce only the pages of this document that relate to ALP and Navajo-Gallup. You also asked us to redact anything on those pages that were not related to ALP or Navajo-Gallup. The ISC will therefore produce the pages of this document that relate to ALP or Navajo-Gallup, redacted to delete topics on the page that are not related to ALP or Navajo-Gallup.

Document #35 - Mr. Whipple indicates that the document was prepared in connection with Navajo Settlement negotiations. Therefore, the ISC must continue to assert privileges on this document.

Document #36 - As per your request, the ISC will produce this document, redacted to show only ALP or Navajo-Gallup.

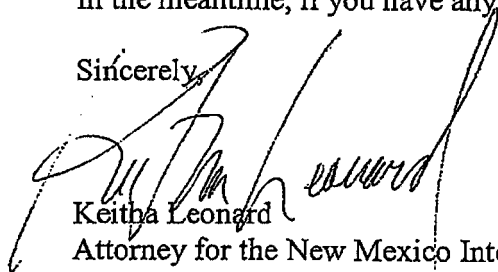
Document #38 - As per your request, the ISC will produce the pages of this document that relate to ALP or Navajo-Gallup, redacted to show only ALP or Navajo-Gallup.

Document #39 - Mr. Whipple indicates that the document was prepared in connection with Navajo Settlement negotiations. Therefore, the ISC must continue to assert privileges on this document.

I will fax the produced documents to you with this letter, so you will have them before the deposition of Mr. Whipple on July 26, 2010.

In the meantime, if you have any questions, please do not hesitate to contact me.

Sincerely,



Keitha Leonard  
Attorney for the New Mexico Interstate Stream Commission

cc: Mr. Dan Rubin, Attorney for the State Engineer  
Mr. DL Sanders, Chief Counsel for the Office of the State Engineer  
Ms. Amy Haas, General Counsel for the Interstate Stream Commission

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The Honorable Dirk Kempthorne  
September 6, 2006  
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supply and yield within the Colorado River Basin, including a revision of the natural flow data base. While the Upper Division States and the Upper Colorado River Commission have had an opportunity to participate and provide input into the draft 2006 Hydrologic Determination, the Lower Division States were not provided a copy of the draft 2006 Hydrologic Determination until after it had been submitted to the Commissioner of Reclamation for approval.

The Lower Division States appreciate the need for the Upper Division States to determine with reasonable certainty the amount of water that is likely to be available to support Upper Division projects while at the same time giving respect to obligations under the 1922 Colorado River Compact. This requires a very careful analysis of potential risk and that risk analysis should be clearly reflected in all documents such as the draft 2006 Hydrologic Determination. We believe that it is important that this determination should be based on a neutral set of assumptions and modeling approaches that do not prejudice either the Upper Division or Lower Division States.

#### Upper Basin's Water Delivery Obligation to the Lower Basin

The draft 2006 Hydrologic Determination states that: "Nothing in this report is intended to interpret the provisions of the Colorado River Compact (45 Stat. 1057), ....."; however, this determination only utilizes Reclamation's and the Upper Division States' assumptions regarding the water delivery obligation to the Lower Basin during the critical period. As both the Upper Division States and the Department of the Interior are well aware, it is the position of the Lower Division States that the delivery obligation of the Upper Division States to the Lower Division States under Article III(c) of the Colorado River Compact requires that one-half of the 1944 Mexican Treaty obligation and associated conveyance losses be delivered each year in addition to the 75 million acre-feet every ten years required by Article III(d) of the Compact. The Lower Division States' believe that our position regarding the Upper Basin's delivery obligation should be reflected in the hydrologic determination to more fairly show the range of potential risk that is being accepted by the Upper Division States.

#### Inclusion of Additional Reservoir Storage

The draft 2006 Hydrologic Determination assumes that reservoirs other than those of the Colorado River Storage Project (CRSP) initial units will be used to meet the water demands of the Upper Division States during the critical period of below normal water supply and will be drawn down proportionally with CRSP reservoirs during the critical period. Previous Hydrologic Determinations did not rely on the use of these other reservoirs to determine the water available from Navajo Reservoir and the Upper Colorado River Basin for use in New Mexico. This assumption adds about 4.5 million acre-feet of water that contributes to the yield determination and is utilized during the critical period. Although this water will be available for use in the Upper Division States during the critical period, it will be utilized by specific water right holders and may not be drawn upon in the same fashion as CRSP reservoirs absent the negotiation and execution of operating agreements within the Upper Basin.

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The Honorable Dirk Kempthorne  
September 6, 2006  
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We question Reclamation's inclusion of this additional storage in the draft 2006 Hydrologic Determination while excluding such storage in its annual determination of whether projected Upper Basin storage is sufficient to meet storage requirements under section 602(a) of the Colorado River Basin Project Act.

### Reclamation Analysis and Conclusions

The draft 2006 Hydrologic Determination uses a "mass balance" analysis, rather than Reclamation's Colorado River Simulation System (CRSS), which is the analytical model used in all other decisional documents prepared by Reclamation regarding Colorado River management. The draft 2006 Hydrologic Determination also appears to be based solely on one hydrologic trace—as compared to the nearly 100 traces used to support the seven states' negotiations—and assumes that all reservoirs are full to begin the cycle. Moreover, the trace used in the draft 2006 Hydrologic Determination ends with the year 2000, just as the Colorado River Basin began one of its driest periods on record. These analytical inconsistencies call into question the report's conclusion.

The draft 2006 Hydrologic Determination assumes an overall shortage in the Upper Basin's consumptive use of six percent during the critical period in order to conclude that at least 5.76 million acre-feet of water is available for use by the Upper Basin, exclusive of reservoir evaporation at CRSP reservoirs. In its June 9, 2006, Resolution, the Upper Colorado River Commission opposes the use of this assumption; however absent that assumption, the conclusion reached in the hydrologic determination and supported by the Upper Colorado River Commission may not be valid under either Reclamation's or the Lower Division States' assumption regarding the Upper Basin's delivery obligation under Article III(c) of the Colorado River Compact. Also, several statements are made in the draft 2006 Hydrologic Determination regarding a Colorado River Compact call; however, no analysis, such as that contained in the 1988 Hydrologic Determination was conducted.

### Conclusion

The Lower Division States support negotiated water rights settlements with all Tribal nations including the proposed Navajo settlement. We understand that the purpose of the draft 2006 Hydrologic Determination is to support additional Colorado River water use in New Mexico that may be necessary to resolve the water rights claims of the Navajo Nation. While we do support New Mexico's efforts to reach a Navajo settlement, the proposal to divert water in the Upper Basin for use in the Lower Basin raises legal and policy concerns that will need to be addressed in a collaborative setting involving all seven Basin States and included in any legislation authorizing the settlement.

We appreciate this opportunity to express our views regarding Reclamation's May 2006 draft Hydrologic Determination regarding the Water Available from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico. Before granting your approval of the draft 2006 Hydrologic Determination, we urge you to direct Reclamation to reexamine its analysis in response to

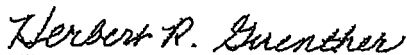
(6)

The Honorable Dirk Kempthorne  
 September 6, 2006  
 Page 4

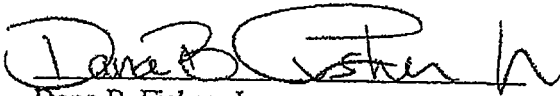
the concerns raised in this letter. We stand ready to work with you, Reclamation and the Upper Division States to address our concerns regarding the draft 2006 Hydrologic Determination and related issues, as well as other issues of mutual interest in the Colorado River Basin.

We would appreciate a response from Reclamation to the concerns raised in this letter. Thank you for your consideration.

Sincerely,



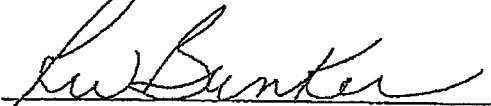
Herbert R. Guenther  
 Director  
 Arizona Department of Water Resources



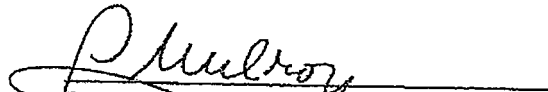
Dana B. Fisher, Jr.  
 Chairman  
 Colorado River Board of California



Gerald R. Zimmerman  
 Executive Director  
 Colorado River Board of California



Richard Bunker  
 Chairman  
 Colorado River Commission of Nevada



Patricia Mulroy  
 General Manager  
 Southern Nevada Water Authority

cc: Upper and Lower Colorado Regional Directors (USBR)  
 Upper Colorado River Division States  
 Upper Colorado River Commission

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*John C. Cooney*

MEMORANDUM  
September 1, 2005

To: John R. D'Antonio, Jr., State Engineer

From: John Whipple, Interstate Stream Commission staff

Copy: Estevan Lopez, Interstate Stream Engineer  
DL Sanders, Chief Counsel, Office of the State Engineer  
John Romero, Director, Water Resource Allocation Program  
Jim Sizemore, Water Rights Director

Subject: The San Juan Water Commission's requests for: (1) reassignment of Permit No. 2883 from the Department of the Interior to the Animas-La Plata Project beneficiaries that are represented by the Commission; (2) approval of the Commission's proposed Return Flow Plan and Crediting Program; and (3) transfer of unused irrigation water rights from impervious areas to the Commission or its member entities for municipal and domestic uses.

The San Juan Water Commission via letter dated August 19, 2005, requests a working meeting with the State Engineer to discuss the subject three requests. The requests are discussed below. The Commission is a joint powers entity that represents certain water interests of the cities of Farmington, Aztec and Bloomfield, San Juan County, and several domestic water suppliers.

First, the Commission requests that the State Engineer, pursuant to Section 15(a) of the Colorado Ute Settlement Act Amendments of 2000, request the Secretary of the Interior to assign the Department of the Interior's interest in that portion of Permit No. 2883 that is currently covered by New Mexico State Engineer Permit Nos. 4487 through 4501 to the associated beneficiaries of the Animas-La Plata Project. The total amounts of diversion and depletion under the subject permits are 30,800 acre-feet and 15,400 acre-feet per year, respectively. The Act authorizes a total allocation to the San Juan Water Commission member entities for use under the Project of 10,400 acre-feet of depletion per year. Permit Nos. 4487 through 4497 and 4499 through 4501 have a total diversion of 20,800 acre-feet and a total depletion of 10,400 acre-feet per year, which depletion amount is equivalent to the amount authorized for the Commission by the Act. The diversion amount can be up to twice the depletion pending State Engineer approval of a return flow plan. Permit No. 4498 allows for an additional diversion of up to 10,000 acre-feet to make an additional depletion of up to 5,000 acre-feet per year by the Commission under the water rights associated with Permit No. 2883.

New Mexico's schedule of anticipated depletions in the Upper Basin prepared for the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement includes only 10,400 acre-feet per year of depletion for San Juan Water Commission uses

*Document # 11 in Amended Privilege Log  
(4 pages total)*

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under the Project. Assignment of the subject rights from the United States to the Commission is premature pending final resolution and completion of implementation requirements of Indian water rights settlements in New Mexico and Colorado.

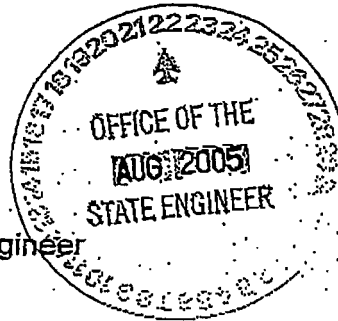
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# San Juan Water Commission

7450 East Main Street, Suite B • Farmington • New Mexico • 87402  
Office: 505-564-8989 • Fax: 505-564-3322 • Email: sjwcoffice@sjwc.org

MEMBERS:  
City of Artec  
City of Bloomfield  
City of Farmington  
San Juan County  
S.J. County Rural Water Users Assoc

August 19, 2005



John D'Antonio, NM State Engineer  
P.O. Box 25102  
Santa Fe, NM 87102-5102

VIA FACSIMILE  
No. 505-827-3806

*AP*  
*Romero*  
*S. Sizemore*  
*Esteban*  
*W...*

Re: Assignment of New Mexico Permit No. 2883, SJWC Return Flow Plan and Crediting Program, and Using GIS and Aerial Photography to determine loss of Irrigation Water to Impervious Surfaces

Dear Mr. D'Antonio,

The purpose of this letter is to briefly review four important issues facing the San Juan Water Commission ("Commission") that require the assistance of the Office of the State Engineer and to ask to meet with you to develop a plan for addressing them:

The primary issue is a relatively new one, the letter dated July 19, 2005 from Jim L. Sizemore RE, Application filed in the name of the San Juan Water Commission to Obtain and Hold Water Rights for Future Needs by Member Entities. The issue of the Commission ability to protect its water pursuant to New Mexico's 40 year planning statute, NMSA Sec. 72-1-9 and the determination in the letter that one of the water rights would be considered invalid. Both of these issues bear directly on the following and require resolution.

The members of the Commission have recognized and appreciate the Office of the State Engineer's long-standing support of the Animas La Plata Project and other Commission-related interests. We are now ready, and request your assistance, in implementing the terms in federal legislation related to Permit No. 2883, to benefit the citizens of New Mexico and, in particular, the residents of San Juan County.

As you know, under section 15(a) of the Colorado Ute Settlement Act Amendments of 2000, the New Mexico State Engineer can request the Secretary of the Interior to assign her interest in Permit No. 2883 back to the beneficiaries of the Animas La Plata Project. We request now that you ask the Secretary to assign the part of Permit No. 2883 that is currently covered by New Mexico

Permit Nos. 4487 through 4501. The San Juan Water Commission is already using the water beneficially via our Repayment Contract with the Bureau of Reclamation.

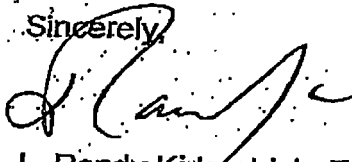
On July 27, 1999, the Commission submitted a Return Flow Plan and Crediting Program to allow it to fully utilize its consumptive water rights, and to develop a uniformly consistent procedure for its members utilizing the Commission water. It is our understanding, and not surprisingly since we worked with him during its development, that Brian Wilson reviewed and approved the document prior to May 17, 2000. However, we have not yet received any acknowledgement of the status of the proposal, which we feel is a critical issue. We would appreciate your assistance in moving this proposal from internal approval to final issuance of a return flow credit plan.

The Commission has identified and developed a method using GIS to determine the amount of irrigated acreage and concomitant water right associated with the installation of impervious surfaces, such as driveway, streets, and buildings within the service areas of our members. The member entities that provide the water service to these areas should be able to file "claims" for this water or otherwise receive this water to serve the same area.

Our request is to have a working meeting with you and any appropriate staff in the very near future to discuss the above issues, and to seek a common strategy regarding each. Attending from the Commission would be our legal consultant, consulting engineer, Executive Director and no more than two Commissioners.

Please contact our office at 505-564-8969 to coordinate a meeting.

Sincerely,



L. Randy Kirkpatrick, Executive Director  
San Juan Water Commission.

STWC mtg. - 2/15/07 Jim Dunlop  
Liz Taylor  
Randy Kinkpotich Estevan  
Touge  
Dill  
me

re: ALP application and Navajo Settlement

- 1956 NOI for ALP (assigned to DOI) 48%
- 1995 amendments to 72-5-33 NMISA
- 2000 Ute Settlement Amendments
- 1979 Definite Plan Report - 34 TAF Dep. in NMP under 2883
- 1988 Hydro. Determin. - 34 TAF for ALP
- 1996 ALP div. permits - STWC entities 15.4%
- STWC applied for 5 TAF diff. (15.4 reduced to 10.4 TAF by Amendments) in Jan 2001

STWC issues

what → STWC - no part in settlement negotiations  
 Seymour letter rejecting application Dec. 20  
 what does settlement have to do with STWC app.  
 Also narrow to accept - Narrow provisions under 72-5-33 to reject app.  
 what → Just learned/seen 2006 draft HD and new  
 dep. sched. w/ only 13.6 for ALP (inc. 10.4 STWC

Need certainty of getting 5 TAF <sup>back</sup> (at least) -  
 STWC Commissioners for Farmington, Aztec, ~~Blanco~~ <sup>Blanco</sup> ~~County~~ <sup>County</sup>  
 priority issue - 1956 or 1938?

OSE-2704

other issues for STWC - ALP permit 2883  
 Reassign to STWC 10.4 of ALP permit 2883  
 40-yr planning authority to hold rights  
 Return flow plan approved  
 Alternate points of Diversion  
 city/STWC assignment of unused Echo Ditch  
 (historical use portion or unused capacity)

3rd page of Documents #16  
 Amended Privilege  
 Log (1 page total)

*DL Sanders received  
from Tom Turner*

### Depletion Schedule Scenarios

Upper Basin Depletions--New Mexico

1000's of afy

	2060 ISC Dec-03	2060 ISC Jul-04	BOR Navajo Operation EIS
<b>CURRENT DEPLETIONS</b>			
<i>Agriculture-Irrigation &amp; stock use</i>			
Navajo Irrigation			
Navajo Indian Irrigation Project (NIIP)	149.4	149.4	149.4
Fruitland-Cambridge Irrig Project	7.9	7.6	7.9
Hogback-Cudei Irrig Project	13.0	13.0	13.0
Chaco River drainage irrig	3.1	3.1	3.3
Crystal area irrigation	0.3	0.3	0.0
<b>Total</b>	<b>173.7</b>	<b>173.4</b>	<b>173.6</b>
<i>Non-Navajo Irrigation</i>			
Above Navajo Irrigation	1.7	1.7	0.7
Upper San Juan (exc. Jicarilla)	8.2	8.2	9.1
Hammond Irrigation Project	9.2	9.2	10.3
Animas River ditches	31.7	31.7	36.7
La Plata Ditches	5.1	5.1	9.7
Farmers Mutual Ditch	8.8	8.8	9.5
Jewett Valley Ditch	2.8	2.8	3.1
Jicarilla Apache			2.2
Chaco River Drainage irrigation	0.7	0.7	
Miscellaneous irrigation			0.1
Non-Navajo Irrigation Subtotal	68.2	68.2	81.3
Stockpond Evaporation and Stock Use	4.3	4.3	2.2
<b>Agricultural - Irrigations and Stock Total</b>	<b>246.2</b>	<b>245.9</b>	<b>257.1</b>
<i>Municipal and Domestic Use</i>			
Municipal and Industrial	8.9	9.7	8.4
Aztec			
Direct Diversion-Permit 2800			
604 Lots-- Echo Ditch Decree			
Bloomfield			
Farmington			
Farmington Lake Direct Diversion			
10 cfs Direct Diversion			
KutzCanyon Irrigation Co Transfer			
Trust Right			
Municipal and Industrial Subtotal	8.9	9.7	8.4
Scattered Rural Domestic (inc. Jicarilla)	1.6	1.2	1.4
<b>Municipal and Domestic Total</b>	<b>10.5</b>	<b>10.9</b>	<b>9.8</b>
<i>Power and Industrial User</i>			
Nav -Shiprock Helium, Kerr McKee, Nav Mis			2.7
PNM-Navajo Reservoir Supply	16.2	16.2	16.2
Jicarilla-small service contracts			0.7
BHP Billion, Inc.	39.0	39.0	39.0

*Document # 32  
in Amended  
Privilege Log  
(3 pages total)*

	2060 ISC Dec-03	2060 ISC Jul-04	Navajo Operation EIS
Bloomfield Industrial	2.5	2.5	2.5
Power and Industrial Total	57.7	57.7	61.1
BOR adjusted Comprehensive Framework Study			
Export - San Juan - Chama Project	107.5	107.5	107.5
Reservoir Evaporation			
Navajo Reservoir Evaporation	26.5	26.5	27.4
Small Reservoir Evaporation	1.2	1.2	0.0
Reservoir Evaporation Total	27.7	27.7	27.4
<b>TOTAL CURRENT DEPLETIONS</b>	<b>449.6</b>	<b>449.7</b>	<b>462.9</b>
<b>ANTICIPATED DEPLETIONS</b>			
Agricultural - Irrigation & Stock Uses			
NIIP Completion	104.6	107.1	120.6
Fruitland Hogback Rehabilitation	7.0	7.2	16.4
Agricultural - Irrigation and Stock Total	111.6	114.3	137.0
Municipal and Domestic Uses			
Animas-La Plata Project			
San Juan Water Commission	10.4	10.4	10.4
Navajo Nation	2.3	2.3	2.3
La Plata Conservancy District	0.8	0.8	0.8
Ridges Basin Evap. - NM share	0.1	0.1	0.1
Animas - La Plata Subtotal	13.6	13.6	13.6
Unspecified depletions			3.8
Jicarilla Apache Nation	0.6	0.6	0.8
Municipal and Domestic Total	14.2	14.2	18.2
<b>TOTAL ANTICIPATED DEPLETIONS</b>	<b>125.8</b>	<b>128.5</b>	<b>155.2</b>
<b>POTENTIAL DEPLETIONS</b>			
Municipal and Domestic Uses			
Navajo-Gallup Water Supply Project			
Navajo Nation	12.5	12.5	14.4
Jicarilla Apache Nation	1.2	1.2	1.2
Navajo-Gallup Project Subtotal	13.7	13.7	15.6
Ute Mountain Ute			
Navajo Nation	2.0	2.0	2.0
Municipal and Domestic Total	15.7	15.7	17.6
Fish and Wildlife			1.4
Power and Industrial Uses			

	2060 ISC Dec-03	2060 ISC Jul-04	Navajo Operation EIS
Navajo-Gallup Project - NAPI	0.7	0.7	
Small Navajo Res. Contacts	0.1	0.1	
Power and Industrial Total	0.8	0.8	0.0
Export - Navajo-Gallup Project			
Navajo Nation in New Mexico	6.4	7.6	6.4
City of Gallup--from Jicarilla Apache	7.5	7.5	7.5
Export Total	13.9	15.1	13.9
<b>TOTAL POTENTIAL DEPLETIONS</b>	<b>30.4</b>	<b>31.6</b>	<b>32.9</b>
<b>TOTAL NEW MEXICO DEPLETIONS</b>	<b>605.8</b>	<b>609.8</b>	<b>651.0</b>
Evaporation-CRSP Storage Units (10)	58.0	58.0	58.0
<b>TOTAL DEPLETIONS</b>	<b>663.8</b>	<b>667.8</b>	<b>709.0</b>
State Share of 6.0 MAF	669.0	669.0	669.0
<b>Remaining Available</b>	<b>5.2</b>	<b>1.2</b>	<b>-40.0</b>

units - 1000 af-ft

Year	1990	2000	2010	2020	2030	2040	2050	2060
			7.5	6.8	1.9			

ALP / Nav. Gallup  
 pages from  
 Document # 34  
 in Amended  
 Privilege Log  
 (3 pages total)

[REDACTED TABLE]

[REDACTED]

ANTICIPATED DEPLEPTIONS

Municipal/Domestic (rounded)	0	1	10	14	15	15	15	15
Animas-La Plata:								
SJWC (4)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	1.0	10.4	13.3	13.6	13.6	13.6	13.6
Jicarilla (5)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	1.0	10.4	14.1	15.0	15.4	15.4	15.4

POTENTIAL DEPLEPTIONS

Agricultural- Irrig. & Stock	0	0	0	0	0	0	0	0
Municipal/Domestic (NGP- Navajo)	0	0	0	6	10	11	11	11
Municipal/Domestic (Navajo)	0	0	0	1	2	3	4	5
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7

NGP - 2 redist.  
 ship. - 1 x  
 gw - 2 - 1

Export - Navajo/Gallup (rounded)	0	0	0	6	9	14	14	14
Gallup (lease from Jicarilla)	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	4.0	6.1	6.1	6.1 + 2
Export Subtotal	0.0	0.0	0.0	5.5	9.0	13.6	13.6	13.6

Jic. irrig. to export  
 not work any Gallups

(4) SJWC member entities in 2000 used direct flow of Animas River under ALP permits.  
 (5) Jicarilla may use 1,200 a-f through Navajo/Gallup Project on south part of reservation.



NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

*Oct. 17, 2003 - Construction*

October 2003

Year 1990 2000 2010 2020 2030 2040 2050 2060



Animas-La Plata:								
SJWC (4)	0.0	1.0	10.4	10.4	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	1.0	10.4	13.3	13.6	13.6	13.6	13.6
Jicarilla (5)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	1.0	10.4	14.1	15.0	15.4	15.4	15.4
<b>TOTAL ANTICIPATED DEPLETIONS</b>	<b>449</b>	<b>450</b>	<b>549</b>	<b>675</b>	<b>577</b>	<b>577</b>	<b>577</b>	<b>577</b>
<b>POTENTIAL DEPLETIONS</b>								
Agricultural- Irrig. & Stock	0	0	0	0	0	0	0	0
Municipal/Domestic (NGP- Navajo)	0	0	0	6	10	11	11	11
Municipal/Domestic (Navajo)	0	0	0	1	2	3	4	5
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo/Gallup (rounded)	0	0	0	6	9	14	14	14
Gallup (lease from Jicarilla)	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	4.0	6.1	6.1	6.1
Export Subtotal	0.0	0.0	0.0	5.5	9.0	13.8	13.6	13.6

(4) SJWC member entitlements in 2000 used direct flow of Animas River under ALP permits.  
 (5) Jicarilla may use 1,200 a-f through Navajo/Gallup Project on south part of reservation.

(117)



New Mexico Depletions - San Juan River Basin  
At site 1000 AF

Projects

[REDACTED]

APLP

59.0

[REDACTED]

[REDACTED]

[REDACTED]

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Amended Privilege Log (1 page total)

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DEPLETIONS IN THE SAN JUAN RIVER BASIN IN NEW MEXICO  
(Units: acre-feet)

July 17, 2001, draft

PROJECT OR USE	AUTHORIZED		BASELINE		DEPLETION SCHEDULE		CURRENT (MODEL)
	ORIGINAL	ADJ. FOR MOD. B-C	EXISTING MODEL	NEW MEXICO	2000	2060	

Animas-La Plata	2,360	2,360	2,340	2,340	0	2,360	0	
Navajo-Gallup	<del>20,784</del>	<del>20,784</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>20,784</del>	<del>0</del>	18,784

Animas-La Plata	11,300	11,300	12,000	12,000	0	11,250	0
Navajo-Gallup	7,500	7,500	0	0	0	7,500	0

Pages of Document # 38 in  
Privilege Log that Show ALP or Navajo - Gallup  
(4 pages total)

(20)

July 17, 2001, draft

DEPLETIONS IN THE SAN JUAN RIVER BASIN IN NEW MEXICO  
(Units: acre-feet)

PROJECT OR USE	AUTHORIZED		BASELINE		DEPLETION SCHEDULE		CURRENT (MODEL)
	ORIGINAL	ADJ. FOR MOD. B-C	EXISTING MODEL	NEW MEXICO	2000	2060	

Animas-La Plata	2,360	2,360	2,340	2,340	0	2,360	0
Navajo-Gallup	18,784	18,784	0	0	0	18,784	0

Animas-La Plata	11,300	11,300	12,000	12,000	0	11,250	0
Navajo-Gallup	7,500	7,500	0	0	0	7,500	0

(21)

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

Proposed July 17, 2001

Year 1990 2000 2010 2020 2030 2040 2050 2060

ANTICIPATED DEPLETIONS

Animas-La Plata:								
SJWC	0.0	0.0	5.0	7.0	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	0.0	5.0	9.9	13.6	13.6	13.6	13.6
Jicarilla (3)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	0.0	5.0	10.7	15.0	15.4	15.4	15.4

*Handwritten note:*  
 This -  
 Navajo M&I/Depl  
 further loss - see below  
 rights tied to 20%  
 demand - how justify  
 SJWC part 2040 down  
 follow

POTENTIAL DEPLETIONS

Municipal/Domestic (NGP - Navajo)	0	0	0	6	10	12	12	12
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo/Gallup (rounded)	0	0	0	6	11	15	15	15
Gallup (lease from Jicarilla)	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	2.0	2.0	2.0	2.0
Export Subtotal	0.0	0.0	0.0	5.5	11.0	15.1	15.1	15.1

*Handwritten circled number:* 122

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

Proposed July 17, 2001

*hold*

Year	1990	2000	2010	2020	2030	2040	2050	2060
Animas-La Plata:								
SJWC	0.0	0.0	5.0	7.0	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	0.0	5.0	9.9	13.6	13.6	13.6	13.6
Jicarilla (3)	0.0	0.0	0.0	4.3	6.4	9.3	9.3	9.3
Municipal/Domestic Subtotal	0.0	0.0	5.0	14.2	20.0	22.9	22.9	22.9
<hr/>								
POTENTIAL APPLICATIONS								
Municipal/Domestic (NGL - Navajo)	0	0	0	6	10	12	12	12
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
<hr/>								
Export - Navajo/Gallup (rounded)	0	0	0	6	11	15	15	15
Gallup	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	6.0	7.6	7.6	7.6
Export Subtotal	0.0	0.0	0.0	5.5	11.0	15.1	15.1	15.1

(3) Jicarilla may use 8,700 a-f of total through Navajo/Gallup Project (7,500 a-f lease to Gallup; 1,200 a-f use on south part of reservation)

(23)







DEPLETIONS IN THE SAN JUAN RIVER BASIN IN NEW MEXICO  
(Units: acre-feet)

July 17, 2001, draft

PROJECT OR USE	AUTHORIZED		BASELINE		DEPLETION SCHEDULE		CURRENT (MODEL)
	ORIGINAL	ADJ. FOR MOD. B-C	EXISTING MODEL	NEW MEXICO	2000	2060	
Animas-La Plata Navajo-Gallup	2,360 <del>20,784</del>	2,360 <del>20,784</del>	2,340 <del>0</del>	2,340 <del>0</del>	0 <del>0</del>	2,360 <del>20,784</del>	0 <del>0</del>
							18,784

Animas-La Plata	11,300	11,300	12,000	12,000	0	11,250	0
Navajo-Gallup	7,500	7,500	0	0	0	7,500	0

Pages of Document # 38 in  
 Privilege Log that Show ALP or Navajo - Gallup  
 (4 pages total)

(20)

July 17, 2001, draft

DEPLETIONS IN THE SAN JUAN RIVER BASIN IN NEW MEXICO  
(Units: acre-feet)

PROJECT OR USE	AUTHORIZED		BASELINE		DEPLETION SCHEDULE		CURRENT (MODEL)
	ORIGINAL	ADJ. FOR MOD. B-C	EXISTING MODEL	NEW MEXICO	2000	2060	

Animas-La Plata	2,360	2,360	2,340	2,340	0	2,360	0
Navajo-Gallup	18,784	18,784	0	0	0	18,784	0

Animas-La Plata	11,300	11,300	12,000	12,000	0	11,250	0
Navajo-Gallup	7,500	7,500	0	0	0	7,500	0

(21)

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

Proposed July 17, 2001

Year 1990 2000 2010 2020 2030 2040 2050 2060

ANTICIPATED DEPLETIONS

Animas-La Plata								
SJWC	0.0	0.0	5.0	7.0	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	0.0	5.0	9.9	13.6	13.6	13.6	13.6
Jicarilla (3)	0.0	0.0	0.0	0.8	1.4	1.8	1.8	1.8
Municipal/Domestic Subtotal	0.0	0.0	5.0	10.7	15.0	15.4	15.4	15.4

*Think - Navajo M&I/Domestic full on lease results rights tied to 2040 demand - how justify SJWC part 2040 decision*

POTENTIAL DEPLETIONS

Municipal/Domestic (NGP-Navajo)	0	0	0	6	10	12	12	12
Navajo/Gallup - NAP?	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
Export - Navajo/Gallup (rounded)	0	0	0	8	11	15	15	15
Gallup (lease from Jicarilla)	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo In NM	0.0	0.0	0.0	2.0	5.4	205.6	205.6	205.6
Export Subtotal	0.0	0.0	0.0	5.5	11.0	15.1	15.1	15.1

*(122)*

NEW MEXICO ANTICIPATED DEPLETION SCHEDULE

Proposed July 17, 2001

*hold*

Year 1990 2000 2010 2020 2030 2040 2050 2060

Animas-La Plata:								
S.AWC	0.0	0.0	5.0	7.0	10.4	10.4	10.4	10.4
Navajo	0.0	0.0	0.0	2.0	2.3	2.3	2.3	2.3
LPCD	0.0	0.0	0.0	0.8	0.8	0.8	0.8	0.8
Ridges Basin Reservoir Evap	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Animas-La Plata Subtotal	0.0	0.0	5.0	9.9	13.6	13.6	13.6	13.6
Jicarilla (3)	0.0	0.0	0.0	4.3	6.4	9.3	9.3	9.3
Municipal/Domestic Subtotal	0.0	0.0	5.0	14.2	20.0	22.9	22.9	22.9
<hr/>								
POTENTIAL APPLICATIONS								
Municipal/Domestic (NGP-Navajo)	0	0	0	6	10	12	12	12
Navajo/Gallup - NAPI	0.0	0.0	0.0	0.7	0.7	0.7	0.7	0.7
<hr/>								
Export - Navajo/Gallup (rounded)	0	0	0	6	11	15	15	15
Gallup	0.0	0.0	0.0	3.5	5.0	7.5	7.5	7.5
Navajo in NM	0.0	0.0	0.0	2.0	6.0	7.6	7.6	7.6
Export Subtotal	0.0	0.0	0.0	5.5	11.0	15.1	15.1	15.1

(3) Jicarilla may use 8,700 a-f of total through Navajo/Gallup Project (7,500 a-f lease to Gallup; 1,200 a-f use on south part of reservation)

(123)