

Meeting Date: April 20, 2022  
Staff Contact: Mark Kelly, Water Resources Manager

**TITLE:** R-22-9 Authorizing Negotiation and Execution of an Agreement between the U.S. Department of the Interior, Bureau of Reclamation, the Middle Rio Grande Conservancy District, and the Albuquerque Bernalillo County Water Utility Authority to Facilitate Retention of Native Rio Grande water for the six Middle Rio Grande Pueblos in Abiquiu Reservoir

**ACTION:** Recommend Approval

**SUMMARY:**

The Albuquerque Bernalillo County Water Utility Authority (Water Authority) is partnering with the U.S. Bureau of Reclamation (BOR), the Middle Rio Grande Conservancy District, and the U.S. Army Corps of Engineers (Corps) to facilitate three (3) years of temporary storage in Abiquiu Reservoir of native Rio Grande Prior and Paramount (P&P) system water as needed to use by the Federally recognized six Middle Rio Grande (MRG) Pueblos. The Native Rio Grande P&P water would normally be retained in El Vado Reservoir but alternative temporary storage downstream in Abiquiu Reservoir is required while BOR completes dam safety improvements to El Vado Dam. To facilitate the proposed storage, the Resolution authorizes the Executive Director to negotiate and execute an agreement between the BOR, MRGCD and the Water Authority allowing the BOR and MRGCD to store up to 20,000 acre-feet of water per year for no more than three years in Abiquiu Reservoir using fee simple property and easements owned by the Water Authority.

**FISCAL IMPACT:** None.



1 WHEREAS, Native Rio Grande P&P water that would normally be stored in El  
2 Vado Reservoir requires temporary storage downstream in Abiquiu Reservoir until the  
3 completion of SOD related construction at El Vado Dam; and

4 WHEREAS, On February 21, 2022, the U.S. Army Corps of Engineers (USACE)  
5 received advice and consent from the Texas Rio Grande Compact Commissioner to  
6 deviate from the current Water Control Plan for Abiquiu Dam and Reservoir and allow  
7 storage native Rio Grande P&P water in Abiquiu Reservoir; and

8 WHEREAS, On March 1, 2022, the U.S. Army Corps of Engineers (USACE)  
9 received advice and consent from the Colorado Rio Grande Compact Commissioner to  
10 deviate from the current Water Control Plan for Abiquiu Dam and Reservoir and allow  
11 storage native Rio Grande P&P water in Abiquiu Reservoir; and

12 WHEREAS, Reclamation, on behalf of the Secretary of the Interior, desires to  
13 facilitate temporary storage retention of up to 20,000 AF of native Rio Grande system  
14 water in Abiquiu Reservoir for Prior and Paramount irrigation for the six MRG Pueblos  
15 during construction at El Vado; and

16 WHEREAS, consistent with the Act of December 27, 2020 (P.L. 116-260, Sec  
17 337), the Water Authority has requested that USACE amend Contract No. DACW47-86-  
18 C-0009 dated March 20, 1986 to allow for the concurrent storage of native Rio Grande  
19 system water and SJCP water to facilitate the temporary storage of Prior and Paramount  
20 irrigation water for the six MRG Pueblos during construction at El Vado; and

21 WHEREAS, the Water Authority is willing to assist Reclamation to retain P&P  
22 water in Abiquiu Reservoir for use by the six MRG Pueblos by providing temporary  
23 storage space for native Rio Grande system water as authorized in an amended storage  
24 contract.

25 BE IT RESOLVED BY THE WATER AUTHORITY THAT: The Executive Director  
26 requests the ability to confer with the Bureau of Reclamation and USACE to enter into  
27 storage agreements and storage contract amendments as necessary to facilitate  
28 storage of Prior and Paramount water; and

29 HEREBY AUTHORIZES the Executive Director to act on behalf of the Water Authority  
30 to sign agreements and/or contract amendments with the USACE and the USBR to  
31 support the request for the storage of Prior and Paramount water in Abiquiu Reservoir.  
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# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO.       F/S R-22-9      

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## RESOLUTION

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**AUTHORIZING NEGOTIATION AND EXECUTION OF AN AGREEMENT BETWEEN**

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**THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, THE**

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**MIDDLE RIO GRANDE CONSERVANCY DISTRICT, AND THE ALBUQUERQUE**

5

**BERNALILLO COUNTY WATER UTILITY AUTHORITY TO FACILITATE RETENTION**

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**OF NATIVE RIO GRANDE WATER FOR THE SIX MIDDLE RIO GRANDE PUEBLOS**

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**IN ABIQUIU RESERVOIR**

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WHEREAS, Congress authorized the Secretary of the Army in the Act of

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December 29, 1981 (P.L. 97-140, 95 Stat. 1717) to store up to 200,000 AF of San Juan-

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Chama Project (SJCP) water in Abiquiu Reservoir; and

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WHEREAS, the Albuquerque Bernalillo County Water Utility Authority (Water

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Authority) has the right under a contract with the Army Corps of Engineers (USACE) to

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store up to 170,900 acre-feet of SJCP water and has acquired fee simple land and

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easements from private landholders surrounding Abiquiu Reservoir to facilitate water

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storage up to sea level elevation 6220' and

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WHEREAS, Congress authorized the Secretary of the Army in the Act of October

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24, 1988 (P.L. 100-522, 102 Stat. 2604) to store 200,000 AF of Rio Grande system water

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in lieu of SJCP water authorized under Section 5 of P.L. 97-140; and

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WHEREAS, Congress authorized the Secretary of the Army in the Act of

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December 27, 2020 (P.L. 116-260, Sec 337), which amended P.L. 97-140 and P.L. 100-

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522, to concurrently store native Rio Grande system water and SJCP water in Abiquiu

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Reservoir up to elevation 6230.00 NGVD29; and

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WHEREAS, El Vado Reservoir is utilized by the Bureau of Reclamation

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(Reclamation) and the Middle Rio Grande Conservancy District (MRGCD) to retain native

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Rio Grande water for, among others, the Federally recognized native Rio Grande Prior

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and Paramount (P&P) requirements of the six Middle Rio Grande (MRG) Pueblos; and

1 WHEREAS, Reclamation commenced Safety of Dams (SOD) Corrective Action  
2 construction on El Vado Dam which will prevent the usual annual retention of P&P  
3 irrigation water for the six MRG Pueblos in El Vado Reservoir; and

4 WHEREAS, Native Rio Grande P&P water that would normally be retained in El  
5 Vado Reservoir requires temporary retention downstream in Abiquiu Reservoir until the  
6 completion of SOD related construction at El Vado Dam; and

7 WHEREAS, The U.S. Army Corps of Engineers (USACE) has received advice and  
8 consent from the Rio Grande Compact Commissioners to deviate from the current Water  
9 Control Plan for Abiquiu Dam and Reservoir and allow retention of native Rio Grande  
10 P&P water in Abiquiu Reservoir; and

11 WHEREAS, Reclamation and MRGCD desire to facilitate temporary retention of  
12 up to 20,000 AF of native Rio Grande system water in Abiquiu Reservoir for Prior and  
13 Paramount irrigation for the six MRG Pueblos during construction at El Vado; and

14 WHEREAS, consistent with the Act of December 27, 2020 (P.L. 116-260, Sec  
15 337), the Water Authority has requested that USACE amend Contract No. DACW47-86-  
16 C-0009 dated March 20, 1986, to allow for the concurrent storage of native Rio Grande  
17 system water and SJCP water but amendment to that contract has not completed the  
18 USACE approval process; and

19 WHEREAS, the Water Authority is willing to assist Reclamation and MRGCD to  
20 retain P&P water in Abiquiu Reservoir for use by the six MRG Pueblos by allowing the  
21 utilization of the Water Authority's fee simple land and easements for Reclamation and  
22 MRGCD to temporarily retain native Rio Grande P&P water; and

23 WHEREAS, without use of the Water Authority's fee simple land and easements,  
24 Reclamation and MRGCD cannot retain native Rio Grande P&P water in Abiquiu  
25 Reservoir for use by the six MRG Pueblos; and

26 WHEREAS, this agreement supports future native Rio Grande system water  
27 storage for the Water Authority and promotes regional cooperation consistent with the  
28 Water Authority policies adopted in Water 2120.

29 BE IT RESOLVED BY THE WATER AUTHORITY THAT: The Executive Director  
30 requests the ability to confer with Reclamation, MRGCD and USACE to enter into an  
31 Agreement that facilitates native water retention of up to 20,000 AF of P&P water  
32 through the use of Abiquiu Reservoir fee simple land and easements owned by the  
33 Water Authority; and

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

1   HEREBY AUTHORIZES the Executive Director to act on behalf of the Water Authority  
2   to sign an agreement with Reclamation and MRGCD which supports the request for the  
3   retention of P&P water in Abiquiu Reservoir on the Water Authority's fee simple land  
4   and easements while fully protecting the Water Authority's storage rights in Abiquiu  
5   Reservoir.

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