

**No. 141, Original**

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**In the  
SUPREME COURT OF THE UNITED STATES**

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**STATE OF TEXAS,**

**Plaintiff,  
v.**

**STATE OF NEW MEXICO and  
STATE OF COLORADO,**

**Defendants**

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**OFFICE OF THE SPECIAL MASTER**

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**SUPPLEMENTAL APPENDIX TO THE UNITED STATES OF AMERICA'S  
RESPONSE TO THE STATE OF NEW MEXICO'S MOTIONS FOR SUMMARY  
JUDGMENT**

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**TO THE SPECIAL MASTER, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that the United States of America hereby provides the following supplemental appendix to their recently filed Memorandum in Response to the State of New Mexico’s Motions for Summary Judgment. The documents contained in the below appendix are those that have not been previously provided to the Special Master, either as part of the United States of America’s Motion for Partial Summary Judgment or the State of New Mexico’s Motions for Summary Judgment. The documents contained in the below appendix have been submitted to the Special Master via electronic media and have been deposited into the Box.com repository. The documents deposited in the box.com repository may now be downloaded by persons who have set up accounts for the use of this service. In addition, the United States understands that the documents will be transferred to the Veritext system by third parties.

Deposition Transcript Excerpts		
Bates Beg	Bates End	File Name
		Deposition Excerpts of Patrick Gordon, July 15, 2020 (Vol. II)
		Deposition Excerpts of Margaret Barroll, October 21, 2020
Miscellaneous Documents		
Bates Beg	Bates End	File Name
		Findings of Fact and Conclusions of Law 29-30, 52-54, <i>State of New Mexico ex rel. State Engineer v. Elephant Butte Irrigation District</i> , No. CV-9688, Stream Sys. Issue No. 104 (N.M. 3d Jud. Dist. Apr. 17, 2017) (“SS 104”)
United States Production Documents		
Bates Beg	Bates End	File Name
US0178115	US0178317	Project History for 1932, US0178115, at US0178127, US0178201-202

US0178318	US0178512	Project History for 1933, US0178318 at US0178328, US0178330, US0178391-392
US0178513	US0178673	Project History for 1934, US0178513, at US0178523
US0178674	US0178844	Project History for 1935, US0178674, US0178737-742
US0017169	US0017228	Project History for 1947, US0017169, at US0017200
US0017596	US0017655	Project History for 1948, US0017596, at US0017626
US0018796	US0018855	Project History for 1951 (file 2 of 6), US0018796, at US0018805, US0018841, US0018843

Respectfully submitted this 22nd day of December, 2020.

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STATE OF TEXAS,

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STATE OF NEW MEXICO and

STATE OF COLORADO,

Defendants

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OFFICE OF THE SPECIAL MASTER

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CERTIFICATE OF SERVICE

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This is to certify that on the 22nd day of December 2020, I caused a true and correct copy of the **SUPPLEMENTAL APPENDIX TO THE UNITED STATES OF AMERICA’S RESPONSE TO THE STATE OF NEW MEXICO’S MOTIONS FOR SUMMARY JUDGMENT** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

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IN THE SUPREME COURT OF THE UNITED STATES  
BEFORE THE OFFICE OF THE SPECIAL MASTER  
HON. MICHAEL J. MELLOY

STATE OF TEXAS	)	
	)	
Plaintiff,	)	
	)	Original Action Case
VS.	)	No. 220141
	)	(Original 141)
STATE OF NEW MEXICO,	)	
and STATE OF COLORADO,	)	
	)	
Defendants.	)	

\*\*\*\*\*  
 REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
 PEGGY BARROLL  
 OCTOBER 21, 2020  
 \*\*\*\*\*

REMOTE ORAL AND VIDEOTAPED DEPOSITION of PEGGY BARROLL, produced as a witness at the instance of the United States, and duly sworn, was taken in the above-styled and numbered cause on October 21, 2020, from 1:02 p.m. to 3:29 p.m, before Heather L. Garza, CSR, RPR, in and for the State of Texas, recorded by machine shorthand, at the offices of HEATHER L. GARZA, CSR, RPR, The Woodlands, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed.

1 included in the non-project groundwater rights.

2 Q. (BY MS. KLAHN) I know. I'm -- that's --  
3 okay. That's fine, but that's not what I was asking.  
4 I was just asking the question what do you consider  
5 non-project water rights in the Lower Rio Grande?

6 A. Well --

7 MR. WECHSLER: Form.

8 A. Yeah. It's -- I mean, the project itself  
9 doesn't have groundwater rights, but I regard the EBID  
10 farmers that are pumping wells as part of a combined  
11 right with an EBID surface water right, I would  
12 consider that as in the -- in the broader sense within  
13 the universe of -- of project-related water rights. I  
14 wouldn't consider them in the category of non-project  
15 water rights.

16 Q. (BY MS. KLAHN) So in terms of New Mexico's  
17 views on administering the Lower Rio Grande, you don't  
18 consider curtailment of the EBID farmers as a means to  
19 avoid depletions to the Rio Grande?

20 MR. WECHSLER: Object to form.

21 A. Well, I do not think that EBID farm pumpers  
22 would be exempt from priority administration.

23 Q. (BY MS. KLAHN) Is conjunctive use one of the  
24 policies that the State of New Mexico relies on in the  
25 Lower Rio Grande?

IN THE SUPREME COURT OF THE UNITED STATES  
BEFORE THE OFFICE OF THE SPECIAL MASTER  
HON. MICHAEL J. MELLOY

STATE OF TEXAS	)	
	)	
Plaintiff,	)	
	)	Original Action Case
VS.	)	No. 220141
	)	(Original 141)
STATE OF NEW MEXICO,	)	
and STATE OF COLORADO,	)	
	)	
Defendants.	)	

\*\*\*\*\*

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
PATRICK R. GORDON  
JULY 15, 2020  
VOLUME 2

\*\*\*\*\*

REMOTE ORAL AND VIDEOTAPED DEPOSITION of PATRICK R. GORDON, produced as a witness at the instance of the Defendant State of New Mexico, and duly sworn, was taken in the above-styled and numbered cause on July 15, 2020, from 9:02 a.m. to 2:21 p.m., before Heather L. Garza, CSR, RPR, in and for the State of Texas, recorded by machine shorthand, at the offices of HEATHER L. GARZA, CSR, RPR, The Woodlands, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed.

1 Q. Did those discussions continue through the  
2 '90s?

3 A. I don't know.

4 Q. Were there discussions about an operating  
5 agreement in the early 2000s between the districts and  
6 Reclamation?

7 A. I don't know.

8 Q. Let me show you a document that I'm going to  
9 mark as -- looks like it's Exhibit PG22.

10 (Exhibit No. 22 was marked.)

11 Q. (BY MR. WECHSLER) When it comes up, you can  
12 look at Page 2. That might help you in recognizing  
13 the document. Do you recognize this document?

14 A. No.

15 Q. Let me show you Page 4. Well, first, if you  
16 start on Page 3, you can see this -- there's a  
17 document here entitled, "Texas' Concerns." Do you see  
18 that?

19 A. Yes.

20 Q. I want to -- I'm going to ask you about this  
21 document in a moment, but I first want to try and put  
22 a time frame on the negotiations. If you look at Page  
23 4 of deposition Exhibit PG22, midway down, there's a  
24 heading, "2005/2006 negotiations ."

25 A. Yes.

1 Q. In here, it says, "During" -- the first  
2 sentence reads, "During 2005 and 2006, Reclamation's  
3 El Paso Field Office Manager, Bert Cortez, hosted over  
4 ten negotiation meetings." Were you aware of those  
5 meetings?

6 A. I became aware of some of the ones in 2006.

7 Q. Were you involved in any of those meetings?

8 A. I may have attended some in 2006.

9 Q. For those that you did not attend, were you  
10 kept informed about the progress?

11 A. No, not that I know of.

12 Q. We looked yesterday at a -- some Rio Grande  
13 Compact Commission documents where there was  
14 discussion about the potential operating agreement.  
15 Do you recall those documents?

16 A. I do.

17 Q. Was the Commission informed of the  
18 negotiations in 2005 and 2006?

19 A. I'm not sure.

20 Q. Were any of the other commissioners in  
21 attendance?

22 A. In what?

23 Q. During those negotiations about the operating  
24 agreement?

25 A. In --

1                   **MR. SOMACH:** As to time, all of the  
2 negotiating agreements -- what -- what time period are  
3 you talking about, Jeff, and which meetings are you  
4 talking about?

5                   **MR. WECHSLER:** I'm talking about those  
6 meet -- the ten meetings in 2005 and 2006 that are  
7 identified in this Texas position paper.

8                   **MR. SOMACH:** Well, we haven't  
9 established what this is, whether it's a Texas  
10 position paper or not. Are you representing that  
11 that's what it is? And I'm not sure that Mr. Gordon  
12 knows that that's what it is. It's a -- my  
13 understanding is you're reading from something that's  
14 part of the Bureau of Reclamation compilation, and  
15 whether this is a Texas position paper or not is --  
16 that hasn't been established so, you know, you can ask  
17 questions about it, what he knows about it, but you're  
18 representing it inappropriately. Why don't you go  
19 ahead and ask your question. I realize I've now  
20 probably created a problem with the train of the  
21 question so ask the question, but I just -- my  
22 objection is the -- the representation that this is a  
23 Texas position paper when there's been no foundation  
24 that that's what this is.

25                   **Q. (BY MR. WECHSLER) Commissioner Gordon, you**

1 recall a moment ago you said you were aware of  
2 negotiations in at least 2006 that took place about  
3 the operating agreement. Do you recall that?

4 A. That's correct. Well, I don't know what  
5 these -- these were technical meetings, so it says  
6 2005/2006 negotiations, but I don't know who all  
7 attended. I don't recall which meetings I attended.

8 Q. Of the meetings that you attended, were any  
9 of the other Compact Commission commissioners or  
10 commission officials in attendance?

11 A. Who would be a commission official?

12 Q. An engineer advisor?

13 A. Okay. Not that -- I don't know.

14 Q. Was anybody representing the State of New  
15 Mexico in attendance at any of those meetings?

16 A. I don't know.

17 Q. How about for the State of Colorado?

18 A. I don't know.

19 Q. I'm going to show you another document --  
20 we'll come back to this one -- which I'm going to mark  
21 as deposition Exhibit PG23.

22 (Exhibit No. 23 was marked.)

23 Q. (BY MR. WECHSLER) You can see this is a  
24 letter from Commissioner D'Antonio dated June 5, 2006,  
25 to Connie Rupp. Do you know who Connie Rupp is?

FILED

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DISTRICT COURT  
DOÑA ANA COUNTY, NM 

**STATE OF NEW MEXICO  
THIRD JUDICIAL DISTRICT COURT  
COUNTY OF DOÑA ANA**

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

Plaintiff,

v.

**ELEPHANT BUTTE IRRIGATION  
DISTRICT et al.,**

Defendants.

**No. CV 96-888  
Hon. James J. Wechsler  
Presiding Judge**

**Stream System Issue  
SS-97-104  
United States' Interests**

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **I. INTRODUCTION**

This matter came before the Court pursuant to the Court's August 17, 2012 Order requesting a statement of issues regarding the United States' Rio Grande Project (the Rio Grande Project). Following comments submitted by the parties and a hearing on the matter on October 10, 2012, the Court designated that the next issues to be litigated in Stream System Issue SS-97-104 (SS-104), determining the United States' interests deriving from the establishment of the Rio Grande Project, were (1) the amount(s) of water, and (2) the priority date(s) of the United States' rights in the Rio Grande Project. On dispositive motions, the issues were reduced to one, namely, determining the priority date of the United States' rights regarding the Rio Grande Project.

(c) In November 1896, Follett filed a report of the Follett Survey findings with Captain George McDerby of the Corps of Engineers. [9/1/15 Tr. 127:2-129:17] [NMLC-22 at 1]

28. (a) According to Follett's report, there were several potential dam sites on the Lower Rio Grande, including the Elephant Butte and the El Paso sites. [NMLC-21 at 172, 175-176]

(b) Follett concluded that there was not sufficient water for both dams and that only one should be built. Follett also recommended that no private interests should be allowed to construct large reservoirs on the Lower Rio Grande so that the United States could ensure an equitable supply of water for Texas and Mexico. [NMLC-21 at 173, 178-79, 184-85, 188]

(c) Additionally, Follett expressed reservations regarding the viability of a dam at El Paso, since construction of a dam at that site would necessitate flooding of farmlands in the Mesilla Valley. [9/1/15 Tr. 122:22-123:24]

29. Follett, in partnership with Anson Mills, also published in 1896 "Reports on the Investigations and Survey for an International Dam and Reservoir," which included topographical survey maps showing two alternate sites for the International Dam. [NMLC-337 at 6-7]

30. Anson Mills was an officer in the Corps of Engineers and the leading proponent of the International Dam. Mills was a key figure in the founding of the City

of El Paso and had considerable political influence in Washington, D.C. [9/3/15 Tr. 62:1-64:16]

31. Mexican engineers prepared their own topographical maps in 1896 for two alternate sites for the International Dam, to be sited by old Fort Bliss, near El Paso; they also took boring samples at the dam sites to determine the sub-surface characteristics. [9/3/15 Tr. 136:10-141:15] [NMLC-338 at 211-215]

32. Proponents of the International Dam at El Paso, including Mills, also opposed the RGD&IC's project at Elephant Butte. [USA-7 at 1-5]

33. In November 1896, Mills complained to Secretary of State Richard Olney that the RGD&IC's proposed project would have a negative impact on the proposed International Dam at El Paso. Secretary Olney informed Secretary of the Interior D. R. Francis about the concerns raised by Mexico and the proponents of the International Dam in a letter dated November 30, 1896. In the letter, Olney requested that the Department of the Interior deny all future applications for rights of way for dam and reservoir construction on the Rio Grande under the 1891 Right-of-Way Act. Olney also suggested to Secretary Francis that the Department of the Interior consider whether there were any legal means to terminate the rights of way already obtained by the RGD&IC to build the RGD&IC's project. [8/31/15 Tr. 141:4-23] [USA-7 at 1-5]

any case “there is not a sure water supply sufficient to serve more than one storage reservoir of magnitude in the valley of the Rio Grande.” [NMLC-25 at 4-5]

52. The New Mexico Irrigation Commission, which had the duty to investigate and select suitable sites for irrigation reservoirs, 1901 N.M. Laws, ch. LXIX, § 15 at 132-33, wrote to the Secretary of the Interior on February 21, 1903, recommending that the United States take legal action to obtain a forfeiture of the RGD&IC’s right-of-way. Shortly thereafter, in April 1903, the United States filed an amended complaint in the 1896 New Mexico district court proceeding, alleging that the RGD&IC failed to complete its proposed dam and irrigation project within the five years required by the 1891 Right-of-Way Act and that the RGD&IC’s right-of-way under the 1891 Right-of-Way Act had been forfeited. [9/9/15 Tr. 29:11-16] [9/3/15 Tr. 33:17-34:16] [PRE-29] [NMLC-4]

53. Prior to 1903, the litigation of the United States against the RGD&IC was centered on the United States’ allegations that the RGD&IC had failed to obtain the necessary permits to dam a navigable stream. By 1903, the litigation by the United States against the RGD&IC had been ongoing for six years and had reached the New Mexico Territorial Supreme Court on more than one occasion. [9/3/15 Tr. 153:9-14] [9/3/15 Tr. 152:17-154:25]

54. Due to a variety of factors, by 1903 it appeared unlikely that the International Dam at El Paso would ever be built. [9/8/15 Tr. 78:9-80:2]

RIO GRANDE PROJECT IRRIGATION SCHEDULE  
ANNOUNCEMENT  
August 12, 1947

In consideration of the present record low stage of Rio Grande Project storage reservoirs as a result of five consecutive years of below normal inflow, a recommendation that there be no release of water from storage for fall and winter irrigations made by the Elephant Butte Irrigation District Board and concurred in by the El Paso County Water Improvement District No. 1, is to be carried out by the Bureau of Reclamation.

Other elements of an irrigation schedule which have been agreed upon to become effective are:

- (a) The present irrigation season is to terminate with the closing of Caballo Dam gates about September 10th, depending on conditions and requirements, following which reservoir water will remain available through the various sections of the Project for from 1 to 5 days depending on the distance from the dam. No orders for such water will be accepted after September 10th.
- (b) Caballo Dam gates to remain closed until the commencement of the 1948 irrigation season about March 1st, 1948, contingent upon conditions and requirements at that time with definite date to be determined and announced then. No release of reservoir stored water will be made for fall and winter irrigation.
- (c) In units of the Project for which return flow water is available it will be rotated in the various canals throughout each such unit up to December 31st in accordance with requirements and schedules to be announced locally for the respective units. Deliveries from return flow water will not be charged against the allotment. No water will be run in any part of the Project during January at which time canal and structure maintenance and repair work will be accomplished.
- (d) For the season of 1948 the available water supply actually on hand in Project storage will be allotted to land subject to repayment of Project construction charges. All water delivered during the time of availability of water released from storage after October 1, 1947, is to be charged to the allotment. No allotment will be made to so-called suspended land or land not subject to payment of Project construction charges.
- (e) On the basis of the amount of water now actually in Project storage and the probable carry-over for the commencement of the 1948 season, an allotment is now made of one acre foot to each acre of land subject to the repayment of Project construction charges for the beginning of the 1948 season to become effective October 1, 1947. The allotment would be subject to increase to be announced if, when and as additional water becomes available.

RIO GRANDE PROJECT IRRIGATION SCHEDULE  
ANNOUNCEMENT

January 7, 1948

On August 12, 1947 an announcement allotting one acre-foot of water for each acre of land subject to repayment of Project Construction Costs was made for the 1948 season; this allotment was based on water in storage on that date; the same announcement outlined the conservation measures, including the discontinuance of fall and winter releases that was considered necessary in view of the extreme low storage at that time.

The water conserved as a result of that program together with the release of some 100,000 acre-feet of debit water by New Mexico from El Vado Reservoir during November and December now make it possible to increase the initial allotment made on August 12, 1947 for the season of 1948. On the basis of storage on January 1, 1948, the allotment for each acre subject to Project Construction Charges is now two acre-feet.

The early winter snows have been disappointing, and the snowfall as of January 1, 1948 is apparently below normal; for this reason it appears unlikely that any change can be considered in the present allotment before the spring runoff is definitely known.

The fact that the Project must operate on an allotment makes it necessary that water users and the operating organization exercise all care and diligence in ordering, and using water; the following schedule has been adopted for release from storage:

- (a) Gates will be opened at Cabello on March 15 and will remain open for the season, except as shutdowns may be made, resulting from rains in the valleys.
- (b) This schedule will make early water available as follows:
  - Rincon Valley - March 17th - 18th
  - Mesilla Valley - March 19th - 20th
  - El Paso Valley - March 21st - 22nd

The first release of water will be at a minimum rate, and it is not expected that full service will be available until about the fourth week in March.

- (c) Water users, in view of the necessity of operating on an allotment, are requested to place their orders at least four days in advance of the date the water is desired.

Water in storage on January 1, 1948 amounted to 482,900 acre-feet. Storage the same date last year was 781,800 acre-feet, and the average storage on January 1 since Elephant Butte began storing water is 1,153,000 acre-feet. Inflow to Elephant Butte during 1947 was only 39 per cent of the average; the inflow for the past five years has only been 54 per cent of the average for the period. These figures portray the necessity of operating on an allotment this year.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
RIO GRANDE PROJECT - NEW MEXICO - TEXAS

Water Announcement  
February 19, 1951

Conferences have been held with representatives of the Elephant Butte Irrigation District, and the El Paso County Water Improvement District for the purpose of determining action to be taken in rationing the limited irrigation water supply for the Rio Grande Project, and the date for commencing release from storage for the season of 1951.

Following these conferences it is considered advisable at this time not to change the allotment of one acre-foot per acre to Project water-right land as made in "Water Announcement, November 1, 1950". Present low stage of Project storage with very poor prospects at present for spring runoff from melting snow does not seem to warrant an increase at this time. Further announcements will be made beginning April 15 for the purpose of advising the water users if any changes in the allotment can be made at a later date, depending on reservoir inflow and storage conditions as they develop.

The date of release to begin the 1951 irrigation season, as agreed to between the two Irrigation Districts and the Project, will be March 5. Following this release on March 5, water will be available on approximately the following dates in the respective divisions of the Project:

Rincon Valley - March 7 - 8  
Leasburg Unit - March 8 - 9  
Mesilla Unit - March 10 - 11  
El Paso Valley - March 12 - 13

Project storage as of today is 443,500 acre-feet as compared with 899,200 acre-feet on the same date last year. The storage is only 39 per cent of the average for this time of the year, and the lowest for this date since 1918. Runoff prospects reported in the February 1st Snow Report are very unfavorable; and in order that any appreciable amount of water can be received into Project storage, snowfall and precipitation will have to be far above normal for the remainder of the replenishment period. Snowfall on the Rio Grande watershed to date this year is much less than last year; and it may be recalled that runoff during April, May, and June last year was an almost minimum; consequently, for conditions to improve this year over last year, much greater than normal precipitation over the watershed will be necessary during February, March, and April.

Flat Rate users, 2 acres and under, are advised that water will be available only once during each 4-weeks period. This schedule will apply generally on community ditches irrigating small sub-divisions and suburban tracts.

It must be recognized at this time that the water situation is critical and all water users and the operating organization are urged to be as careful and conservative in the use of water as possible. In

#### LAND IRRIGATED

52,580 acres of crop land were irrigated in the Ysleta Branch during the 1951 season. This area extends for a distance of 40 miles south and east from the head of the Franklin Canal in El Paso to the end of the Rio Grande Project at the Hudspeth County line.

The Ysleta Branch is divided naturally into three districts: (1) the main body of 37,840 acres parallels U.S. Highway 80 on either side between the City of El Paso and the town of Fabens; (2) the Island district, lying south and east of the old river channel, and totaling 12,801 acres; (3) the Tornillo district of 9,300 acres which extends from the town of Fabens to the Hudspeth County line.

Subdividing and building activities in recent years have greatly reduced the cropped area between Ysleta and the City of El Paso; but the remaining agricultural acreage throughout the entire Branch is well-leveled, well-drained, with excellent irrigation facilities, and capable of high crop production.

#### CANAL OPERATIONS

The Franklin, Riverside, and Tornillo canals with their network of feeders, laterals and sublaterals convey irrigation water from the All American and Riverside diversion dams in the Rio Grande to the lands in the Ysleta Branch. This system totals 214 miles of irrigation ditches, and was operated during the 1951 irrigation season by a force composed of one watermaster, one assistant watermaster, one hydrometrist, three gatetenders, eight ditchriders, ten permanent patrolmen, and eighteen temporary patrolmen. The temporary patrolmen were used only during the busier part of the irrigation season which lasted from March to September.

Due to shortage of storage in our reservoirs, the entire Project was operated during the 1951 season under a total allotment of 1.75 acre-feet per acre, as compared to a normal use of 3.1 acre-feet per acre. This supply was supplemented by water pumped from private irrigation wells, and from Project drains to the extent that the total use averaged 2.10 acre-feet per acre.

The Ysleta Branch practices a modified rotation system of water deliveries to farms from its Government canals and laterals, with community ditches serving the residential districts. These community ditches were operated on set schedules, and non-agricultural tracts averaged one irrigation per month during the season. Rapid increase in home building and subdividing has created a serious problem insofar as these community ditches and their administration is concerned.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
RIO GRANDE PROJECT - NEW MEXICO-TEXAS

WATER ANNOUNCEMENT

April 11, 1951

Snow Reports as of April 1, 1951 show a continued deterioration of prospects for spring runoff from the Rio Grande Watershed. Present conditions are such that very little, if any, runoff of sufficient volume to reach Elephant Butte Reservoir can be expected. Only unusual heavy rains can now produce appreciable runoff into the reservoir.

With 374,100 acre-feet now in Rio Grande Project reservoirs, storage is at the lowest as of this date since 1919. In 1950 the amount in storage on April 11 was 843,200 acre-feet, and the average for that date since operation of the reservoir began is 1,063,400 acre-feet.

Reservoir inflow is reported as only 20 second-feet. There are being released to meet the present cotton planting season demand 1600 second-feet. Average annual storage requirement to meet Project Irrigation releases since storage began in 1915 has been 1,030,400 acre-feet; average annual release since 1915 has been 849,400. Release during the past eight years has averaged 791,400 acre-feet. Inflow to Elephant Butte since 1915 has averaged annually 1,039,500, while for the past eight years the average has been only 659,400 acre-feet.

Present outlook for the Project water supply is extremely critical. The necessity of strict adherence to the rationing of the existing supply is mandatory. At present the current allotment of the supply is one acre-foot per acre of Project water-right land. Average annual use during the past eight years has been 3.1 acre-feet per acre.

Following conferences with the Boards of Directors of the Elephant Butte Irrigation District, and the El Paso County Water Improvement District No. 1, a conservation program to insure water for an irrigation in July and August is now being announced.

On or about May 2 the release from Caballo Dam will be reduced to a minimum and irrigation service curtailed until about June 15 when release for service will again be made. During the period of curtailed release, water deliveries will be made to meet dire emergencies only as possible with the available minimum release and return flow, with all such deliveries being charged against the allotment.

Immediate announcement will be made when and if it appears the allotment can be changed.

W. F. Resch

Acting Project Manager

Project History  
RIO GRANDE PROJECT  
Calendar Year 1932

from the Department of Justice for the delivery of water to the Federal short term prison at La Tuna, Texas and \$9,953 was advanced by the Bureau under supplemental contract dated November 2, 1932 with the El Paso County Water Improvement District for drainage construction by which the construction of the Borderland Spur Drain was begun, for which labor was contributed by R.F.C. work relief organization.

There was no construction work performed during the year, as original construction under such contracts with the Districts. There was \$682 expended as payment for right of way on the Riverside Canal, which was provided for by contract with the El Paso County Water Improvement District No. 1 dated August 2, 1926 under the act of 5-25-26. \$4,116 was expended in the preparation of drainage right of way data which was provided for by contract with the Elephant Butte Irrigation District dated 12-30-29.

A total of 134,531 acres were cropped and 137,449 acres were irrigated during the year, which required the operation and maintenance of the entire system.

The total cost of operation and maintenance for the year was \$281,842 or \$2.05 per acre irrigated. Water was supplied to an additional area of 12,500 acres in the Hudspeth District which pays a revenue to the project reducing the charges against project lands.

The water supply for the year was adequate, 832,000 acre-feet being released for irrigation purposes, while the reservoir inflow was 1,399,500 acre-feet. The storage at the end of the year was 1,394,600 acre-feet.

IMPORTANT LOCAL INSTRUCTIONS AND ORDERS GIVEN

The following instructions were issued in September for the purpose of regulating the delivery of irrigation water during the fall and winter of 1932 - 1933.

(See Page following)

SCHEDULE OF FALL AND WINTER IRRIGATION DELIVERIES FOR 1932-1933  
RIO GRANDE FEDERAL IRRIGATION-PROJECT

In order that winter irrigations where desired may be accomplished with the greatest economy and least possible waste of water and to assist in keeping the release of stored water within the established safe annual draft upon the reservoir, water for winter irrigation will be delivered on ORDERS-ONLY, placed sufficiently in ADVANCE to make releases from the reservoir. Water will be run following scheduled dates given below only a sufficient time to fill orders that have been placed in advance of those dates, probably about 5 days. Water will NOT be run in canals and laterals on which no order has been received in advance.

GATES WILL BE CLOSED at Elephant Butte on October 5th and thereafter following each run as soon as sufficient water has been released to meet the total requirement of orders which have been received in advance of the date for each scheduled release.

GATES WILL BE OPENED at Elephant Butte for the release of stored water on October 15th and on the 1st and 15th of November, December and February, if necessary to fill orders which have been received in advance of these dates. Gates will remain open as required after February 15th.

NO WATER WILL BE RUN during the first half of January. Consideration will be given to orders for water desired during the latter half of January providing the orders are received by January 15th and delivery will be made if possible to do so without preventing accomplishment of necessary maintenance work. Usually this period of dry canals is essential to permit and facilitate the accomplishment of major items of maintenance and repair work.

ORDERS FOR WATER for winter irrigation must be placed with the respective ditchriders in the usual manner PRIOR to the 1ST and 15TH of each month for delivery during the succeeding run.

DUE ALLOWANCE should be made of the time required for releases to reach the different divisions of the project on account of the various distances from Elephant Butte Reservoir. The average rate of flow will make irrigation water available in the respective systems for about 5 days beginning with the following dates of each month after October 15th through November and December to February excepting January: to Hatch 2nd and 16th; below Hatch 3rd and 17th; Las Cruces 3rd and 18th; to La Union 4th and 19th; below La Union 5th and 20th; Ysleta 6th and 21st; Fabens 7th and 22nd.

It is anticipated that the above schedule will adequately meet the actual requirements for winter irrigation and in addition to conserving the project's water supply it is believed that it will expedite the accomplishment of necessary annual maintenance and repair work by the operating organization during the non-irrigation periods.

BUREAU OF RECLAMATION  
Las Cruces, N.M.; El Paso, Texas.

APPROVED:

Elephant Butte Irrig. Dist.  
El Paso County Water Imp. Dist. #1

82

**Project History**

**RIO GRANDE PROJECT**

**Calendar Year 1933**

\$8,775.27, of which \$1,352.04 was expended to complete the Prison Farm Lateral, \$1,405.87 was for drainage rights of way cost under Elephant Butte District contract of December 20, 1929, leaving \$6,019.36 expended for drainage and lateral system under the N.I.R.A. in the Elephant Butte Irrigation District.

A total of 136,509 acres were cropped and 139,206 acres were irrigated during the year, which required the operation and maintenance of the entire project.

The total cost of operation and maintenance for the year was \$246,861 or \$1.76 per acre irrigated. Water was supplied to an additional area of 11,088 acres in the Hudspeth District, which pays a revenue to the project, reducing the charges against project lands.

The water supply for the year was adequate, 826,500 acre-feet were released for irrigation purposes, while the inflow to the reservoir was 716,400 acre-feet. The storage at the end of the year was 1,125,500 acre-feet.

The total crop value for the year was \$6,148,085 or \$45.04 gross return per acre cropped. About 53% of the cropped area or 72,854 acres were in cotton and 19.5% or 26,672 acres in alfalfa. The Hudspeth County Conservation and Reclamation District below the project, but receiving its water under Warren Act contract from the project, reported 11,088 acres cropped with a value of \$431,215 or \$38.89 per acre.

COOPERATION WITH OTHER AGENCIES

The Rio Grande gaging stations at San Marcial, Courchesne, Tornillo Bridge and Fort Quitman were operated and maintained in cooperation with the American Section of the International Boundary Commission. The gaging work was performed and records compiled by this commission with funds appropriated by the State Department for that purpose. All of these records were available to the Bureau in connection with the operation of the project. The hydrographic data of canal and drain flows compiled by the Bureau on the project is available to the International Boundary Commission as well as to the State Engineers of Colorado, New Mexico, Texas and Rio Grande Compact Commissioners. Copies of crop reports and related data are furnished to the Department of Agriculture, Chambers of Commerce of El Paso and Las Cruces and to the Agricultural College of New Mexico and the County Agents.

The Weather Bureau stations at Elephant Butte Dam and Hatch are operated cooperatively with the United States Weather Bureau. The local Department of Agriculture Agents have been working in cooperation with many of the project farmers in an effort to control various crop pests and to increase crop production. Valuable information is available to project farmers through these agents.

Through the cooperation of Mr. C. S. Scofield, in charge of the office of Western Irrigation Agriculture of the Department of Agriculture, much valuable data is being compiled

IMPORTANT LOCAL INSTRUCTIONS AND ORDERS

The following instructions were issued for the purpose of regulating the delivery of irrigation water during the fall and winter of 1933-1934.

(See Page Following)

SCHEDULE OF FALL AND WINTER IRRIGATION DELIVERIES FOR 1933 - 1934  
RIO GRANDE FEDERAL IRRIGATION PROJECT

In order that winter irrigations where desired may be accomplished with the greatest economy and least possible waste of water and to assist in keeping the release of stored water within the established safe annual draft upon the reservoir, water for winter irrigation will be delivered on ORDERS ONLY, placed sufficiently in ADVANCE to make releases from the reservoir accordingly. Water will be run following scheduled dates given below only a sufficient time to fill orders that have been placed in advance of those dates, probably about 5 days. Water will NOT be run in canals and laterals on which no order has been received in advance.

GATES WILL BE CLOSED at Elephant Butte on October 5th and thereafter following each run as soon as sufficient water has been released to meet the total requirement of orders which have been received in advance of the date for each scheduled release.

GATES WILL BE OPENED at Elephant Butte for the release of stored water on October 15th and on the 1st and 15th of November, December and February, if necessary to fill orders which have been received in advance of these dates. Gates will remain open as required after February 15th.

NO WATER WILL BE RUN during the first half of January. Consideration will be given to orders for water desired during the latter half of January providing the orders are received by January 15th and delivery will be made if possible to do so without preventing accomplishment of necessary maintenance work. Usually this period of dry canals is essential to permit and facilitate the accomplishment of major items of maintenance and repair work.

ORDERS FOR WATER for winter irrigation must be placed with the respective ditchriders in the usual manner PRIOR to the 1ST AND 15TH of each month for delivery during the succeeding run.

DUE ALLOWANCE should be made of the time required for releases to reach the different divisions of the project on account of the various distances from Elephant Butte Reservoir. The average rate of flow will make irrigation water available in the respective systems for about 5 days beginning with the following dates of each month after October 15th through November and December to February excepting January: to Hatch 2nd and 16th; below Hatch 3rd and 17th; Las Cruces 3rd and 18th; to La Union 4th and 19th; below La Union 5th and 20th; Ysleta 6th and 21st; Fabens 7th and 22nd.

It is anticipated that the above schedule will adequately meet the actual requirements for winter irrigation and in addition to conserving the project's water supply it is believed that it will expedite the accomplishment of necessary annual maintenance and repair work by the operating organization during the non-irrigation periods.

APPROVED:

Elephant Butte Irrig. Dist.  
El Paso County Water Imp. Dist. #1

BUREAU OF RECLAMATION  
Las Cruces, N.M.; El Paso, Texas.

71

**Project History**  
**RIO GRANDE PROJECT**  
**Calendar Year 1984**

irrigated during the year, which required the operation and maintenance of the entire project.

The total cost of operation and maintenance for the year was \$279,762. Water was supplied to an additional area of 11,555 acres in the Hudspeth District, which pays a revenue to the project, reducing the charges against project lands.

The reservoir inflow for the year was 244,400 acre-feet, which was the second lowest in the recorded history of the Rio Grande at San Marcial, and made necessary conservative methods of operation in order that as much of the storage of 1,129,780 acre-feet, as of January 1, 1934, could be conserved and carried over for 1935. 803,700 acre-feet were released for irrigation purposes, and there was 502,811 acre-feet in storage on December 31st.

The total crop value for the year was \$9,417,534, or \$76.06 gross return per acre crop. 28,093 acres were rented to the Government on cotton acreage reduction plan, 11,946 acres of which were planted to other crops. 63,918 acres were in cotton with a gross return per acre of \$81.85, and 27,276 acres in alfalfa with a gross return of \$63.22 per acre. The Hudspeth County Conservation and Reclamation District below the project, but receiving its water under Warren Act contract from the project, reported 11,555 acres cropped with a value of \$674,831, or \$58.40 per acre.

Project History  
RIO GRANDE PROJECT  
Calendar Year 1985

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

STATEMENT OF WATER SUPPLY CONDITIONS ON THE  
RIO GRANDE IRRIGATION PROJECT

On May 1, 1935 there were in storage in Elephant Butte Reservoir 488,000 acre feet of water.

As specifically pointed out in previous statements and announcements as to the adequacy of the stored water supply for 1935, they were based on the state of project development and use of water as they prevailed during the past several years. At that time and on such a basis, also assuming that reservoir replenishment might not be appreciable, it was estimated that the amount of water then in storage was sufficient to deliver  $1\frac{1}{2}$  acre feet per acre to the land, or to last until about the middle of July.

Conservative regulation of the available supply made possible by the close cooperation now existing generally between the water users and the project operating organization and the careful economic use of the water by the water users themselves, has resulted in a sufficient saving of water since the close of last season, - approximately 142,000 acre feet less water having been released from storage for irrigation use during the period October 1st to May 1st than during the corresponding period of the previous year, - which now makes it possible to extend the limits previously stated.

It is possible at this time to announce an estimated allotment for the season of 1935 of 2 acre feet per acre and also based on past practices that the amount of water now actually available in storage is sufficient to last until the end of August, still leaving out of consideration any spring inflow which may occur. Continued conservative methods of distribution and careful economic use of the available supply will have their effects in being able to still farther extend these limitations.

While there has as yet been practically no spring inflow, - the total reservoir inflow for March and April being 44,800 acre feet and the outflow released for irrigation being 127,120 acre feet, - prospects for some reservoir replenishment by inflow from the drainage area above are more encouraging than they have heretofore been this season if reports of recent snowfall can be relied upon.

But the runoff is still problematical, depending very largely on the manner of melting of the snow. Further extensions in the season's allotment of irrigation water will be made if, when and as the availability of the supply permits.

L. R. Fiock, Superintendent,  
Bureau of Reclamation.

Approved:

Elephant Butte Irrigation District  
El Paso County Water Improvement District No. 1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

STATEMENT OF WATER SUPPLY CONDITIONS ON THE  
RIO GRANDE IRRIGATION PROJECT  
JUNE 15, 1935

During the past month there has been a rise of 15 feet in the water surface elevation in Elephant Butte Reservoir representing a net gain in storage of 177,000 acre-feet. As a result of strict economy in use and most conservative regulation and control there has been released from storage for irrigation requirements during the period October 1, 1934 to June 15, 1935 a total of 171,000 acre-feet less than during the corresponding period of the previous year. The combined result is that there are now in storage 597,000 acre-feet of water.

It is now possible to make an additional increase in allotment of water of another 0.50 foot, or a total allotment for the season of 1935 of 2.50 acre-feet per acre. The availability of water to permit the increase of allotment at this date when taking into consideration the reduction in the amount that has been used to date this season will practically complete the season's requirements, assuming a continuation of the careful economic use and close regulation and control of the available supply.

Further gains that may be made this season will guarantee water with which to begin next season's operations; hoping that the carry-over may be sufficient to last until the stored supply may be replenished by next year's runoff.

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L. R. Fiock, Superintendent,  
Bureau of Reclamation

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

STATEMENT OF WATER SUPPLY CONDITIONS ON THE  
RIO GRANDE IRRIGATION PROJECT  
JULY 10, 1935

On July 10, 1935 there was in storage in Elephant Butte Reservoir 666,400 acre-feet of water as compared to 714,700 acre-feet on July 10, 1934. The snow runoff was considerably more than was expected earlier in the season or as advance reports indicated it would be.

There was almost a constant rise in the reservoir totaling 19.37 feet from May 17th to July 3rd, the dates of lowest and highest levels this year. There have been released from the reservoir to meet irrigation requirements 176,938 acre-feet less in the period October 1, 1934 to June 30, 1935 than during the corresponding period of 1933-1934.

It is apparent now that there will be as much water in storage at the end of 1935 as there was at the end of 1934. The average use in 1934 was 3.0 acre-feet per acre. For the average to be 3.0 acre-feet meant that there was as much use over 3. as there was under 3. There are some farms that because of crop system, soil conditions or location require more water to mature a crop than the 2.5 acre-feet heretofore allotted this year.

At a conference of representatives of the irrigation districts and the Bureau after due consideration it was decided that conditions now warrant an increase of allotment for the season of 1935 to a maximum of 3.0 acre-feet per acre to save crops that would otherwise suffer seriously.

It can be seen that the prospects are that conditions at the start of next year will be about the same as they were at the beginning of this season. The same precautions in the way of careful economic use and close regulation and control must be continued, with next season probably beginning on an allotment basis which may be increased if and as additional water becomes available as was done this year, at least until it can be seen what next year's replenishment from runoff might be.

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L. R. Fieck, Superintendent,  
Bureau of Reclamation.

El Paso, Texas,

September 27, 1935.

Mr. N. B. Phillips, Manager,  
Elephant Butte Irrigation District,  
Las Cruces, New Mexico

and

Mr. Roland Harwell, Manager,  
El Paso County Water Improvement District No. 1,  
El Paso, Texas.

Gentlemen:

The regular irrigation season for 1935 is now drawing to a close, and it is intended to close the gates at Elephant Butte on October first or as soon thereafter as the irrigation demand requirements will permit. After the gates have been closed it is proposed to follow very much the same system or program for fall and winter irrigation as was inaugurated last year and which proved to be generally satisfactory and we believe as effective in the conservation of the water supply as any program which can be followed.

Some minor modifications of the program seem desirable, as demonstrated by experience last winter and should probably be put into effect to more nearly equalize the service over the project. These proposals are subject, however, to the desires and suggestions of the interested organizations, whose consideration of the matters is earnestly invited. Some phases of the winter irrigation program should be discussed and given serious consideration, with a final coordination of the various ideas that may be developed.

In general the irrigation requirements for the winter program will be met by rotating the available water supply through the various distribution systems so as to make water available approximately every 15 days where there are requirements and orders have been placed; first, consideration being given to growing crops, water to be released from Elephant Butte Reservoir only as it is necessary to supplement the water available otherwise to meet requirements.

Under this system no definite program or schedule can be adopted or announced for the delivery of water throughout the entire project generally or for the entire fall and winter season. Tentative schedules may be arranged within the various divisions of the project monthly as requirements develop and availability of water permit. To effect deliveries in certain divisions of the project, such as the Mesilla Valley West

Side, it will be necessary to make releases from the reservoir, as there is not enough water available otherwise to run it through that system. The reservoir release made to supplement the available water supply to make possible deliveries in the West Side should also be taken advantage of to supplement the supply for the Tornillo Section in the lower end of the El Paso Valley and irrigation periods in this district should, therefore, be timed accordingly.

One phase in particular of the fall and winter irrigations should be thoroughly discussed and agreed upon, this being as to whether fall and winter irrigations should continue on the allotment basis and be required to come within the allotments already announced; also if such deliveries are to be on the allotment basis on what date should the season's allotment be considered as terminating and the new allotment begin. If the season of 1936 is also to be on the allotment basis some consideration should be given now as to what sort of announcement should be made at the beginning of the season and what policies shall be adopted for the season, which shall be for deliveries made after January 1st if the 1935 allotment is to continue to December 31st.

There is now in storage in Elephant Butte Reservoir 569,000 acre-feet of water as compared to 453,500 acre-feet on the same date in 1934, or a net gain during the year of 116,600 acre-feet, the elevation of the reservoir being 9.1 feet higher than it was a year ago. The total outflow to date in 1935 is 606,570 acre-feet as compared to 789,310 acre-feet for the same period in 1934, or 182,740 acre-feet less. Further gains in the reservoir can be expected during the remainder of the current year so that by January 1st the amount in storage should exceed by an appreciable amount the total reservoir outflow during 1935.

This office would appreciate consideration of the matters referred to above by yourselves and your respective boards of directors, and to be advised of the reactions and wishes.

Very truly yours,

L. R. Flock,  
Superintendent.

CC - Division Engineer D. C. Caylor.  
Division Engineer A. W. Bainbridge.  
Commissioner.  
Chief Engineer.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

El Paso, Texas.

October 12, 1935.

Mr. A. W. Bainbridge, Division Engineer,  
Bureau of Reclamation,  
El Paso, Texas.

Dear Mr. Bainbridge:

Reference is made to office letter of September 27th, addressed to the Managers of the two Irrigation Districts of the Rio Grande Project, regarding the schedule or program to be followed for the fall and winter irrigation for the season of 1935-1936.

Both Districts by action of their boards of directors have approved the proposed program of irrigation deliveries, conforming generally to the practice followed for the 1934-1935 fall and winter irrigation season; namely, the rotating of the available return flow water after Elephant Butte gates are closed so as to make it available in the various distribution systems of the project approximately every fifteen days where there are requirements and orders have been placed. Releases are to be made from Elephant Butte Reservoir only when necessary to supplement the return flow as required to equalize the service over all parts of the project where there are demands for water deliveries.

Conforming to the actions taken by the two boards of directors as closely as they can be practically coordinated and taking into consideration irrigation requirements, availability of water and other related conditions, water delivered for irrigation in the valley below El Paso will not be on the allocation basis from the time the Elephant Butte gates are closed at the end of the 1935 season until they are opened for the 1936 season, due allowance being made for the time required for storage water to reach the El Paso Valley. Specifically, Elephant Butte gates having been closed on October 1st, reservoir water was available in the El Paso Valley to and including the 6th, so that beginning the 7th allotment restrictions are to be suspended.

Announcement is to be made after January 1st of the amount of water then available in the reservoir and of the per acre allotment for the beginning of 1936 on the basis of the amount then in storage, with subsequent announcements as, when and if additional water becomes available, but with the allotment restriction probably not becoming effective until the Elephant Butte gates are opened for the release of water with which to begin the 1936 season.

Very truly yours,

CC - Mr. Roland Harwell, Manager,  
El Paso County Water Imp. Dist.  
Commissioner  
Chief Engineer.

L. R. Fiock,  
Superintendent.