

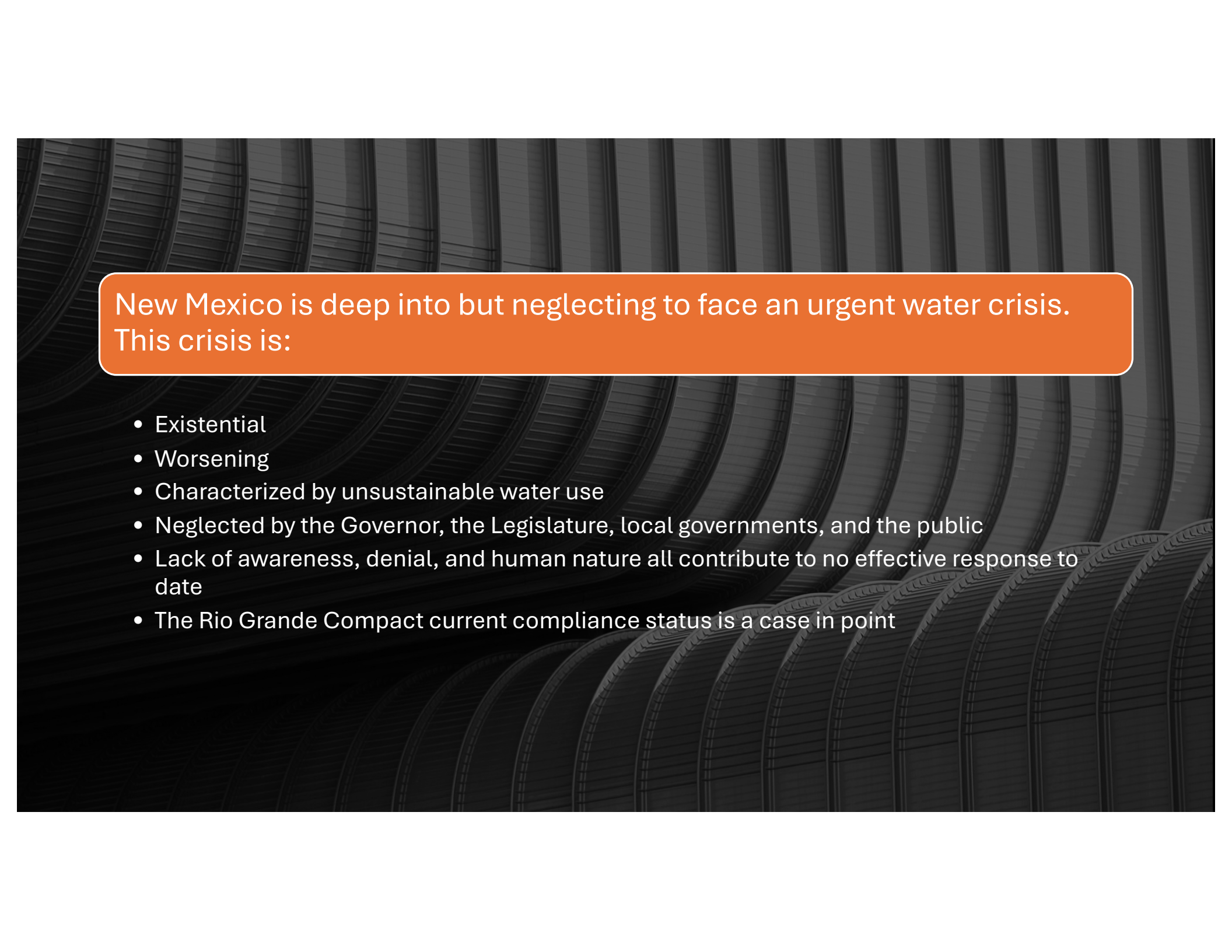


Rio Grande Compact Status – Prepared for the MRCOG Water Resources Board

Norm Gaume, President, NM
Water Advocates

March 5, 2025

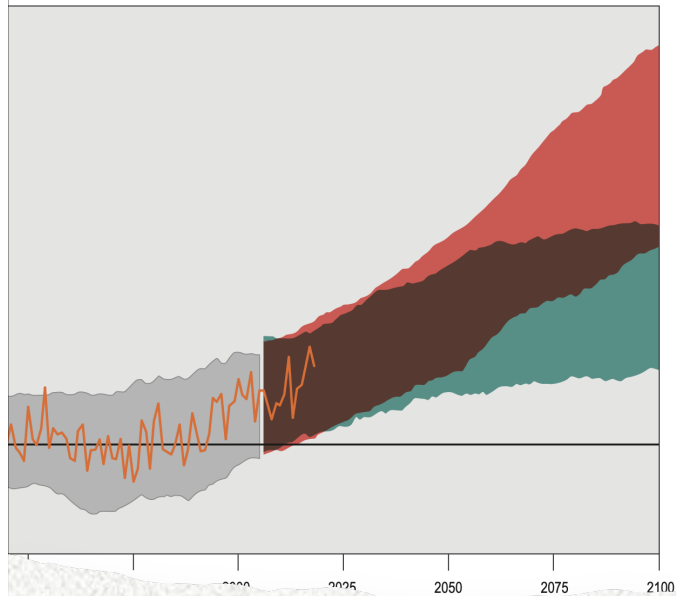




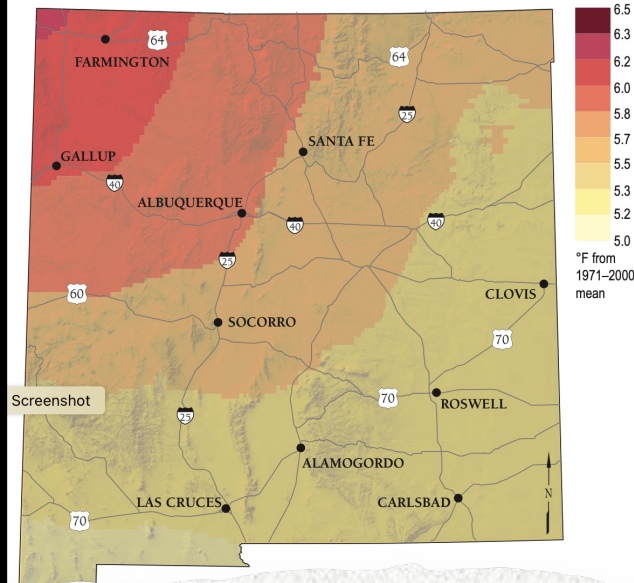
New Mexico is deep into but neglecting to face an urgent water crisis.
This crisis is:

- Existential
- Worsening
- Characterized by unsustainable water use
- Neglected by the Governor, the Legislature, local governments, and the public
- Lack of awareness, denial, and human nature all contribute to no effective response to date
- The Rio Grande Compact current compliance status is a case in point

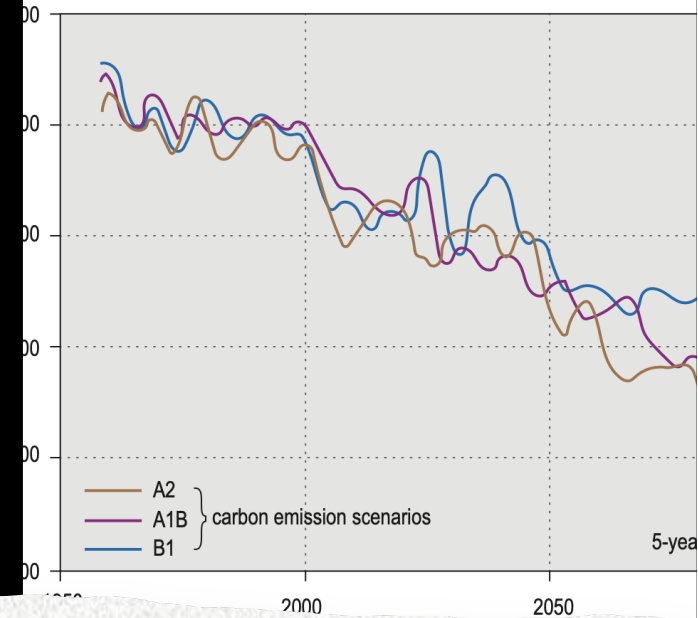
Observed and Projected Temperature Change



B Projected Change in Annual Average Temperature (2040–2069)



Modeled Average Annual Discharge of Rio Grande at Otowi Gage

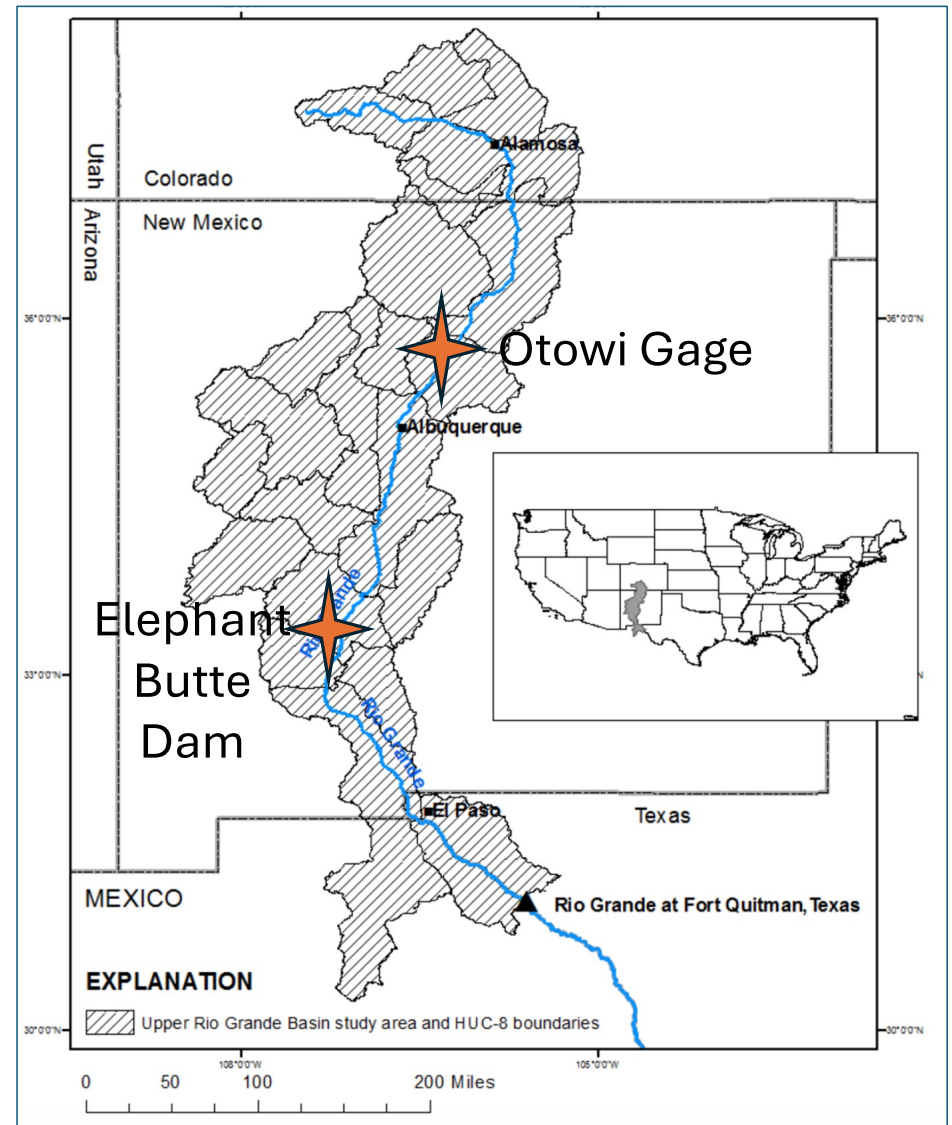


Credit: New Mexico Bureau of Geology and Mineral Resources, **Climate Change in New Mexico Over the Next 50 Years: Impacts on Water Resources**, 2022

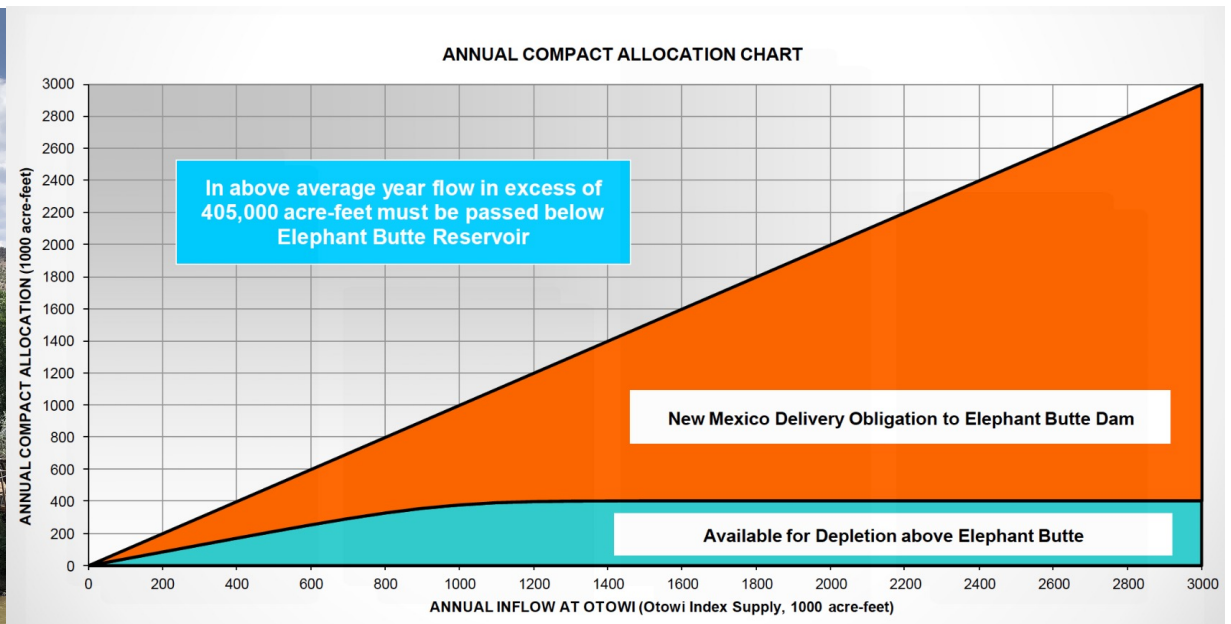
The Rio Grande Compact Makes Three Water Allocations to NM

- The Middle Rio Grande is between the Otowi stream gage and Elephant Butte Dam.
- The Upper Rio Grande is upstream of the Otowi gage.
- The Lower Rio Grande is downstream of Elephant Butte Dam.

Graphic credit USGS

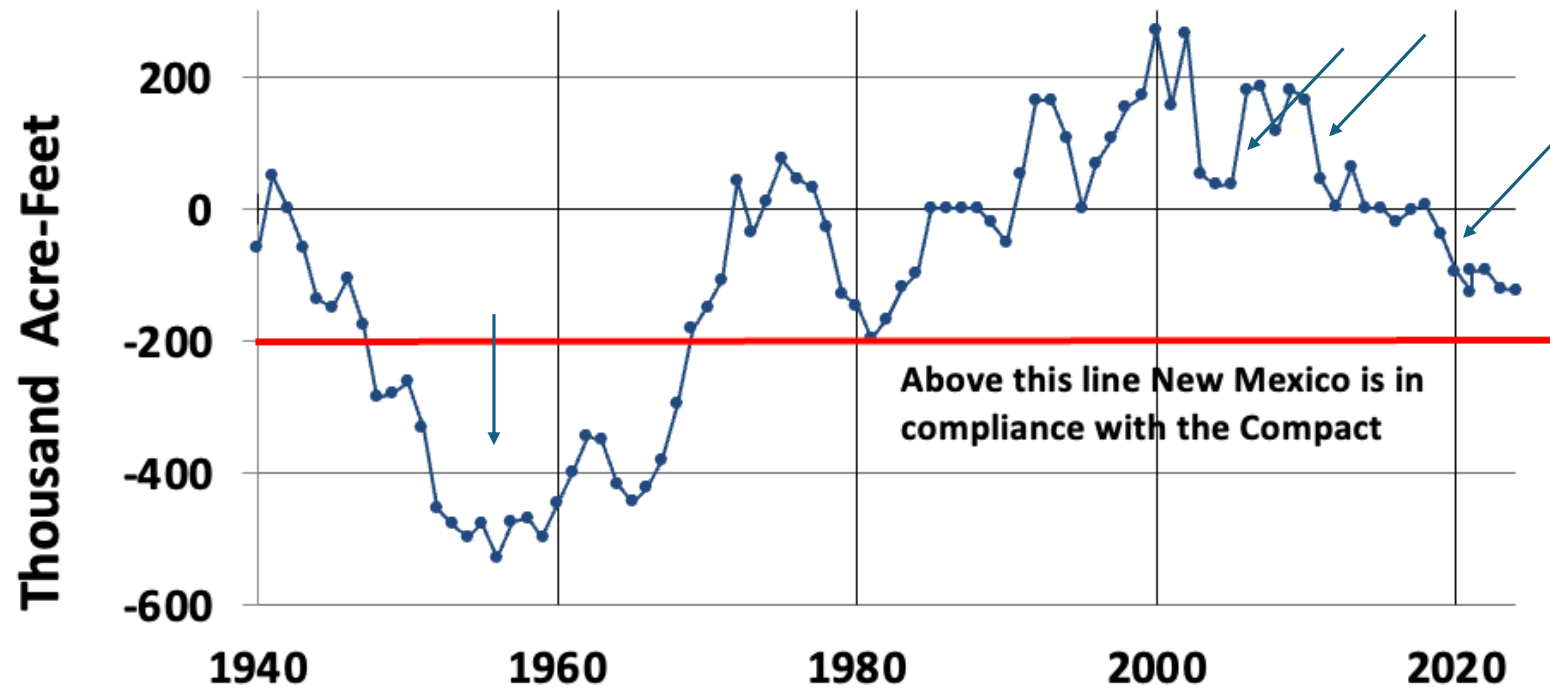


Rio Grande Compact Apportions 57% of Otowi Gage Inflows for Use Below Elephant Butte Dam



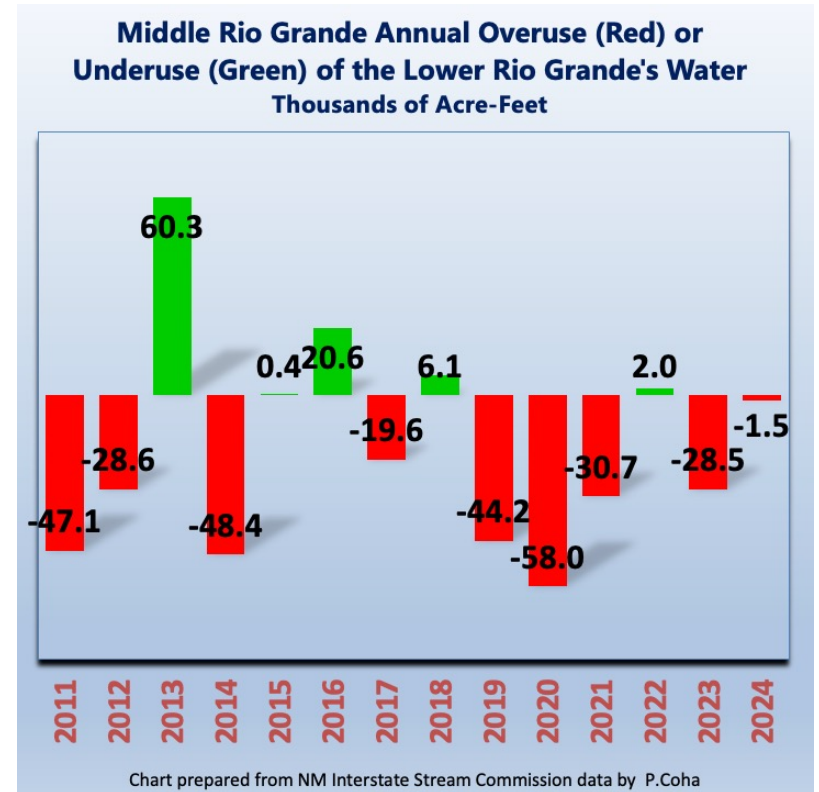
The Middle Rio Grande's maximum entitlement is 405,000 acre-feet/year

Middle Rio Grande Compact Water Delivery Cumulative Credits and Debits



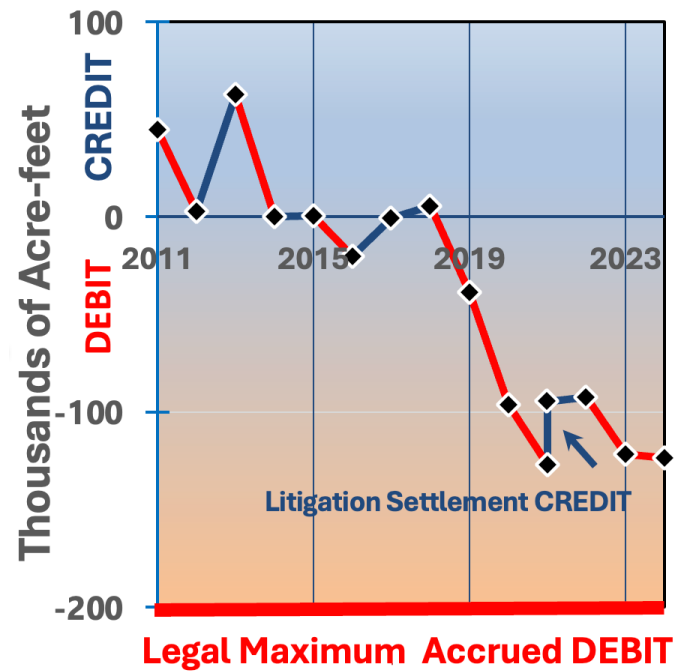
Annual Compact Delivery Performance Since NM Sued Reclamation in 2011

- Reclamation illegally released 32,500 acre-feet of NM credit water in 2011
- Most recent net credit was in 2018
- Covid-related emergency deal with Texas 2020
- Self – correcting mechanism and MRGCD/ISC cooperation in 2024

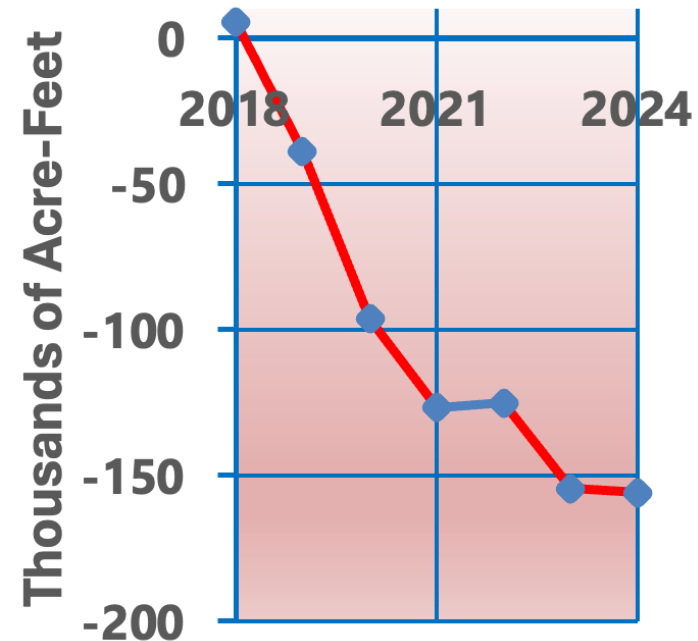


Middle Rio Grande's Water Delivery Debt Is Growing

Compact Accounting 2011-2024

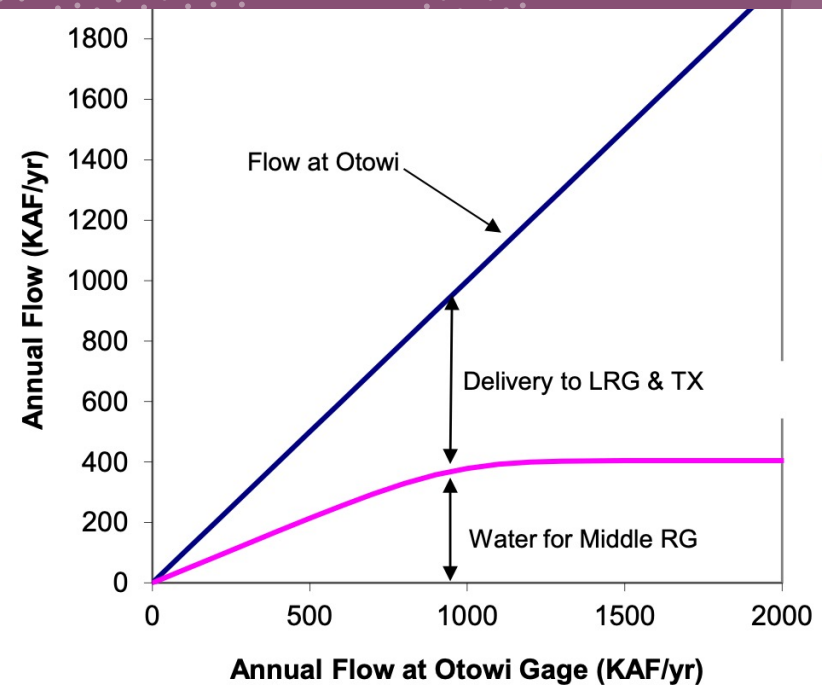
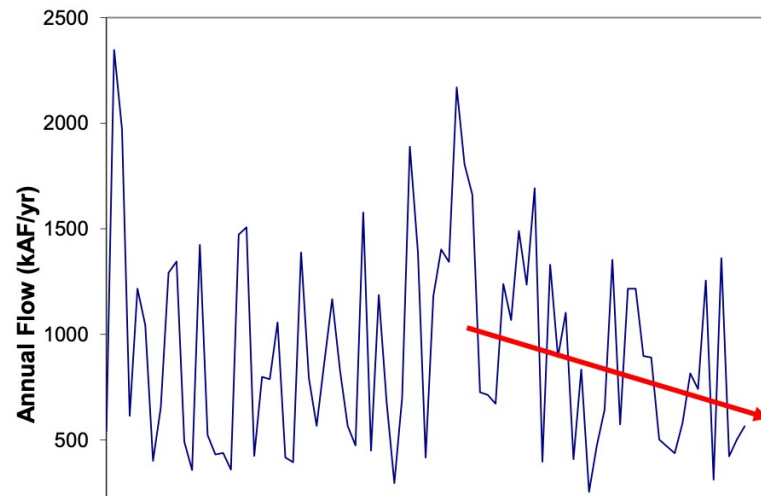


Hydrologic Trend 2018-2024



Issue 2 - Rio Grande Compact

- Requires delivery of water to So. NM & TX based on Index Flows at Otowi gage
- TX v. NM is before U.S. Supreme Court today (3/20/24). TX claims under delivery of water due to ground water pumping in LRG



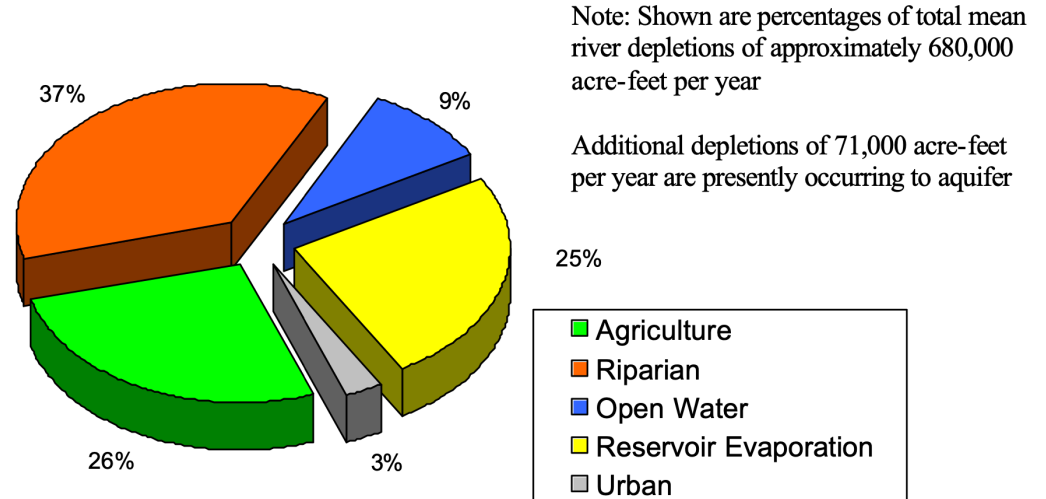
- Sierra & Dona Ana counties in political NM but hydrologic TX

2000 Water Budget

- The most recent state government [water budget for the Middle Rio Grande](#) was completed in 2004 for year 2000 development conditions.
- This graphic estimated but does not depict additional large groundwater depletions.
- Current Office of the State Engineer presentations state riparian evapotranspiration and open water evaporation from the river and wet sand account for half of total current MRG depletions.

Figure 4.22
Summary of Mean Depletions, Grouped by Use

a) Mean depletions to river system (acre-feet per year)
(Year 2000 Land Use and Groundwater Development Conditions)



b) Mean depletions to river system (acre-feet per year), detailed view

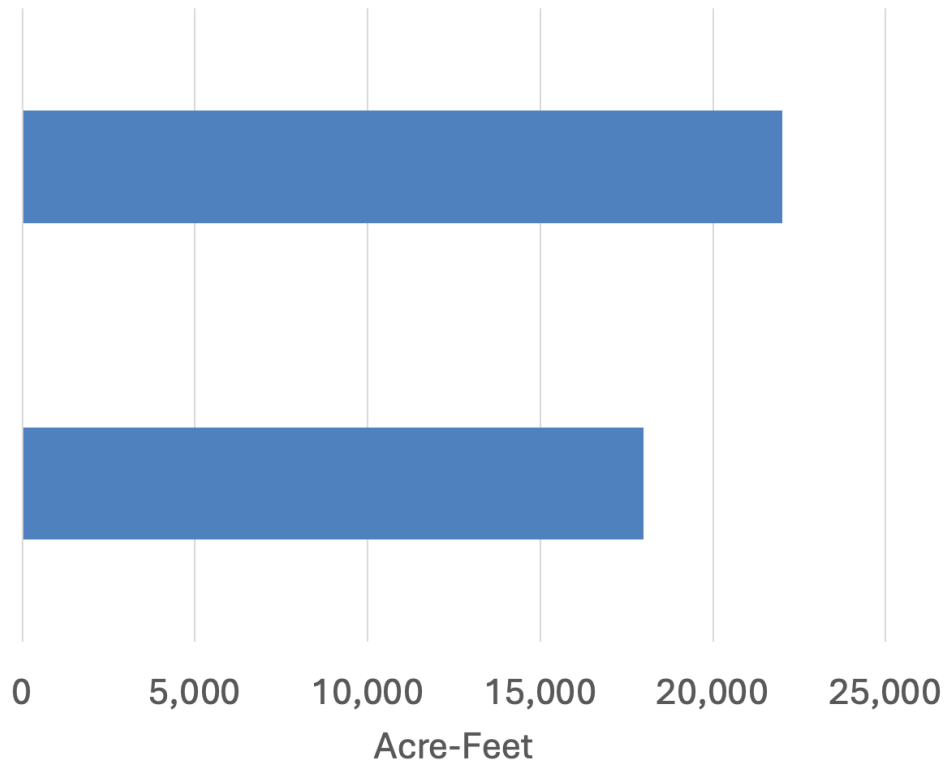
Source: D. Llewellyn, [Middle Rio Grande Water Supply Study](#), 2004

Average Annual Compact Allocation Water Overuse

Middle Rio Grande

hot

Lower Rio Grande



72-2-9.1. Priority administration; expedited water marketing and leasing; state engineer.

A. The legislature recognizes that the adjudication process is slow, the need for water administration is urgent, compliance with interstate compacts is imperative and the state engineer has authority to administer water allocations in accordance with the water right priorities recorded with or declared or otherwise available to the state engineer.

B. The state engineer shall adopt rules for priority administration to ensure that authority is exercised:

- (1) so as not to interfere with a future or pending adjudication;
- (2) so as to create no impairment of water rights, other than what is required to enforce priorities; and
- (3) so as to create no increased depletions.

C. The state engineer shall adopt rules based on the appropriate hydrologic models to promote expedited marketing and leasing of water in those areas affected by priority administration. The rules shall be consistent with the rights, remedies and criteria established by law for proceedings for water use leasing and for changes in point of diversion, place of use and purpose of use of water rights. The rules shall not apply to acequias or community ditches or to water rights served by an acequia or community ditch.

D. Nothing in this section shall affect the partial final decree and settlement agreement as may be entered in the Carlsbad irrigation district project offer phase of *State of New Mexico ex rel. State Engineer v. Lewis, et al.*, Nos. 20294 and 22600 (N.M. 5th Jud. Dist.).

History: Laws 2003, ch. 63, § 1.



Santa Fe New Mexican story March 5, 2025:
https://www.santafenewmexican.com/news/local-news/were-in-great-jeopardy-water-data-act-other-water-priorities-could-dry-up-without-funding/article_8bf03e9a-f3a7-11ef-b773-af947446250e.html



New Mexico Water Advocates Article on Compact Jeopardy:
<https://nmwateradvocates.org/from-the-presidents-desk-río-grande-compact-jeopardy/>



Office of the State Engineer Fact Sheet:
<https://nmwateradvocates.org/wp-content/uploads/2025/03/OSE-ISC-MRG-Administration-2025-Session.pdf>



State Engineer General Counsel and Deputy State Engineer Presentation on “Carrots and Sticks” for the Middle Río Grande:
<https://www.youtube.com/watch?v=Dmn827ZKKpo>