

RESOLUTION
of the
UPPER COLORADO RIVER COMMISSION

Re: Proposed "Hydrologic Determination, 1987--
Water Availability from Navajo Reservoir and the
Upper Colorado River Basin for Use in New Mexico"

WHEREAS, the Upper Colorado River Commission supports water resource development in the Upper Colorado River Basin to enable the Upper Division States to fully develop their compact apportionments of Colorado River water while meeting their compact water delivery requirements at Lee Ferry; and

WHEREAS, it is the position of the Upper Colorado River Commission and the Upper Division States that, with the delivery at Lee Ferry of 75 million acre-feet of water in each period of ten consecutive years, the water supply available in the Colorado River System below Lee Ferry is sufficient to meet the apportionments to the Lower Basin provided for in Article III (a) and (b) of the Colorado River Compact and the entire Mexican Treaty delivery obligation; and

WHEREAS, it is the understanding and expectation of the Upper Colorado River Commission and the Upper Division States that appropriate authorities will take all actions necessary to ensure that all States have access to their respective apportionments as specified in the Upper Colorado River Basin Compact; and

WHEREAS, the Commission resolved at its Special Meeting in Denver, Colorado on June 2, 1987 that it ". . . would not object to a determination by the Bureau [of Reclamation] that the Upper Basin yield is at least 6.0 million acre feet annually, rather than 5.8 million acre feet as previously determined":

NOW, THEREFORE, BE IT RESOLVED by the Upper Colorado River Commission at its Adjourned Annual Meeting in Denver, Colorado, on October 22, 1987, that while the Commission does not endorse the projected Upper Basin depletions, study assumptions, or analytical methodologies set forth in the proposed "Hydrologic Determination, 1987--Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico," and while it specifically disagrees with the assumption of a minimum Upper Basin delivery of 8.23 million acre-feet annually at Lee Ferry, the Commission does not object to a determination by the Secretary of the Interior that 94,500 acre-feet annually, in addition to the amount to be contracted for the San Juan-Chama Project, the Hammond Project, and the Navajo Indian Irrigation Project, are reasonably likely to be available for contract from the Navajo Reservoir supply for use in New Mexico without causing New Mexico to exceed its compact apportionment of Colorado River System water.

BE IT FURTHER RESOLVED, that the Commission asks that all long-term municipal and industrial water service contracts for water in Navajo Reservoir entered into upon the basis of the subject determination: (1) extend no later than through the year 2039, (2) specify that in the event curtailment of use of water by the States of the Upper Division shall become necessary at any time in order that the flow at Lee Ferry will not be depleted below that required by Article III of the Colorado River Compact, such curtailment shall be determined as specified in Article IV of the Upper Colorado River Basin Compact, and (3) specify that such contracts will be treated in accordance with New Mexico's doctrine of prior appropriation and are subject to the Upper Colorado River Basin Compact.

BE IT FURTHER RESOLVED that the Commission reaches no conclusion at this time on the interpretation and application of Article III(b)(3) of the Upper Colorado River Basin Compact because the Commission believes that New Mexico will be within its compact entitlement based on the position set forth in the second "WHEREAS" clause hereof.

BE IT FURTHER RESOLVED, that this resolution be transmitted to the Regional Director, Upper Colorado Region, Bureau of Reclamation, Salt Lake City, Utah, and, as appropriate, to other Federal, State, and Congressional officials who may consider this "Hydrologic Determination."

CERTIFICATE

I, GERALD R. ZIMMERMAN, Executive Director and Secretary of the Upper Colorado River Commission, do hereby certify that the above Resolution was adopted by the Upper Colorado River Commission at an Adjourned Annual Meeting held in Denver, Colorado on October 22, 1987.

WITNESS my hand this 23rd day of October, 1987.


GERALD R. ZIMMERMAN
Executive Director and Secretary