

**RESOLUTION
OF THE RIO GRANDE COMPACT COMMISSION
REGARDING
ADMINISTRATION AND ACCOUNTING OF COMPACT CREDIT WATER
November 10, 2022**

WHEREAS, the States of Colorado, New Mexico, and Texas, in 1938 signed the Rio Grande Compact apportioning the waters of the Rio Grande above Fort Quitman, Texas; and

WHEREAS, the Rio Grande Compact was passed as Public Act No. 96 by the 76th Congress of the United States and approved by the President on May 31, 1939; and

WHEREAS, the agencies of the United States operate numerous reservoirs and other water-related facilities in the Rio Grande basin, including Elephant Butte and Caballo Reservoirs on the Rio Grande in New Mexico; and

WHEREAS, all such facilities are required to be operated in compliance with the Rio Grande Compact; and

WHEREAS, Credit Water is stored in Elephant Butte Reservoir and Rio Grande Project Usable Water is stored in both Elephant Butte and Caballo Reservoirs; and

WHEREAS, the Compacting States have disagreed about the calculation of Credit Water under the terms of the Compact; and

WHEREAS, such disagreement has prevented the Rio Grande Compact Commission (Commission) from approving the annual Compact accounting for water deliveries since 2011; and

WHEREAS, the Compacting States have now reached an agreement for the administration and accounting of Credit Water to resolve the disagreement among the States; and

WHEREAS, the U.S. Bureau of Reclamation (Reclamation) can provide daily values and estimates for the storage in Elephant Butte and Caballo Reservoirs from January 1 to September 30 of each year to the Commission; and

WHEREAS, the Rio Grande Compact Commission determines the amount of Credit Water in Rio Grande Project Storage in Elephant Butte Reservoir retroactive to January 1 of each year and Reclamation uses this information for its project supply determinations.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby favorably advises and consents to and does adopt the agreement between Colorado, New Mexico, and Texas related to the administration and accounting of Credit Water in Elephant Butte Reservoir; and

BE IT FURTHER RESOLVED, that the Commission respectfully requests that Reclamation provide information about water in Elephant Butte Reservoir when and if requested by the Engineer Advisers for the three Compact States; and

BE IT FURTHER RESOLVED, that nothing herein represents a waiver or admission of any legal or factual matter by any Commissioner, Engineer Adviser, Legal Adviser, or the States of Colorado, New Mexico, and Texas; and

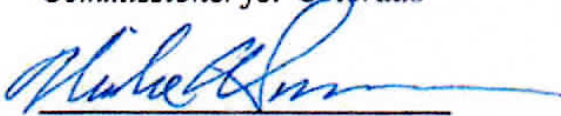
BE IT FINALLY RESOLVED, that the agreement among the States shall be attached to this resolution.



Kevin G. Rein
Commissioner for Colorado



Robert S. Skov
Commissioner for Texas



Michael A. Hamman
Commissioner for New Mexico

**RIO GRANDE COMPACT COMMISSION
CREDIT WATER AGREEMENT FOR
ADMINISTRATION AND ACCOUNTING
AT ELEPHANT BUTTE RESERVOIR**

November 10, 2022

Since 2011, the Engineer Advisers for the Commission have been unable to reach agreement on how the evaporative losses on Credit Water are calculated and tabulated in the accounting for water deliveries. Accordingly, the intent of this agreement is to provide a practical approach to optimize the use of water in Project Storage as it relates to the storage and use of Credit Water in a manner that is agreeable to the Compact States and accommodates each State's understanding of the Rio Grande Compact. Therefore, Rio Grande Compact Credit Water administration and accounting at Elephant Butte Reservoir will be as follows:

A. Definitions:

Definitions of the terms, "Credit Water," "Accrued Credits," "Usable Water," and "Project Storage" that are referenced in this document are consistent with their definitions in the Rio Grande Compact.

"Relinquishment" in this document refers to the process by which Colorado or New Mexico provides some amount of its Credit Water to Usable Water in Project Storage in exchange for receiving a storage benefit of a like amount of water in upstream post-1929 reservoirs when storage restrictions are in effect, as described in Article VII of the Rio Grande Compact.

- B. The Rio Grande Compact identifies Credit Water as the amount of water in Project Storage, which is equal to the accrued credit of Colorado, New Mexico, or both. Credit Water will be held constant as water in Project Storage during the calendar

year for the purposes of Compact accounting and administration at Elephant Butte Reservoir. The amount of Credit Water for the accounting calendar year is the Engineer Advisers' estimated Accrued Credit as of December 31 of the previous year until the accrued credits are finalized by the Commission at the annual Commission meeting.

- C. Once a month, beginning in February, Reclamation will provide to the Engineer Advisers the forecast of maximum Usable Water in Project Storage for the year and the estimate of Usable Water in Elephant Butte through the year.
- D. When Colorado, New Mexico, or both, has Credit Water in storage in Elephant Butte Reservoir:
 - 1. If on May 1 of the current year, Usable Water in Project Storage is less than 400,000 acre-feet; and
 - 2. Based on Reclamation's operation model forecast, the amount of Usable Water in Project Storage is projected to drop to or below 22,000 acre-feet (the current combined minimum pools of Elephant Butte and Caballo Reservoirs) during the release season, the following actions will occur:
 - a. Using data from the Bureau of Reclamation, the Engineer Advisers will estimate evaporative losses to Credit Water expected to occur from January 1 through September 30 of that year from the individual Credit Water accounts of Colorado and New Mexico. If the Bureau of Reclamation determines the estimated evaporative losses described above, the Engineer Advisers will obtain the data from the Bureau for their review, approval, and use;

- b. The Engineer Advisers will advise the Rio Grande Compact Commissioners and inform Reclamation of the approximate date that the Usable Water in Project Storage will drop to 22,000 acre-feet;
- c. Within two weeks prior to the date determined by the Engineer Advisers that the Usable Water in Project Storage will drop to or below 22,000 acre-feet, Colorado and New Mexico will relinquish unconditionally, and Texas will accept unconditionally, the amount of Credit Water equivalent to the estimated Credit Water evaporative losses determined using the method in I.D.2.a above. The relinquishment amounts will be proportional to each state's Credit Water. A like amount of water will be available for storage in upstream post-compact reservoirs on the day that the relinquishment is accepted and into the future when Article VII storage restrictions are in effect;
- d. The relinquished Credit Water will immediately become Usable Water in Elephant Butte Reservoir and will be available to release without additional conditions;
- e. The mandatory relinquishment can only happen once in a given calendar year; and
- f. Should Colorado or New Mexico elect to offer an additional relinquishment above the one-time mandatory relinquishment on the existing Credit Water as detailed above, such relinquishment would be a separate offer of relinquishment subject to Compact Article VII relinquishment provisions.

- E. An end-of-year accounting for Credit Water will occur using the following procedures:
1. If no state makes a mandatory and/or optional relinquishment, Credit Water shall be held constant in both Compact accounting and physically in Elephant Butte Reservoir through the calendar year using the “Constant Credit Water Method” accounting procedure where at the end of the year, all Credit Water for Colorado and New Mexico shall be computed and reduced annually to compensate for evaporative losses in the proportion that the Credit Water bore to the total amount of water in Elephant Butte Reservoir less non-native water. The Compact States agree that the Constant Credit Water Method will be the method of Compact Water accounting for Credit Water starting January 1 of the year following adoption of this agreement.
 2. If either state makes a mandatory and/or optional relinquishment that is accepted by Texas, Credit Water shall be treated as held constant in both Compact accounting and physically in Elephant Butte through the calendar year using the Constant Credit Water Method accounting procedure, with the exception of the instantaneous change to the Credit Water amounts in storage on the date(s) of the relinquishment. At the end of the year, all Credit Water shall be reduced to compensate for evaporative losses in the proportion that Credit Water bore to the total amount of water in Elephant Butte Reservoir, less non-native water for the calendar year, subtracting the amount of the relinquishment. The Compact States agree that this will be the method of Credit Water accounting starting January 1 of the year following adoption of this agreement.

- F. The Rio Grande Compact Commission shall determine evaporative losses of Credit Water and the total amount of water in Project Storage and in storage in Elephant Butte Reservoir in coordination with Reclamation. As a one-time adjustment to implement this agreement, New Mexico and Colorado will be granted delivery credit of 32,500 acre-feet and 300 acre-feet, respectively. These volumes will be applied to each state's accrued Credit or Debit on December 31 of the year of adoption of this agreement.
- G. The Constant Credit Water Method will be used for the Compact accounting years 2011 through the year of adoption of this agreement. The Engineer Advisers will reconcile the accounting and seek Commission approval for each of those years.