

Rio Grande Compact Commission

84th Annual Meeting

April 21, 2023

New Mexico State Capitol Building
Santa Fe, New Mexico

Federal Commissioner and Chairman Hal Simpson called the 84th Annual Meeting of the Rio Grande Compact Commission (Commission) to order at 9:06 a.m. on April 21, 2023. He thanked the sponsors of the reception the previous evening and then explained how the Commission was organized for the participants. He also made housekeeping announcements and noted that a court reporter was taking a verbatim record of the meeting which was also being webcast using the Teams meeting platform.

Chairman Simpson asked each Commissioner to introduce themselves, their staff, and attendees from their state in the audience.

Kevin Rein, Colorado Commissioner and State Engineer from Colorado introduced Craig Cotten, Engineer Adviser and Division Engineer for Water Division 3, Chad Wallace from the Colorado Attorney General's Office, Darin Schepp from the Division 3 Office. Other attendees from Colorado introduced were Heather Dutton, Manager of the San Luis Valley Water Conservancy District (San Luis Valley WCD), Daniel Boyes and Cassandra McCuen from the Rio Grande Headwaters Restoration Project, Nathan Coombs and Elliott Salazar from the Conejos Water Conservancy District (CWCD), as well as David Robbins, Counsel, and Pete Ampe, Counsel, and Amber Pacheco from the Rio Grande Water Conservation District (RGWCD).

Commissioner Robert “Bobby” Skov from Texas thanked New Mexico for hosting the meeting and Chairman Simpson for their conversation the previous evening. He noted that Chairman Simpson had been working on the Rio Grande for about 40 years, or since 1981 according to the Chairman. From Texas, he introduced Engineer Adviser, Suzy Valentine, and Priscilla Hubenak from the Texas Attorney General's Office. He also introduced Brooke Paup, Chairwoman of the Texas Water Development Board, noting that the Texas Water Development Board is the lead agency in Texas for securing water for the future of Texas and funding water projects in Texas. Chairwoman Paup was accompanied by her Chief of Staff, Patrick Lopez.

From the El Paso County Water Improvement District Number 1 (EP No. 1), Texas attendees included the General Manager Jay Ornelas, Board Member Miguel Teran, and District Engineer Al Blair. From the Elephant Butte Irrigation District (EBID), the Board President Greg Daviet was in attendance, along with their Board Vice President Joe Paul Lack, Watermaster James Narvaez, and District Engineering Consultant, Dr. Phil King.

Commissioner Mike Hamman from New Mexico welcomed everyone to Santa Fe, the State Capital. He noted that the Capitol building itself is one of the greatest art galleries in Santa Fe, if not maybe the world. Commissioner Hamman then introduced Page Pegram, his Engineer Adviser and legal

counsel, Chris Shaw. Staff members from the Interstate Stream Commission (ISC) included Rolf Schmidt-Petersen, Nick Rossi, Grace Haggerty, Julia Bowman, Frank Scott, Jennifer Baca, and Cindy Stokes. Also present from the Office of the State Engineer was Ryan Serrano.

From the U.S Army Corps of Engineers (Corps), Lieutenant Colonel Hansbrough was attending, along with staff members Reynalden Delgarito, Trevor Wallach, and Nabil Shafike. Other attendees introduced from New Mexico included Jeff Cordova from the U.S. Geological Survey (USGS), Bureau of Reclamation (Reclamation) Area Manager Jennifer Faler, Carolyn Donnelly, Yvette McKenna, Jerry Melendez, and Lucas Barrett. In addition, Commissioner Hamman introduced and thanked Mark Murphy and Joseph Fluder from the consulting firm, SWCA, for sponsoring the reception on the previous evening. Other attendees from New Mexico introduced were Roland Becenti from the Bureau of Indian Affairs, and Josh Mann, Governor Max Zuni and Lieutenant Governor Eugene Jiron from the Pueblo of Isleta, former Commissioner John D'Antonio, and ISC Commissioner Aaron Chavez from Farmington, New Mexico.

Commissioner Hamman then recognized John Utton and Jay Stein, longtime attorneys in the Rio Grande Basin representing many water users, Tricia Snyder, Daniel Timmons, and Mark Kelly from the Albuquerque Bernalillo County Water Utility Authority (ABCWUA), Veronique Richardson representing tribal interests with the Santa Ana Pueblo and others, and Viola Sanchez, retired Designated Engineer for the Bureau of Indian Affairs (BIA). He noted that about 49 attendees were viewing the meeting virtually from all over the Basin. Commissioner Hamman thanked the Middle Rio Grande Conservancy District (MRGCD), including Jason Casuga who was online, and thanked MRGCD for also co-sponsoring the reception, along with Montgomery Andrews law firm.

Chairman Simpson then moved to Item 2 of the Agenda, approval of the meeting format. Commissioner Hamman, representing the host state of the 2023 Commission annual meeting, moved to conduct the meeting both in person and also by webinar. Commissioner Rein seconded the motion which passed unanimously.

Moving to Item 3, approval of the Agenda, Commissioner Hamman requested to add under Item 15, a resolution for Rolf Schmidt-Peterson as Item D, and Commissioner Rein requested a similar Item E as a recommendation from the Legal Advisers. Commissioner Skov seconded both motions which were unanimously approved.

Chairman Simpson then stated that there would be a break around 10:30 to give the court reporter a short break for 10 to 15 minutes.

Moving to Item 5, Report of the Engineer Advisers, Chairman Simpson stated that Page Pegram would give the report for the Engineer Advisers. Ms. Pegram, as the Engineer Adviser for the host state, read selected portions of the Engineer Advisers Report. She noted that the entire text of the report was posted on the New Mexico State Engineer website under the ISC webpage, with 50 hard copies on the sign-in table.

The Engineer Advisers to the Commission met in person, and by videoconference, on January 9, 2023, and from March 13 to March 17, 2023, to receive reports; reconcile the 2011 to 2021 Rio Grande Compact (Compact) water accounting, pursuant to the November 10, 2022, Rio Grande Compact Commission Credit Water Agreement for administration and accounting of Elephant Butte Reservoir;

prepare the 2022 Compact water accounting; discuss continuing and new issues in preparation for the 2023 Annual Meeting of the Commission; and prepare this Engineer Advisers Report.

The Engineer Advisers received the participation of the Colorado Division of Water Resources (CDWR); the USGS; Reclamation; the Corps; the BIA; the International Boundary and Water Commission (IBWC); and, the U.S. Fish and Wildlife Service (FWS) at the meetings. The agencies each presented information about their specific water-related activities in the Basin during calendar year 2022.

2011-2021 Compact Accounting Reconciliation:

Since 2011, there has been a lack of consensus among the Engineer Advisers on finalizing the annual Compact delivery accounting. This lack of consensus is well-documented in the annual reports of the Engineer Advisers from 2011 through 2021. At the direction of the Commission in June of 2022, the Engineer Advisers initiated discussions to reach a consensus on finalizing the Compact accounting for 2011 forward.

In the fall of 2022, the Engineer Advisers developed the agreement that resolved the dispute over how the evaporative losses on Credit Water are calculated and tabulated in the accounting for water deliveries. The agreement also addresses future mandatory relinquishments, accounting of evaporation Credit Water using the “Constant Credit Water Method,” and a one-time adjustment to delivery credits from New Mexico and Colorado to compensate for the 2011 releases of Credit Water.

On November 10, 2022, at a special meeting of the Commission, a resolution was passed which adopted the Agreement. Based on this Agreement, the Engineer Advisers reconciled the annual Compact delivery accounting from 2011 to 2021. The methodology which is described in more detail in the Engineer Advisers’ Report as presented was utilized to reconcile the accounting, using the 2010-approved accounting as a starting point.

As part of their discussions on reconciliation of the accounting, the Engineer Advisers also agreed to compute evaporation on retained Debit Water in storage on a daily basis and to apply it annually. This method can be used to calculate evaporation on retained Debit Water in any reservoir where it may be in storage.

The reconciled and Engineer Adviser-approved accounting sheets are being presented to the Commissioners for approval today at the 2023 Commission annual meeting, in accordance with the Agreement. The reconciled accounting sheets will be included in a separate document in the Rio Grande Compact Commission Annual Report.

The Engineer Advisers agreed that this will be the method for Credit and Debit Water accounting going forward. Based on the reconciled accounting period which ended on December 31, 2021, New Mexico’s Accrued Debit was 128,900 acre-feet, and Colorado’s Accrued Debit was 4,000 acre-feet.

2022 Compact Accounting:

The Engineer Advisers reviewed the streamflow and reservoir storage records and other pertinent data for the Upper Rio Grande Basin during calendar year 2022 and reached a consensus on the Compact accounting. As determined by the Engineer Advisers, scheduled and actual deliveries, release of Usable Water for the year 2022, and balances as of January 1, 2023, are as follows:

a) Deliveries by Colorado at the State Line:	
Balance as of January 1, 2022	-4,000 acre-feet
Scheduled delivery from Conejos River	86,200 acre-feet
Scheduled delivery from Rio Grande	109,800 acre-feet
Actual delivery at Lobatos plus 10,000 acre-feet	199,900 acre-feet
One-time adjustment/delivery credit	300 acre-feet
Accrued balance (credit) January 1, 2023	200 acre-feet
b) Deliveries by New Mexico at Elephant Butte Dam:	
Balance as of January 1, 2022	-128,900 acre-feet
Scheduled delivery	336,600 acre-feet
Actual delivery	340,000 acre-feet
One-time adjustment/delivery credit	32,5000 acre-feet
Accrued balance (debit) January 1, 2023	-93,000 acre-feet
c) Project Storage and Releases:	
Accrued departure (credit) as of January 1, 2022	2,765,800 acre-feet
Actual release of Usable Water	269,900 acre-feet
Normal release for year	790,000 acre-feet
Under Release in excess of 150,000 acre-feet	370,100 acre-feet
Accrued departure (credit) as of January 1, 2023	2,915,800 acre-feet

No Debit Water was stored in 2022.

The Engineer Advisers jointly prepare the Compact accounting based on information provided and presented by state and federal agencies, which is the best available information at the time of report preparation. The Engineer Advisers' Report is considered final upon signature by the three Engineer Advisers. A complete copy of the Engineer Advisers' Report is available in the Report of the Rio Grande Compact Commission for Calendar Year 2022, at the website, https://www.ose.nm.gov/Compacts/RioGrande/isc_rio_grande_tech_compact_reports.php.

Engineer Adviser Recommendations:

On January 1, 2020, Reclamation implemented new area-capacity tables for Elephant Butte Reservoir based on their 2017 sediment survey. These tables account for the sediment buildup within the Reservoir and the related loss of storage. They also are used to determine the current total storage volume of the Reservoir. The Rio Grande Compact Rules and Regulations describe the now-outdated total storage volume in the Reservoir. The Engineer Advisers again recommend that the Commissioners direct the Legal Advisers, in conjunction with the Engineer Advisers, to incorporate the new tables developed by Reclamation for Elephant Butte Reservoir into the Compact Rules and Regulations for potential approval at the 2024 Commission Annual Meeting.

The Engineer Advisers recommend that the Commissioners again direct the Legal Advisers, in conjunction with the Engineer Advisers, to investigate the need to create an official Compact document repository and report the results of their investigation at the 2024 Commission Annual Meeting.

The Engineer Advisers recommend that the Commissioners direct the Engineer Advisers, and/or Legal Advisers, to investigate the costs submitted by Reclamation for the yearly operation and maintenance of the Rio Grande Below Caballo Reservoir gaging station, and whether a different method can or should be used to determine the cost for this gage, which are allocated equally between the states.

This concluded the reading of selected sections of the Engineer Advisers' Report.

As there were no questions concerning the Engineer Advisers' Report, Chairman Simpson asked for a motion to approve it. Commissioner Hamman moved to approve the Report, and Commissioner Skov seconded the motion. The Engineer Advisers' Report was approved unanimously.

Mr. Chris Shaw gave the Report of the Legal Advisers. He described three recommendations that the Engineer Advisers had made to the Legal Advisers. First, that new Rules and Regulations be adopted to incorporate the new area-capacity table for Elephant Butte Reservoir. The Legal Advisers and Engineer Advisers met and agreed that the area-capacity tables referenced in Paragraph 3(B) of the Compact Rules need to be revised and the reference to the 2009 area table should be updated. The Legal Committee and the Engineer Advisers agreed to make appropriate changes to the Rules for consideration by the Commission at its 2024 annual meeting. Second, Mr. Shaw reported that the Legal Advisers and Engineer Advisers determined it would be too difficult to create a joint Rio Grande Compact document repository while the *Texas vs. New Mexico and Colorado Original Action Number 141* is on-going. The states will continue to investigate creating a joint repository once the *Original Action* is concluded.

Third, Mr. Shaw reported that additional information and investigation is needed to determine an appropriate allocation of costs for the Rio Grande below Caballo Reservoir gage. At issue is the concern,

expressed by Colorado and New Mexico, that the current cost allocation method may not result in the cost being borne equally by the states. However, Texas' belief is that the current cost allocation method correctly reflects both the Compact and the Rules. It was agreed to investigate what adjustments to the Rules might be appropriate, if any, and report to the Commission at the 2024 Commission meeting.

Mr. Chad Wallace presented a fourth item for consideration from the Legal Advisers. Mr. Wallace proposed that the Commission direct the Legal Advisers and Engineer Advisers to investigate a government-to-government discussion protocol describing the procedure for the six Middle Rio Grande Pueblos to present information to the Commission. Commissioner Hamman moved to approve the Legal Adviser's report, with the understanding that the recommendation on Pueblo communication protocol would be discussed later in the meeting under agenda item 15. Commissioner Skov seconded, and all Commissioners voted in favor of the motion.

Commissioner Rein then gave the Report for Colorado. He thanked New Mexico for hosting the meeting and the MRGCD, SWCA and Montgomery and Andrews for hosting the reception.

Commissioner Rein reported that 2022 was a below average water year on the Rio Grande and Conejos rivers, with the Rio Grande at 69% of average and the Conejos River at 82% of average. Monsoon events kept flows high in the summer. Curtailments of Colorado water users to meet Compact obligations ranged from 7-16% on the Rio Grande and 7-50% on the Conejos River system. The 2023 forecast looks much better with estimates ranging from 130 to 150% of average on the Rio Grande and Conejos River.

Regarding groundwater administration, Colorado continues to enforce the Rules and Regulations that require groundwater users to replace their depletions to the stream, as determined by the Rio Grande Decision Support Model. Well owners must replace their injurious depletions through a subdistrict or an augmentation plan with an aquifer sustainability component. Subdistrict 1 is struggling to meet its sustainability requirements and has submitted its fourth water management plan. There are three water court cases filed for augmentation plans for Subdistrict 1. The largest is set for trial in July.

Commissioner Rein noted that the Colorado General Assembly allocated \$30 million of ARPA funds to the Rio Grande Basin to meet sustainability efforts by fallowing groundwater-irrigated lands and reducing irrigated acreage. With that Commissioner Rein concluded his report and there were no questions.

Commissioner Hamman then gave the report for New Mexico. He recognized Maria O'Brian as a New Mexican and water Attorney representing numerous New Mexico clients. He also recognized his EBID friends as New Mexico water users. He recognized Rolf Schmidt-Petersen as retiring as of April 28th and wished him well in retirement. He then introduced Hannah Riseley-White, who will take over as Director of the New Mexico Interstate Steam Commission. He then recognized Mr. Ed Kandl, from Reclamation, and wished him well in retirement. Lastly, on a sad note, Commissioner Hamman recognized Raymond Abeyta, who recently passed away soon after retiring after 40 years of service at Reclamation.

Commissioner Hamman noted the great accomplishment of the Engineer Advisers in reconciling the past 10 years of accounting. He thanked the three states and everyone at the table for coming together on the accounting and on resolving the outstanding litigation.

Commissioner Hamman reported on New Mexico's progress in a number of Indian water right settlements. The Aamodt case, the longest running water litigation in the U.S., has been settled and is in the implementation phase. The Navajo/Gallup project is settled and in the implementation phase. Two other settlements are pending in Congress – one on the Rio Jemez for the Jemez and Zia Pueblos, and another on the Rio San Jose for the Acoma and Laguna Pueblos. Negotiations are on-going with Ohkay-Owingeh Pueblo on the Rio Chama. Claims on the Rio Grande for Ohkay Owingeh and Santa Clara Pueblos will also be settled soon. Commissioner Hamman noted that the Department of Interior has formed an assessment team to evaluate the claims of the six Middle Rio Grande Pueblos, and that a state team has been formed to get involved with the process. Commissioner Hamman then introduced Myron Armijo, the Native American Coordinator for the State Engineer's Office.

Commissioner Hamman discussed the WildEarth Guardians petition for review of the 2016 Biological Opinion. The suit is currently under a stay while the parties discuss settlement. New Mexico is not a party to the lawsuit but is ready to provide informal input if invited.

Regarding conditions in 2022, New Mexico had a very dry and windy spring and the worst catastrophic fire season in history, with over 750,000 acres burned in the southwest portion of the Rio Grande and immense damage to the watershed. The monsoon brought ash and debris runoff from burn scars, and this was and will continue to be a major issue New Mexico must deal with. Commissioner Hamman recognized Interstate Stream Commissioner, Phoebe Suina, who was instrumental in helping with the fire damage response.

The Otowi Index Supply in 2022 was only 60-70% of average. San Juan Chama Project contractors experienced a 40% shortage. However, Article VII restrictions were lifted, and New Mexico caught up a bit on their debit to Elephant Butte Reservoir.

Commissioner Hamman noted that the upcoming water supply forecast is high, and the San Juan Chama Project may get a full allocation. The expected high runoff should help with the silvery minnow spawning, but insufficient channel capacity may prove to be a problem in getting sufficient flow through the system. The NMISC will continue to work with Reclamation on channelization in conjunction with habitat construction.

There was positive development in regard to educating the Legislature. New Mexico Tech hosted Legislative water leadership events.

Funding for down payments of \$65 million was secured for the Lower Rio Grande in preparation for the implementation of the Consent Decree. With this and Bipartisan Infrastructure Law and Inflation Reduction Act funding, a partnership with the Bureau of Reclamation will be possible. Funding will go toward beginning the 5- to 10-year process of regaining a balanced water use approach in the Lower Rio Grande system in New Mexico. This process will additionally ensure water delivery needed to meet the 57/43 allocation of the Rio Grande Project for the two irrigation districts that the Rio Grande Project serves.

A \$20 million appropriation, in addition to a \$15 million appropriation, was received for activities on the Middle Rio Grande. The previous allocation of \$15 million was adjusted to allow for a portion of funding to be used for channel and local conveyance channel conditional recruitments. Partners will also be engaged to further improve the delivery of efficiencies in the San Acacia Reach.

Commissioner Hamman noted the importance of working closely with federal partners, such as the Corps and the FWS. He mentioned that the Rio Grande system has been designed over the 20th century for project-by-project needs. The Flood Control Acts of 1948 and 1950, which are under the authority of these two agencies, were designed to control flooding events and to effectively deliver sediment and water to the Rio Grande Project. Changes in the Endangered Species Act (ESA) and ESA biological opinions, as well as different complexities in the operation of the Rio Grande system, point to a need to reevaluate.

Commissioner Hamman complimented those in attendance from Colorado for their sustainability approach. Water users throughout the Rio Grande Basin and Middle Rio Grande Basin are making efficient agricultural investments, and there are numerous investments in habitat construction by the State and Bureau of Reclamation. He hoped that this would allow them to achieve the purpose of their ESA commitments and water delivery to Elephant Butte. He additionally applauded the efforts of Texas to improve efficiency in the El Paso area.

Commissioner Hamman stated that those in attendance must be partners rather than focused on individual interests. In order to adjust for water systems evolving, he asked the other Commissioners and staff to work together to manage the Rio Grande as one complete system. With that, Commissioner Hamman concluded his remarks.

Commissioner Skov then gave the report for Texas. He noted there were numerous interactions between the states in order to resolve *Texas v. New Mexico and Colorado, Original 141*, which would hopefully lead to Special Master Melloy recommending to the full U.S. Supreme Court approval of the Consent Decree. He also discussed the negotiations and relationship-building that took place and that he looked forward to addressing other issues on the Rio Grande. He also acknowledged and thanked the Engineer Advisers for overcoming the Credit Water account issue last year, which will allow us to approve Compact accounting for the first time since 2011. He additionally thanked Suzy Valentine and Priscilla Hubenak, Herman Settemeyer, and the Colorado and New Mexico groups for working together to arrive at the resolution.

As in the Engineer Advisers' Report, New Mexico still had a 93,000-acre-foot debit, as of January 1, to Texas. The likely improved runoff conditions this year may allow New Mexico to remedy this debt.

Commissioner Skov discussed his predecessor's decision to allow the release of up to 38,000 acre-feet to benefit farmers in the Middle Rio Grande that were experiencing shortages. As part of the agreement, New Mexico would replace that water and storage when first able. Texas hoped to call for that water in January of 2024.

Commissioner Skov raised concerns with the New Mexico copper mine approved application due to potential impacts on the flow and water stored in Caballo. He also raised concerns about Caballo Reservoir, with the Bureau of Reclamation particularly. Texas believes that there were excessive amounts of water stored in Caballo, that Caballo suffers from extreme evaporation, and that a greater amount of water should be stored in Elephant Butte to minimize evaporative losses.

Texas also had concerns with the Bonita Lateral. Texas does not believe that water taken from Elephant Butte and Caballo reservoirs from the Bonita Lateral is a delivery of Compact water to Texas because Bonita water is delivered to lands outside of the Rio Grande Project. Texas believes that the historical method of Compact accounting, where Bonita deliveries are added to the Usable Water release, is the wrong methodology and is double counting for Bonita water. Accurate accounting would require official explanations for the Bonita Lateral and why Compact waters can be diverted by the Bureau of Reclamation for non-Project users.

Commissioner Skov expressed appreciation for IBWC's sediment removal of approximately 275,000 cubic yards in 2022; however, removal is still difficult since 400,000 cubic yards of sediment is deposited each year. He stated the need to work through this sedimentation issue as it has resulted in a tremendous loss of efficiency in channel maintenance as well as thousands of acre-feet of potential water lost. With this statement, Commissioner Skov concluded his report.

Chairman Simpson announced a 15-minute break, beginning at 10:25 and ending at 10:40.

After taking a recess, Chairman Simpson called the meeting to order. He thanked Kristina Romero for organizing the meeting. Mr. Shaw then thanked Kristina Romero and the IT staff for all their work setting up the meeting. Chairman Simpson then moved on to the Report of Federal Agencies.

Report of Federal Agencies:

Ms. Jennifer Faler, representing Reclamation, thanked the reception sponsors for the previous evening's event.

Regarding Reclamation's 2022 operations, the Closed Basin Division in Colorado for 2022 produced 11,673 acre-feet, of which 70% or 8,276 acre-feet was credited to deliveries for Compact purposes and the remainder to the required Mitigation Project at Alamosa and Blanca Wildlife Habitat Areas.

At Heron Reservoir, there was a 64% allocation for the San Juan-Chama Project last year, which was the lowest on record. The Bureau of Reclamation played a special role in their rafting releases last year due to construction at El Vado Dam. Jennifer Faler thanked the Water Authority in Santa Fe for partnering with the Bureau of Reclamation on timing these releases from Heron. High winds at El Vado Reservoir last spring resulted in only 75% of the median flow into El Vado. The spike seen in May was due to Reclamation moving water out for the start of construction.

Ms. Faler thanked the Corps, the Water Authority, State of New Mexico, and the MRGCD for working together to move the Prior and Paramount (P&P) storage for the Pueblos P&P lands down to Abiquiú Reservoir.

Total storage at Elephant Butte and Caballo reservoirs never got above 300,000 acre-feet in calendar year 2022. There was about a third of a normal release between June 1 and August 20, 2022.

Later summer rains brought in about 100,000 acre-feet to Elephant Butte Reservoir that was carried over for 2023 operations out of 2022. An early monsoon season limited the drying that would have occurred in Angostura, resulting in only five days of drying last year.

Reclamation was able to award a Design-Build Contract and will start construction on the Fish Passage at Angostura Diversion Dam next year.

The water management agencies and the FWS are working together on plans for different hydrologic conditions to insure a good minnow spawn and collection effort this year.

Regarding the Wild Earth Guardians lawsuit, the parties have agreed to an additional 90-day stay of the litigation to continue settlement talks.

Phase 1 at El Vado Dam is intended to extend the life of the dam by grouting behind the faceplate and resurfacing the front. There were challenges due to the thin and aged faceplate, extending the project an additional year to 2025. The Spillway Project will start after this and is expected to last two to three years. About 70- to 80,000 acre-feet can be stored while the Spillway Project is underway.

For the Bosque del Apache River Realignment, the Pilot Realignment has been underway for the last three years. The Pilot Realignment is now in the adaptive maintenance phase, in which natural flows and heavy equipment are shaping the channel for efficient water movement. Realignment will be continued in the next six miles above in the flood-prone area of the river. The National Environmental Policy Act process will be completed this year, and construction will start next year.

The River Mile 60 project is intended to improve water delivery to Elephant Butte while maintaining habitat on the west side. Under construction now, it will provide operational flexibility on moving water through this Reach. The experimental operations and Adaptive Management Plan will help to inform the next project.

The Lower San Acacia Reach Improvement Project is intended to improve water delivery to Elephant Butte Reservoir, enhance ecosystem health, and increase the benefit of Reclamation's system maintenance. Two alternatives were developed with Reclamation's partners and the State of Mexico that are moving through the Feasibility and Environment Review phase this year. Designs should be completed next year, and a three-year construction period will start in 2025.

Ms. Faler then discussed funding for these projects. The Albuquerque Area Office pulled in Bipartisan Infrastructure Law funding into their Aging Infrastructure account. For the San Juan-Chama Project and Spillway Project, Reclamation will need to engage in repayment structures. The channelization in the San Acacia Reach had an initial investment of \$4.5 million from Infrastructure funding. Reclamation will continue to draw funding from this account to cost share with the State of New Mexico. The Rio Grande Channelization Project is expected to be heavily federally funded. Reclamation will continue to make a large investment toward the Elephant Butte Recreation Area.

Ms. Faler then moved on to the Rio Grande Basin Study. She noted there are 35 non-federal signatories working with the lead agencies of MRGCD and Reclamation. The project began in January 2023 and will take three years to complete. The Lower Rio Grande Drought Resilience Team began during the *Texas v. New Mexico* negotiations. The team focused on utilizing unique funding opportunities and aligning them with challenges on the Rio Grande Project. She stated that Reclamation is optimistic about working with the EBID, EP No. 1, and the states of New Mexico and Texas on efforts to improve water project supplies and management.

During 2023, Reclamation expects to go from the lowest allocation on record to a full allocation on the San Juan-Chama Project. Water for the Six Middle Rio Grande Pueblos will be stored in Abiquiú Reservoir. Reclamation will be seeking to extend the Abiquiú deviation to store water. The Middle Valley deliveries have begun and will continue for non-tribal irrigators through October and for the Pueblos in November.

The Rio Grande Project operations will start in mid-May and last for three to four months for the EBID and for five months for EP No. 1 and Mexico.

The San Juan-Chama Project is expected to divert 105,000 to 145,000 acre-feet from the San Juan Basin during 2023. Reclamation will make rafting releases from Heron Reservoir instead of El Vado Reservoir. For the El Vado 2023 Operations, Reclamation is expecting 250,000 to 420,000 acre-feet of inflow that will need to be bypassed to keep the reservoir elevation at approximately 6,785 feet so that work can be done safely. Reclamation will only be able to capture and store about 9,500 acre-feet in El Vado in 2023. At Elephant Butte and Caballo reservoirs, irrigation supply is expected to be similar to that of 2019.

Regarding comments from the states' reports, Reclamation will add a slide to discuss the Rio Grande below Caballo gaging station next year. Ms. Faler noted that actual costs have been lower than planned costs and have been trending down for several years. Reclamation hired someone in the Elephant Butte Office to do gage readings to reduce travel time. Costs per measurement was similar to those from the USGS at the below Elephant Butte gage, but Ms. Faler noted they were willing to do additional analysis. Reclamation was open to alternatives to the gage costs.

Reclamation provided the data for the Bonita Lateral, which has been reported as a delivery to Texas (as included in Project deliveries) since the beginning of the Rio Grande Compact Commission. Reclamation will continue providing this data. Ms. Faler stated that she believes the Bonita Lateral deliveries were included in the index equation for Compact accounting. With those remarks, Ms. Faler concluded her presentation.

In response to questions from Ms. Pegram, Ms. Faler clarified that there would be no storage at El Vado Reservoir in 2024. Ms. Faler also clarified that the current 90-day stay on the WildEarth Guardians lawsuit would last until August 1, 2023.

Chairman Simpson moved on to the report of the Corps. Lieutenant Colonel Jerre Hansbrough, with the Albuquerque District for the Corps, then introduced himself. Lieutenant Colonel Hansbrough presented key points from the Corps' report.

The Albuquerque District of the Corps covers Flood Risk Management from Colorado Springs, through the Pass in El Paso, to the junction of the Pecos River and the Rio Grande. They have civil works, military, and environmental missions. Regarding emergency operations, the Corps supported efforts with last year's fires by reducing debris flow.

There are two projects under design for construction, which are associated with the Acequias Program. Cost sharing is now able to go up to 90/10, based on communities' capacity for payment. For the Española Ecosystem Restoration Project, the Corps signed a Design Agreement with the Ohkay Owingeh and Santa Clara Pueblos in November. This project is the first large-scale, \$100 million project focused on Ecosystem Restoration specifically for tribal communities. The Bernalillo to Belen Project has been authorized for construction. The Corps is working on the Phase 1 Mountain View segment design and expects to sign the Design Agreement around June.

Regarding the Continuing Authorities Program, the Corps is approaching 65% design of the Hatch Dam and will go forward with an updated current working estimate cost. The Corps has new-start Ecosystem Restoration Studies pending Partnership Agreements with the Sandia and Isleta pueblos.

The Corps is finishing the Drought Resiliency Plan for Santo Domingo Pueblo. Regarding the Tribal Partnership Program, the federal cost-share waiver has increased in amount and is applied differently. If a Tribal Partnership Program were achieved, up to a \$1.4 million project can be done without cost to the tribal organization. The cost share would apply for anything that goes further than this amount.

For Planning Assistance to the states, the Corps continues to engage with the New Mexico 50-year Water Plan and expects to finish their role in the fall. There are opportunities for cost sharing associated with the Plan.

Lieutenant Colonel Hansbrough reported that the Rio Grande Environmental Management Program was reauthorized out to 2029, which will allow for studies and construction associated with environmental restoration throughout the Rio Grande Valley.

The Corps continues to participate in the Middle Rio Grande Endangered Species Collaborative Program. In 2022, the Corps participated with a \$1.9 million program to do water quality monitoring, hydrology and hydraulics reports, ecosystem restoration monitoring, and a web-portal reporting program. They have \$2 million for 2023 and expect a decrease in funding for 2024.

The Corps has continued to fund the Upper Rio Grande Water Operations Model (URGWOM) with approximately \$1.2 million from their Operations budget. They have updated the database and continue model refinement.

Regarding projected water operations for the Abiquiú and Cochiti sites, flows from Cochiti Reservoir should peak around 5,000 cubic feet per second (cfs). The Abiquiú outflow is expected to be around 1,800 cfs, which is the maximum authorization based on the Water Control Manual. Bulkhead repair will be from around November 16 through February 20, 2024, and will limit flow to 50 cfs.

Chairman Simpson then moved on to questions. In response to Craig Cotten, Lieutenant Colonel Hansbrough clarified that the Corps would follow the Water Control Manual for Abiquiu Dam and comply with the agreements set with the Commission if a deviation is needed for flood control purposes. With this response, Lieutenant Colonel Hansbrough concluded his remarks.

Chairman Simpson moved to the BIA. Roland Becenti introduced himself, thanked the Chairman and members of the Commission. He then introduced Viola Sanchez, the BIA consultant, and Max Zuni, the Honorable Isleta Pueblo Governor.

Mr. Becenti presented on BIA water operations. In 2022, the BIA stored 20,000 acre-feet of P&P water. Although the computed May 1 target storage was 26,909 acre-feet, the Abiquiú deviation allowed a maximum storage of only 20,000 acre-feet. Because of significant monsoon rains and spring runoff, none of the water stored was needed for P&P purposes in 2022. After adjustments for evaporation, 18,644 acre-feet of P&P water was released to Elephant Butte after November 15th.

Field verification of irrigation is made weekly through Pueblo Water Management phone calls between representatives from the six Pueblos, the District, Reclamation, and BIA. Communication also occurs every day using text messaging, emails, and phone calls.

Based on the April forecast, the BIA would need 14,500 acre-feet of P&P storage in 2023. P&P storage in 2023 was made during the Compact Article VII restrictions, and release will be governed by Compact Article VI and VII restrictions. Unused P&P storage will be moved to Elephant Butte after the irrigation season as it cannot be utilized by MRGCD.

Regarding irrigation efficiency improvements, BIA was not able to make funding available in 2022 to the Pueblos for work on some of their projects. Some work, including turnouts, check structures, and improvements to meet the MRGCD minimum target continued with BIA funds that carried over from previous years.

Mr. Becenti concluded his presentation and took questions. Commissioner Hamman welcomed Roland Becenti into the water management community. He then asked Mr. Becenti to update P&P calculations to account for new operations and hydrology. Mr. Becenti thanked Commissioner Hamman for the support and request.

Governor Zuni, on behalf of the Coalition of Six Middle Rio Grande Pueblos (Coalition), introduced himself. The Coalition is comprised of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta, and works together to manage and protect water rights, as well as the health and habitats of the river.

The Pueblos' water rights have never been quantified through general stream litigation or settlement. The Congress enacted legislation in 1928, which authorized the Secretary of the Interior to enter an agreement with the Rio Grande Conservancy District to provide for conservation, irrigation, drainage, and flood control for Pueblo lands. The 1928 Act did not quantify the Pueblos' groundwater rights nor water rights needed for agriculture. The Department of the Interior established a federal assessment team to help the Coalition Pueblos to reach a settlement for their water right claims, and they have made progress.

Governor Zuni stated that the Pueblos have irrigated the land for many years and depend on the Rio Grande which has been used not only for irrigation, but also for traditional purposes and customs. He thanked those in attendance and concluded his remarks.

Ms. Debra Hill then presented on behalf of the FWS. The FWS rescued 2,114 silvery minnows during drying of almost 50 unique river miles. In 2022, they augmented with approximately 129,000 hatchery-grown minnows from the FWS facility in Dexter, the ISC facility in Los Lunas, and the Albuquerque Bio Park facility. Nearly 3,000 tagged fish were released in March 2022, and FWS continues to evaluate the effects of stocking.

Ms. Hill reviewed the Biological Opinion for the species in the Middle Rio Grande. Fish density in 2017 and 2019 was good, but density in 2022 was not. Last year's spawn was unsuccessful due to river drying, and lower number of minnows augmented in November.

There was an increase in the numbers of New Mexico meadow jumping mice on the Bosque del Apache National Wildlife Refuge in 2022. This increase was due to the Bosque del Apache's increased effort and restoration projects, which has included harvesting seeds for planting for habitat restoration and providing water for the mice. A newer mouse population is located at Rio Mora National Wildlife Refuge. The FWS is looking for at least one more population within the Rio Grande for recovery.

There are populations of the endangered Pecos sunflower at the Bernardo Waterfowl Area and La Joya Waterfowl Area, both New Mexico Department of Game and Fish properties, and the Rhodes private property. The species is tied to shallow groundwater and riparian areas. For recovery, four populations of 5,000 plants each in different recovery areas are needed.

The southwestern willow flycatcher had a good year. In 2022, there were 712 total territories from Belen to El Paso. The majority were located in the flooded portions of the Elephant Butte Reservoir. The Upper Rio Grande Management Unit had limited survey efforts, with 10 flycatchers found by Bureau of Land Management. For 2023, surveys will start in May and there will be extensive surveys in Colorado.

Reclamation observed 157 total yellow-billed cuckoo territories, with 122 of them being in the Middle Rio Grande and the rest in the Lower Rio Grande. The Upper Rio Grande and San Luis Valley Management Units had limited survey efforts but will do a large round of surveys in 2024. In New Mexico, 52 additional sites were found, and 23 new cuckoo detections were made. The FWS will complete a Species Status Assessment for the yellow-billed cuckoo, the Rio Grande chub, the Rio Grande sucker, and the Rio Grande cutthroat trout.

Regarding their 2023 outlook, the FWS expects higher Minnow numbers this year due to the above average snowpack. They will continue to assist with fish passage out of the Lower Reach Plan and other habitat restoration projects. The FWS expects a spawn this year and will continue with rescue. Bosque del Apache will continue their Jumping Mouse Plan. The FWS will assist in flycatcher and cuckoo surveys.

Chairman Simpson moved to the USGS report. Mr. Jeff Cordova presented the overview of 2022 activities for the USGS.

Mr. Cordova reported that there are 68 stream gaging stations in the Rio Grande Basin within the New Mexico Water Science Center Streamgaging Network, as well as 40 crest-stage gage stations. These are operated in cooperation with federal, state, local, and tribal partners. The Rio Grande at Otowi bridge had no equipment upgrades in 2023. The range of measured discharge was 349 to 2,519 cfs. The range of computed discharge was 273 to 2,716 cfs. The range of daily mean discharge was 352 to 2,630 cfs.

At the Rio Grande Below Elephant Butte Reservoir stream gage, the USGS continues to use the upper bubble orifice to record precise gage height at high stages. Measurements after June 1 were made just below the dam due to vegetation at the gage. There were 33 measurements made at this gage during 2023, some during the acoustic doppler current profiler (ADCP) regatta. The range of measured discharge was 0.2 to 2,100 cfs, the range of computed discharge was 0.0 to 2,120 cfs, and the range of daily mean discharge was 0.0 to 2,100 cfs.

The objectives of the Rio Grande Transboundary Integrated Hydrologic Model (RGTIHM) are to develop a tool for analyzing the hydrologic system response to the historical evolution of water use and potential changes in water supplies and demands. Current efforts are to update the simulation period of the historical calibrated model and to incorporate new features of the ModFlow software.

Mr. Cordova addressed the Streamflow Response to Potential Changes in Climate on the Upper Rio Grande Basin study. Investigators simulated streamflow in the Rio Grande Basin and modeled changes with climatic forces. Jeff Cordova then concluded his presentation.

Chairman Simpson moved on to the IBWC. Ms. Isela Canava, with the U.S. Section of the IBWC presented an overview of the IBWC and their sediment program. The IBWC is responsible for applying the water treaties between the U.S. and Mexico. They are responsible for flood control and water delivery, according to the 1906 Convention and 1944 Water Treaty for the Rio Grande and Colorado River. They manage two international dams, five diversion dams, two international wastewater treatment plants, and boundary work. For the Upper Rio Grande Project, their main responsibilities are flood control and water deliveries.

Ms. Canava provided an overview of the IBWC's jurisdiction and offices. She then provided an overview of the Upper Rio Grande Project. Part of the Project includes the American Dam and International Dam, the American Canal, and two international bridges. Projects consist of a Channelization Project, Rectification Project, and Sediment Management Program.

The Sediment Management Program has shifted toward managing in-house and working with stakeholders who do contracted work. The IBWC can remove about 215,000 of the 486,000 cubic yards of sediment deposited annually in their Upper Rio Grande Project. This removal costs about \$4.6 million per year. Accumulated sediment has resulted in decreases in water delivery efficiency.

The President's budget included an increase in the budget of IBWC, four positions for heavy equipment operators were authorized. The IBWC also plans to purchase 18 pieces of heavy equipment for sediment removal.

The IBWC would like to construct more structures to intercept sediment, work with more stakeholders to leverage resources and accomplish sediment mitigation, work with their Mexican section, and develop new hydrologic and hydraulic models. The IBWC recently became a member of the Lower Rio Grande Drought Resilience Team. They are also part of the South-Central New Mexico Stormwater Coalition and work with the Village of Hatch.

The IBWC engaged in the Thurman Arroyo I and II Sediment Basin Project. This project allowed them to remove accumulated sediment year-round. The pilot program has been successful.

Ms. Canava then reviewed the River Management and Habitat Restoration Projects. The River Management Project covers floodplain management, channel maintenance, and endangered species management. During the previous year, they removed salt cedars near Hatch, implemented riparian habitat restoration sites, and administered surface water. Habitat removal was limited by the Biological Opinion.

Ongoing IBWC projects included the Rio Grande Canalization Project, Hydraulic Modeling, and Sediment Accumulation and Flow Capacity Analysis. Existing HEC-RAS modeling was used to analyze flow capacity and levee freeboard deliveries. They are doing "proposed condition" hydraulic modeling to address levee freeboard deficiencies and conducting an analysis of sediment volume needed for removal. The project is being extended to December of 2023 to address stakeholder feedback.

Ms. Canava then moved to the 2023 irrigation season. The Usable Water in project storage was 409,000 acre-feet, and Mexico's April allocation was 22,611 acre-feet.

Ms. Canava concluded her remarks with the announcement that the IBWC will continue to host monthly binational meetings with the IBWC, Reclamation, the Mexican section, CONAGUA, EBID, and EP No. 1.

In response to a question from Commissioner Skov, Ms. Canava clarified the IBWC was doing work in house in the Little Box Canyon area. They are looking for Mexico to do sediment removal upstream around the Fort Hancock area. Commissioner Hamman thanked Ms. Canava for the report and engaging in the Lower Rio Grande Drought Response Planning efforts.

Chairman Simpson stated there would be a ten-minute break for the court reporter, and the meeting recessed from 12:16 p.m. to 12:26 p.m.

Chairman Simpson proceeded to the next agenda item, which was the presentation of cost of operations for Fiscal Year 2022 by Mr. Craig Cotten.

Mr. Cotten stated that for the fiscal year ending June 30, 2022, the grand total for operation of the Compact was \$223,929. Of that, \$71,840 was provided by the United States, and the remainder was

divided between the states of Colorado, New Mexico, and Texas, in the amount of \$50,696 from each state. Mr. Cotten then presented this budget to the Commission for approval. The motion was approved.

Chairman Simpson moved to Item 10. Mr. Cotten presented the budget for the fiscal year ending June 30, 2024. The proposed budget was a total of \$245,825, with \$74,782 being borne by the United States, and the remaining being divided by the Compact states in the amount of \$57,014 by each state. The proposed budget was approved.

Chairman Simpson moved to the Cooperative Agreement, Item 11. Mr. Cotten presented the Joint Funding Agreement from the United States Geological Survey. The total expenditure for the period between July 1, 2023, to June 30, 2024, was estimated to be \$22,581, of which the USGS would provide \$6,426, and the three states would each provide \$5,385. The Cooperative Agreement was approved.

Chairman Simpson moved to Item 12, approval of the minutes of the 83rd Annual Meeting. He thanked Ms. Valentine for creating the minutes. Ms. Valentine stated that a draft copy was previously distributed to the Commissioners and then submitted to them for approval. All Commissioners approved the minutes.

Chairman Simpson moved to Item 13, approval of the minutes of the Special Meeting held on November 10, 2022. Ms. Valentine presented a draft copy of the meeting minutes for approval. All Commissioners approved the Special Meeting minutes.

Chairman Simpson moved to the approval of the letters to the Governors. Ms. Pegram presented a copy of each of the letters to the Governors of Colorado, New Mexico, and Texas for approval. The letters were approved.

Chairman Simpson moved to the Engineer Adviser recommendations which were presented by Craig Cotten. As reported by Ms. Pegram in the Engineer Advisers' Report, the Engineer Advisers had three recommendations. These recommendations were to do with the new tables of storage developed by Reclamation for Elephant Butte Reservoir, investigating the need to create an official Rio Grande Compact document repository, and investigating the costs submitted by Reclamation for the operation of the Rio Grande Below Caballo Reservoir gaging station. The recommendation was to continue investigating these three issues. Commissioner Rein made a motion to adopt the recommendations. Commissioner Skov and Commissioner Hamman were all in favor, and the recommendations were approved.

Chairman Simpson moved to Item B, presentation of Compact accounting. Ms. Pegram gave the presentation. The states have not agreed on Compact accounting for the last decade. On behalf of the Engineer Advisers, Ms. Pegram presented the Commission with eleven years of Compact accounting that had been approved and signed by the EAs. There will only be one set and one method of accounting moving forward. She thanked Mr. Cotten, Ms. Valentine, and Ms. Cindy Stokes for their efforts. Accounting was approved through the end of 2022. Colorado had an Accrued Credit of 200 acre-feet, and New Mexico had an Accrued Debit of 93,000 acre-feet. Chairman Simpson and the Commissioners thanked the Engineer Advisers for their work.

Chairman Simpson moved to Item C, Resolution for Mike Sullivan, who retired as State Engineer for Colorado. Craig Cotten read into the record the Resolution of the Rio Grande Compact Commission honoring Michael Sullivan, April 21, 2023. Commissioner Rein expressed gratitude for Mike Sullivan and his public service in Colorado and the Rio Grande Basin. Commissioner Rein made a motion to approve the Resolution, which was seconded by Commissioner Hamman. All Commissioners then approved the Resolution. A copy of the resolution is included as an attachment to these minutes of the 84th Annual Meeting of the Commission.

Chairman Simpson moved to the Resolution of the Rio Grande Compact Commission honoring Rolf Schmidt-Petersen. Commissioner Hamman presented the Resolution for approval. Commissioner Hamman made a motion to approve the Resolution, which was seconded by Commissioner Skov. All Commissioners were in favor, and the Resolution was approved. A copy of the resolution is included as an attachment to these minutes of the 84th Annual Meeting of the Commission.

Chairman Simpson moved to Item E, the recommendation on the Legal Committee. Commissioner Rein asked for Chad Wallace to follow up with additional comments before making a motion. Mr. Wallace followed up on the fourth item of the Legal Advisers. The Legal Advisers jointly recommended that the Rio Grande Compact Commission direct the Engineer Advisers and Legal Advisers to investigate a government-to-government discussion protocol with the Six Middle Rio Grande Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta. Commissioner Rein made a motion to approve the recommendation, which was seconded by Commissioner Hamman. All Commissioners were in favor, and the recommendation was approved.

Chairman Simpson moved to the Public Comment period. Mr. David Robbins, counsel for the Rio Grande Water Conservation District, first thanked the Commission for working to reach a tri-party agreement in the settlement of *Texas v. New Mexico*. He then commented on Commissioner Hamman's call for ongoing cooperation among the states to increase water use efficiency, stating that the Commission should lead those efforts. It was the Rio Grande Water Conservation District's belief that any studies or recommendations should not be founded on alterations in how the Compact allocates water. Those in Colorado wished for deliveries to continue to be measured at the state line at Lobatos. David Robbins again thanked the Commission for their efforts and concluded his remarks.

Chairman Simpson then asked for a motion to adjourn. Commissioner Rein made that motion, which was seconded by Commissioner Hamman. The motion passed, and the proceedings adjourned at 12:48 p.m.

Attachment 1 – Resolution for Mike Sullivan

Attachment 2 – Resolution for Rolf Schmidt-Petersen

Resolution of the Rio Grande Compact Commission Honoring Michael Sullivan

April 21, 2023

WHEREAS, Michael "Mike" Sullivan, P.E., served the people of the State of Colorado and the Rio Grande Basin as an employee of the Colorado Division of Water Resources for 29 years, as Colorado's Engineer Adviser to the Rio Grande Compact Commission for 3 years, and as Colorado's Deputy Rio Grande Compact Commissioner and Deputy Colorado State Engineer for 15 years; and

WHEREAS, during that time Mr. Sullivan did faithfully serve the interests of the citizens of Colorado and of the Rio Grande Basin in his actions; and

WHEREAS, in all his associations with this Commission, he did faithfully and fairly discharge his appointed duties; and


WHEREAS, as a result of his professional conduct in addressing numerous matters regarding administration and management of the Rio Grande Compact, his fellow Commissioners, their advisers and staff developed great respect, admiration, and appreciation of Mr. Sullivan during his tenure;

NOW, THEREFORE, BE IT RESOLVED, that the Rio Grande Compact Commission, at its 84th Annual Meeting held in Santa Fe, New Mexico on April 21, 2023, does hereby express its gratitude and appreciation for the untiring service and counsel rendered by Mike Sullivan, P.E., in addressing the many technical, legal, and political water resource problems that have been confronted during his service to the Rio Grande Compact Commission.

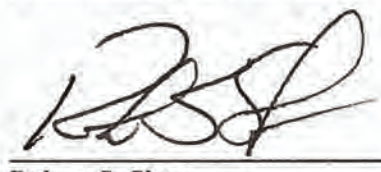
BE IT FURTHER RESOLVED, that the Rio Grande Compact Commission, its advisers and staff sincerely wish Mike Sullivan, his wife Sandie, and their family the best of health, happiness and prosperity in their future endeavors, and

BE IT FURTHER RESOLVED, that the Colorado Engineer Adviser of the Rio Grande Compact Commission is hereby directed to furnish copies of this unanimously adopted resolution to Mike Sullivan, P.E., and to cause said resolution to be included in the Minutes of the 84th Annual Meeting of the Rio Grande Compact Commission.


Hal Simpson
Federal Chairman


Kevin G. Rein
Commissioner for Colorado


Mike A. Hamman
Commissioner for New Mexico


Robert S. Skov
Commissioner for Texas

RESOLUTION OF THE RIO GRANDE COMPACT COMMISSION

Honoring Rolf Schmidt-Petersen

April 21, 2023

WHEREAS, *Rolf Schmidt-Petersen has served the State of New Mexico as a water professional for over 33 years, including 24 years as an employee of the State of New Mexico, nine years as the New Mexico Engineer Adviser to the Rio Grande Compact and four years as the Director of the New Mexico Interstate Steam Commission; and*

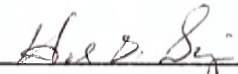
WHEREAS, *during that time Rolf Schmidt-Petersen worked tirelessly to protect New Mexico's compact entitlements to the waters of the Rio Grande and showed tremendous dedication and support to the Rio Grande Compact Commission in his knowledge of the Compact and of the Rio Grande Basin in its entirety; and*


WHEREAS, *because of his professional and knowledgeable conduct, his fellow Commissioners, their advisers and staff have developed great respect, admiration and appreciation for Rolf Schmidt-Petersen; and*


NOW, THEREFORE, BE IT RESOLVED, *that the Rio Grande Compact Commission, at its 84th annual meeting held in Santa Fe, New Mexico on April 21, 2023, does hereby express the gratitude and appreciation of the Commission and its staff for the untiring service and counsel rendered by Rolf Schmidt-Petersen; and*

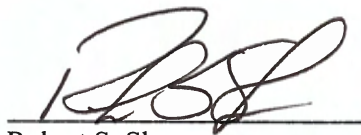
BE IT FURTHER RESOLVED, *that the Rio Grande Compact Commission, its advisers and staff sincerely wish Rolf Schmidt-Petersen and his wife Kim the best of all health, happiness and prosperity in all their future endeavors; and*

BE IT FURTHER RESOLVED, *that the New Mexico Engineer Adviser of the Rio Grande Compact Commission is hereby directed to furnish copies of this unanimously adopted Resolution to Rolf Schmidt-Petersen and the Governor of the State of New Mexico, and to cause said resolution to be included in the Minutes of the 84th annual meeting of the Rio Grande Compact Commission.*


Hal Simpson, P.E.
Chairman and Commissioner
for the United States of America


Kevin G. Rein, P.E.
Commissioner for Colorado


Mike A. Hamman, P.E.
Commissioner for New Mexico


Robert S. Skov
Commissioner for Texas