

RULES AND REGULATIONS FOR ADMINISTRATION OF THE RIO GRANDE COMPACT

A Compact, known as the Rio Grande Compact, between the States of Colorado, New Mexico, and Texas, having become effective on May 31, 1939, by consent of the Congress of the United States, which equitably apportions the waters of the Rio Grande above Fort Quitman and permits each State to develop its water resources at will, subject only to its obligations to deliver water in accordance with the schedules set forth in the Compact, the following Rules and Regulations have been adopted for its administration by the Rio Grande Compact Commission; to be and remain in force and effect only so long as the same may be satisfactory to each and all members of the Commission, and provided always that on the written objection of any member of the Commission to the remaining two members of the Commission after a period of sixty days from the date of such objection, the sentence, paragraph, or any portion of all of these rules to which any such objection shall be made, shall stand abrogated and shall thereafter have no further force and effect; it being the intent and purpose of the Commission to permit these rules to obtain and be effective only so long as the same may be satisfactory to each and all of the Commissioners.

(1) GAGING STATIONS

Responsibility for the equipping, maintenance, and operation of the stream gaging stations and reservoir gaging stations required by the provisions of Article II of the Compact shall be divided among the signatory States as follows:

(a) Gaging stations on streams and reservoirs in the Rio Grande Basin above the Colorado-New Mexico boundary shall be equipped, maintained, and operated by Colorado in cooperation with the U.S. Geological Survey.

(b) Gaging stations on streams and reservoirs in the Rio Grande Basin below Lobatos and above Caballo Reservoir shall be equipped, maintained, and operated by New Mexico in cooperation with the U.S. Geological Survey to the extent that such stations are not maintained and operated by some other Federal agency.

(c) Gaging stations on Elephant Butte Reservoir and on Caballo Reservoir, and the stream gaging station on the Rio Grande below Caballo Reservoir shall be equipped, maintained, and operated by or on behalf of Texas through the agency of the U.S. Bureau of Reclamation.

The equipment, method, and frequency of measurements at each compact stream gaging station shall be sufficient to obtain stream flow records at least equal in accuracy to those classified as "good" by the U.S. Geological Survey. The stream flow records for each compact stream gaging station shall be reviewed annually by the U.S. Geological Survey to ensure accuracy. Water-stage recorders on the reservoirs specifically named in Article II of the Compact shall have sufficient range below maximum reservoir level to record major fluctuations in storage. Staff gages may be used to determine fluctuations below the range of the water-stage recorders on these and other large reservoirs, and staff gages may be used upon approval of the Commission in lieu of water-stage recorders on small reservoirs, provided that the frequency of observation is sufficient in each case to establish any material changes in water levels in such reservoirs.

(2) RESERVOIR CAPACITIES /1

Colorado shall file with the Commission a table of areas and capacities for each reservoir in the Rio Grande Basin above Lobatos constructed after 1937; New Mexico shall file with the Commission a table of areas and capacities for each reservoir in the Rio Grande Basin between Lobatos and San Marcial constructed after 1929; and Texas shall file with the Commission tables of areas and capacities for Elephant Butte Reservoir and for all other reservoirs actually available for the storage of water between Elephant Butte and the first diversion to lands under the Rio Grande Project.

Whenever it shall appear that any table of areas and capacities is in error by more than five percent, the Commission shall use its best efforts to have a re-survey made and a corrected table of areas and capacities to be substituted as soon as practicable. To the end that the Elephant Butte

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effective supply may be computed accurately, the Commission shall use its best efforts to have the rate of accumulation and the place of deposition of silt in Elephant Butte Reservoir checked at least every three years.

(3) ACTUAL SPILL /2, /3, /4, /5

(a) Water released from Elephant Butte in excess of Project requirements, which is currently passed through Caballo Reservoir, prior to the time of spill, shall be deemed to have been "Usable Water" released in anticipation of spill, or Credit Water if such release shall have been authorized.

(b) Excess releases from Elephant Butte Reservoir, as defined in (a) above, shall be added to the quantity of water actually in storage in that reservoir, and Actual Spill shall be deemed to have commenced when this sum equals the total capacity of that reservoir to the level of the uncontrolled spillway less capacity reserved for flood purposes, which is 50,000 acre-feet from April through September and 25,000 acre-feet from October through March. The total capacity of Elephant Butte Reservoir will be defined based upon the current area-capacity table in use at the time of the release or Actual Spill from the reservoir. .

(c) All water actually spilled at Elephant Butte Reservoir, or released therefrom, in excess of Project requirements, which is currently passed through Caballo Reservoir, after the time of spill, shall be considered as Actual Spill, provided that the total quantity of water then in storage in Elephant Butte Reservoir exceeds the physical capacity of that reservoir at the level of the sill of the spillway gates based upon the area-capacity tables in use at the time of the Actual Spill.

(d) Water released from Caballo Reservoir in excess of Project requirements and in excess of water currently released from Elephant Butte Reservoir, shall be deemed Usable Water released, excepting only flood water entering Caballo Reservoir from tributaries below Elephant Butte Reservoir.

(4) DEPARTURES FROM NORMAL RELEASES /6

For the purpose of computing the time of Hypothetical Spill required by Article VI and for the purpose of the adjustment set forth in Article VII, no allowance shall be made for the difference between Actual and Hypothetical Evaporation, and any under-release of usable water from Project Storage in excess of 150,000 acre-ft in any year shall be taken as equal to that amount.

(5) EVAPORATION LOSSES /7, /8, /9

The Commission shall encourage the equipping, maintenance, and operation, in cooperation with the U.S. Weather Bureau or other appropriate agency, of evaporation stations at Elephant Butte Reservoir and at or near each major reservoir in the Rio Grande Basin within Colorado constructed after 1937 and in New Mexico constructed after 1929. The net loss by evaporation from a reservoir surface shall be taken as the difference between the actual evaporation loss and the evapo-transpiration losses which would have occurred naturally, prior to the construction of such reservoir. Changes in evapo-transpiration losses along stream channels below reservoirs may be disregarded.

Net losses by evaporation, as defined above, shall be used in correcting Index Supplies for the operation of reservoirs upstream from Index Gaging Stations as required by the provisions of Article III and Article IV of the Compact.

In the application of the provisions of the last unnumbered paragraph of Article VI of the Compact:

(a) Evaporation losses for which accrued credits shall be reduced shall be taken as the difference between the gross evaporation from the water surface of Elephant Butte Reservoir and rainfall on the same surface.

(b) Evaporation losses for which accrued debits shall be reduced shall be taken as the net loss by evaporation as defined in the first paragraph.

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(6) ADJUSTMENT OF RECORDS

The Commission shall keep a record of the location and description of each gaging station and evaporation station, and, in the event of change in location of any stream gaging station for any reason, it shall ascertain the increment in flow or decrease in flow between such locations for all stages. Wherever practicable, concurrent records shall be obtained for one year before abandonment of the previous station.

(7) NEW OR INCREASED DEPLETIONS

In the event any works are constructed that alter or may be expected to alter the flow at any of the Index Gaging Stations mentioned in the Compact, or which may otherwise necessitate adjustments in the application of the schedules set forth in the Compact, it shall be the duty of the Commissioner specifically concerned to file with the Commission all available information pertaining thereto, and appropriate adjustments shall be made in accordance with the terms of the Compact; provided, however, that any such adjustments shall in no way increase the burden imposed upon Colorado or New Mexico under the schedules of deliveries established by the Compact.

(8) TRANSMOUNTAIN DIVERSIONS

In the event any works are constructed for the delivery of waters into the drainage basin of the Rio Grande from any stream system outside of the Rio Grande Basin, such waters shall be measured at the point of delivery into the Rio Grande Basin and proper allowances shall be made for losses in transit from such points to the Index Gaging Station on the stream with which the imported waters are comingled.

(9) QUALITY OF WATER

In the event that delivery of water is made from the "Closed Basin" into the Rio Grande, sufficient samples of such water shall be analyzed to ascertain whether the quality thereof is within the limits established by the Compact.

(10) SECRETARY /10, /11, /12

The Commission may, on a yearly basis, employ appropriate entities to render such engineering and clerical aid as may reasonably be necessary for administration of the Compact. The entities may be employed to:

(1) Collect and correlate all factual data and other records having a material bearing on the administration of the Compact and keep each Commissioner advised thereof.

(2) Inspect all gaging stations required for administration of the Compact and make recommendations to the Commission as to any changes or improvements in methods of measurement or facilities for measurement which may be needed to insure that reliable records be obtained.

(3) Report to each Commissioner in writing within thirty days after the end of each quarter a summary of all hydrographic data then available for the current year—on forms prescribed by the Commission—pertaining to:

- (a) Deliveries by Colorado
- (b) Deliveries by New Mexico
- (c) Operation of Project Storage

(4) Make such investigations as may be requested by the Commission in aid of its administration of the Compact.

(5) Act as Secretary to the Commission and submit to the Commission at its regular meeting a report on its activities and a summary of all data needed for determination of debits and credits and other matters pertaining to administration of the Compact.

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(11) COSTS /13, /14

At its annual meeting, the Commission shall adopt a budget for the ensuing fiscal year beginning July first.

Such budget shall set forth the total cost of maintenance and operating of gaging stations, of evaporation stations, the cost of engineering and clerical aid, and all other necessary expenses excepting the salaries and personal expenses of the Rio Grande Compact Commissioners.

Contributions made directly by the United States and the cost of services rendered by the United States without cost shall be deducted from the total budget amount; the remainder shall then be allocated equally to Colorado, New Mexico and Texas.

Expenditures made directly by any State for purposes set forth in the budget shall be credited to that State; contributions in cash or in services by any State under a cooperative agreement with any federal agency shall be credited to such State, but the amount of the federal contribution shall not so be credited; in event any State, through contractual relationships, causes work to be done in the interest of the Commission, such State shall be credited with the cost thereof, unless such cost is borne by the United States.

Costs incurred by the Commission under any cooperative agreement between the Commission and any U.S. Government Agency, not borne by the United States, shall be apportioned equally to each State, and each Commissioner shall arrange for the prompt payment of one-third thereof by his State.

The Commissioner of each State shall report at the annual meeting each year the amount of money expended during the year by the State that the Commissioner represents, as well as the portion thereof contributed by all cooperating federal agencies, and the Commission shall arrange for such proper reimbursement in cash or credits between States as may be necessary to equalize the contributions made by each State in the equipment, maintenance and operation of all gaging stations authorized by the Commission and established under the terms of the Compact.

It shall be the duty of each Commissioner to endeavor to secure from the Legislature of the State represented by the Commissioner an appropriation of sufficient funds with which to meet the obligations of that State, as provided by the Compact.

(12) MEETING OF COMMISSION /17, /18, /19

The Commission shall meet each year for the consideration and adoption of the annual report for the calendar year preceding and for the transaction of any other business consistent with its authority. Other meetings as may be deemed necessary shall be held at any time and place set by mutual agreement, for the consideration of data collected and for the transaction of any business consistent with its authority.

No action of the Commission shall be effective until approved by the Commissioner from each of the three signatory States.

(Signed) M. C. HINDERLIDER
M. C. Hinderlinder
Commissioner for Colorado

(Signed) THOMAS M. McCLURE
Thomas M. McClure
Commissioner for New Mexico

(Signed) JULIAN P. HARRISON
Julian P. Harrison
Commissioner for Texas

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Original Adopted December 19, 1939.

/1 Adopted at Fourth Annual Meeting, February 24, 1943.

/2 The substitution of this section for the section titled "Reports to Commissioners" was adopted at Ninth Annual Meeting, February 22, 1948.

/3 Amended at Tenth Annual Meeting, February 15, 1949.

/4 Amended at Eleventh Annual Meeting, February 23, 1950.

/5 Amended at Twelfth Annual Meeting, February 24, 1951.

/6 Amended at Thirteenth Annual Meeting, February 25, 1952.

/7 Adopted June 2, 1959; made effective January 1, 1952.

/8 Amended June 2, 1959.

/9 Amended September 9, 1998.

/10 Amended March 22, 2001; made effective January 1, 2001.

/11 Amended March 31, 2009.

/12 Adopted March 31, 2009; made effective January 1, 2010

/13 Amended at Seventy-Seventh Annual Meeting, March 31, 2016.

/14 Amended April 26, 2024, made effective January 1, 2020.