

Committee on Resources

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WESTERN RESOURCE ADVOCATES

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September 15, 2003

Richard Pombo, Chairman
House Committee on Resources
Washington, D.C. 20515

Re: September 6, 2003 Field Hearing on Impacts of Rio Grande Silvery Minnow

Dear Chairman Pombo and Members of the Committee:

In response to Chairman Pombo's statement that the written record would be open for ten days following the September 6, 2003, field hearing on the impacts of the Rio Grande silvery minnow, I submit this additional testimony to correct some erroneous statements that were made at the hearing.

1. It was stated that at least one farmer lost at least 30% of his crops this year due to the Tenth Circuit's ruling in Rio Grande Silvery Minnow v. Keys. This is not true. No farmer has lost crops this year due to water reductions resulting from the court ruling. The Middle Rio Grande Conservancy District's irrigation season has been cut short by drought - not by actions taken by the federal government in response to the court ruling. In fact, MRGCD has voluntarily contributed about 3100 a-f to the minnow this year, which is only enough water to provide a few days of irrigation. I invite the Committee to confirm this fact by consulting with the Bureau of Reclamation.

2. It was stated that the Tenth Circuit released fifty years' worth of water from reservoirs in one year for the minnow. This also has absolutely no basis in fact. I assume that the speaker was talking about the year 2000 - the year in which the most water was released to keep the silvery minnow from extinction. In that year, the federal government purchased and used approximately 144,900 a-f of water for the minnow. (1) About 70,000 a-f was purchased and used by the federal government before court-ordered mediation in Rio Grande Silvery Minnow v. Keys took place, and 74,900 was purchased and released as a result of two agreed orders that resulted from the mediation. (See August 2, 2000, Agreed Order and October 5, 2000, Supplemental Agreed Order in Rio Grande Silvery Minnow v. Keys, Civ. No. 99-1320-JP/LAM.) Thus, the total amount of water released in 2000 for the silvery minnow was about 145,000 a-f. Virtually all of this water was San Juan-Chama water that was not needed by the water users and contractors at that time. Since 96,200 a-f/yr of San Juan-Chama Project water is available for use in New Mexico, that means that about one and one-half years' worth of San Juan-Chama Project water was used in 2000 - not fifty years' worth of water under any measure.

Thank you very much for the opportunity to testify before your committee on the impacts of the Rio Grande silvery minnow on New Mexico

Very truly yours,

ALLETTA BELIN

1. 1 30,000 additional a-f was made available to the federal government by the City of Albuquerque in the October 5, 2000, Supplemental Agreed Order but was not used because it was not needed, and 36,000 a-f of water was provided under the August 2, 2000, Agreed Order to MRGCD for irrigation.