

Statement of Larry Todd

Deputy Commissioner, Bureau of Reclamation

U.S. Department of the Interior

before the

U.S. House of Representatives

Committee on Resources

Subcommittee on Water & Power

on H.R. 1711

April 26, 2006

My name is Larry Todd, I am Deputy Commissioner of Reclamation. I am pleased to be here today to present the views of the Department of the Interior (Department) regarding H.R. 1711, which would authorize assistance to be provided to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

We share the views of the sponsor of this bill, Representative Wilson, of the importance of sound science for use by water resource planners. The Department of the Interior recognizes the extreme drought that State of New Mexico is currently experiencing, and is committed to utilizing existing programs to the maximum extent possible to help New Mexican communities to cope with this drought and to identify medium and long term solutions to water shortages. However, the Department is concerned about the amount of funding that would be required for Reclamation and the United States Geological Survey (USGS) to carry out H.R. 1711.

H.R. 1711 directs the Secretary of the Interior, acting through Reclamation and the USGS, to (1) provide technical assistance and grants to the State for the development of comprehensive State water plans; (2) conduct water resources mapping in the State; and (3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) to assess the quantity, quality, and interaction of groundwater and surface water resources in the State. This would be accomplished through technical assistance and grants.

Current hydrologic conditions in New Mexico are a matter of serious concern. USDA's Natural Resources Conservation Service (NRCS) is projecting the Pecos streamflow to be just 9% of average at Santa Rosa Reservoir, providing essentially no opportunity for conservation storage during the spring runoff period. Pecos River Basin snowpack was reported at 8% on April 1, which ties with the record low in this basin. Year to date precipitation in the Pecos River Basin is 37% of average. Storage levels in Pecos reservoirs remain above average as a result of nearly twice the normal runoff during the spring of 2005, but these levels will likely be nearly depleted unless the basin receives above average precipitation during the remainder of the irrigation season. Overall Rio Grande Basin snowpack was reported by NRCS to be 36% of average on April 1. This equates to a projected streamflow of 35% of average at the key Otowi Bridge gage. Year to date precipitation in the Rio Grande Basin is currently 59% of average. As on the Pecos, there is currently above average storage in upstream reservoirs as the result of better than average runoff during 2005. This will give farmers in the Middle Rio Grande Basin a full irrigation season, but irrigation storage will likely be depleted by the end of the year. Storage restrictions are once again in place under Article VII of the Rio Grande Compact, limiting upstream storage opportunities during the spring runoff period.

The technical assistance role identified for the Department in this bill is consistent with the USGS' leadership role in interpretation, research, and assessment of the earth and biological resources of the nation. In fact, technical assistance, water resources mapping, and comprehensive groundwater studies similar to those proposed in H.R. 1711 have been carried out in other States, generally under the authority of the USGS Cooperative Water Program, which is a long-standing cost-sharing program using Federal and State funds. As the nation's largest water, earth, biological science, and civilian mapping agency, USGS conducts the most extensive groundwater and surface water investigations in the nation in cooperation with state and local partners.

The USGS is already engaged in a variety of programs in New Mexico. The USGS New Mexico Water Science Center currently operates 147 continuous record streamgaging stations and routinely measures groundwater levels at 1,500 well sites through cooperative programs with local, State, Tribal, and Federal agencies. In addition to hydrologic monitoring programs, the USGS is providing hydrologic information to water agencies through the Cooperative Water Program by conducting several investigative projects that include describing the interaction of surface water and ground water in the Mesilla and Middle Rio Grande basins, evaluating modeling approaches in the Santa Fe Embayment and La Cienega areas of the Espanola Basin, and quantifying streamflow gains and losses in the Espanola Basin along the Rio Grande mainstem and its tributaries. In support of all water agencies in New Mexico, USGS technical specialists participate on work groups and committees each year.

Most aspects of the activities authorized in this bill are likewise consistent with the Reclamation's leadership role in water resources research, modeling, analysis, assessment and management. Reclamation, as the nation's largest western water and hydroelectric power producer and water management agency, conducts extensive river storage and delivery operations and related research in the seventeen western states in conjunction with tribal, state and local partners. Through Reclamation's Technical Assistance to States planning program, Reclamation has provided technical and monetary assistance to two of the New Mexico state regional water plans, reviewed and commented on the draft State Water Plan, and provided water resource-related technical assistance. In addition, Reclamation is involved in several Indian water supply projects in New Mexico, has developed and maintains state-of-the-art, internet-delivered decision support data on evapotranspiration depletions to the Rio Grande system, and conducts daily river system modeling for water accounting, contracted deliveries and endangered species support.

The ongoing drought in New Mexico also qualifies the State for assistance through Reclamation's Drought Program. Reclamation responds to drought emergencies using its authority under the Reclamation States Emergency Drought Relief Act of 1991. Title I of the Drought Act provides Reclamation with the flexibility to meet contractual water deliveries in times of drought by allowing Reclamation, on a nonreimbursable basis, to buy or lease water for fish and wildlife benefits, helping to meet requirements under the Endangered Species Act and to alleviate pressure on contractors' water supply. Since Fiscal Year 2000, approximately \$6.25 million has been spent through the Drought Program in New Mexico on water acquisition projects, primarily on the Middle Rio Grande and on the Pecos River, along with approximately \$2.2 million spent on well projects.

Additionally, the Drought Act includes provisions for Reclamation participation in water banks established under state law; facilitation of water acquisitions between willing buyers and sellers; acquisition of conserved water for use under temporary contracts; and use of facilities for storage and conveyance of project and nonproject water. The Drought Program focuses on improving management of existing water supplies during times of drought rather than on increasing storage; the only permanent construction authorized under the Act is groundwater wells. The authority for Title I expired on September 30, 2005, but S. 648, legislation to extend the expiration date to 2010, has been passed by the Senate, and companion legislation in the House, H.R. 2925, received a hearing in the House Resources Subcommittee on Water and Power on September 27, 2005.

Title II of the Drought Act, which has not expired, authorizes Reclamation to utilize the resources of the Department of the Interior to assist States and local and Tribal entities with drought contingency planning. Reclamation actively engages in drought planning, working with States (including New Mexico), water users, and other entities to prepare in advance so that when drought occurs there is agreement on the appropriate response. Reclamation's Water Conservation Field Services Program addresses drought conditions on a proactive basis, providing technical advice and cost-share financing for water management and conservation improvements before a drought hits.

Finally, New Mexico entities have already started taking advantage of the opportunities offered by Reclamation's *Water 2025* program. *Water 2025* authorizing legislation was introduced in the Senate by U.S. Senator Pete Domenici on April 6, 2006, as S. 2561. *Water 2025* is designed to enable Reclamation to work with local interests to take action in advance of a water-related crisis by focusing Federal financial and technical resources in "Hot Spot" areas where such crises are most likely to occur. There are numerous Hot Spots in New Mexico, including the Rio Grande and Pecos River Basins. The *Water 2025* Challenge Grant program seeks out local project partners to implement projects that stretch existing water supplies. Reclamation funds up to 50% of the costs of implementing such projects. Examples of activities funded under *Water 2025* include canal lining and piping, installing measuring devices and automation technology to better control water deliveries and management, and creating and expanding water markets.

Since the inception of *Water 2025* in 2004, over \$5 million in Federal program funding – along with matching private and state contributions – has been committed to addressing water supply issues in New Mexico. This funding supports partnerships with the Middle Rio Grande Conservancy District and the New Mexico Interstate Stream Commission, as well as Challenge Grants to the San Juan Dineh Water Users Association, the City of Las Cruces, the Elephant Butte Irrigation District, and the State of New Mexico. Reclamation encourages other New Mexico state and local agencies and entities with water delivery authority to apply for grants under the *Water 2025* program.

In summary, while many of the goals of H.R. 1711 are commendable, the Administration believes that the activities in this bill should continue to be pursued through existing authorities and procedures. Additionally, we are pleased to see that the cost-sharing provisions of this bill conform to other similar programs undertaken by Reclamation and the USGS, such as Reclamation's *Water 2025* Challenge Grant program, which requires a 50 percent local share, or the USGS Cooperative Water Program, which requires a dollar-for-dollar match of Federal with non-Federal funds. A cost sharing requirement not only stretches limited Federal funds, but also emphasizes that States bear the primary responsibility for managing the water resources within their borders, and not the Federal government.

Thank you, Mr. Chairman, for the opportunity to present this testimony. We look forward to working with the sponsors of this bill and other members of the Committee to assess USGS' and Reclamation's existing work in New Mexico and to coordinate future efforts in order to achieve, to the extent possible, the goals identified in H.R. 1711. I will be pleased to answer questions you and other Members of the Subcommittee might have.

Statement of Larry Todd  
Deputy Commissioner, Bureau of Reclamation  
Department of the Interior  
before the  
U. S. House of Representative  
Subcommittee on Water and Power  
Committee on Resources  
H.R. 4750, Lower Republican Basin Study Act

April 26, 2006

My name is Larry Todd, I am Deputy Commissioner of the Bureau of Reclamation. I am pleased to provide the Administration's views on H.R. 4750. H.R. 4750 would authorize the Secretary of the Interior through the Bureau of Reclamation, in consultation with the States of Nebraska, Kansas and Colorado, to conduct a feasibility study for a water supply and conservation project to improve water supply reliability, increase water storage capacity and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

Reclamation appreciates Congressman Osborne and Congressman Moran's willingness to work with the States and Reclamation to address some of the difficult water supply and allocation challenges associated with the Republican River. Reclamation was included in the early stages of the project planning process that resulted in completion of the Lower Republican River Basin Appraisal Report in January 2005. We support the goal of the States, as project sponsors, to develop a locally supported solution that is economical, affordable and environmentally sensible. However, funds have not been allocated to carry out the provisions of H.R. 4750 in the Administration's budgets for fiscal years 2006 and 2007. Given Reclamation's need to focus its limited resources on maintaining its existing infrastructure, the Administration cannot support this bill.

## Background

Mr. Chairman, Reclamation has been working with the States on Republican River Compact water supply issues for many years. There is some important background information that I would like to share with you today to provide context for consideration of this legislation.

In 1998, Kansas filed a U.S. Supreme Court lawsuit against Nebraska and Colorado because of their belief that Nebraska was using more than its allocation of water under the Republican River Compact. The two States negotiated a settlement that was approved by the United States Supreme Court in May 2003. In accordance with the Final Settlement Stipulations, the States agreed to pursue in good faith, and in collaboration with the United States, system improvements in the Basin, including measures to improve the ability to utilize the water supply below Hardy, Nebraska, on the mainstem. Our appraisal study analyzed a number of alternatives recommended by the Compact Commissioners. The results from the

study indicate that there are some water supplies in the basin that are not being fully utilized. With improvements in the existing systems and possibly with additional storage capability, the systems could be managed to alleviate some of the water shortage problems that exist in the lower reaches of the basin.

Mr. Chairman, it is clear that Colorado, Kansas, and Nebraska realize that the implementation of the settlement agreement and achievement of compliance with Compact allocations is a long-term effort. A feasibility study could help clarify the opportunities that may exist to increase storage and efficiency in the basin. I would like to repeat my appreciation to Congressmen Osborne and Moran for their attention to this issue. We will continue to work with the States and local interests to find an appropriate solution.

That concludes my testimony, I would be happy to answer any questions.

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On S. 166

April 26, 2006

My name is Larry Todd, I am the Deputy Commissioner of Reclamation. Thank you for the opportunity to testify on S. 166.

This legislation would amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy (DRC) through Fiscal Year 2015. The Bureau does not oppose S. 166. However, the Bureau must focus its scarce resources on its core mission of delivering water and generating power, and on aging infrastructure and O&M for existing Reclamation projects. Regardless of the level of Federal financial support, we believe the Conservancy's goals of improving stream flow and water quality will certainly benefit the basin.

The DRC was originally authorized by Congress in 1996 to implement water conservation measures in the Deschutes River basin. The DRC is a locally created, private, nonprofit organization established to restore stream flow and water quality in the Deschutes Basin of Central Oregon. The DRC was founded by local irrigation districts, the Confederated Tribes of the Warm Springs Reservation, environmental conservation groups, and other local stakeholders, in an effort to focus on practical, incentive-based solutions to the basin's water management challenges. The DRC leased over 70 cubic feet per second of water in the basin's streams and rivers during the 2005 irrigation season and has restored over 100 miles of stream corridor using livestock management techniques, restored channel floodplain connectivity, and planted over 250,000 native plants and trees in the riparian zone.

The DRC has permanently acquired about 9,200 acre-feet of senior water rights in the Deschutes Basin that will remain instream during critical low flow periods, benefiting fish species such as ESA listed bull trout and summer steelhead.

The Administration questions the bill's requirement that a quorum consist of only 8 people, less than half of the 19 people appointed to the Conservancy.

This concludes my statement. I will be glad to answer any questions.