

Jicarilla Apache Nation to lease river water to New Mexico

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The Colorado River in Lees Ferry, Ariz. New Mexico will pay the Jicarilla Apache Nation for a water lease of up to 6.5 billion gallons a year for the next 10 years to support endangered species recovery and river compact deliveries. (Ross D. Franklin/Associated Press)

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The Jicarilla Apache Nation will lease water to the state of New Mexico for endangered species and water deliveries, under an agreement announced Thursday with The Nature Conservancy.

The New Mexico Interstate Stream Commission will pay the tribe for up to 20,000 acre-feet of water a year, or about 6.5 billion gallons, for the next 10 years.

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Jicarilla Apache Water Administrator Daryl Vigil said the deal will offset revenue losses that began when PNM no longer needed 8 billion gallons of the tribe's water for operations at the soon-to-close San Juan Generating Station.

"Jicarilla has unique challenges in terms of being able to develop its water rights," Vigil said. "Our water rights are stored at two facilities off the reservation."

The tribe's 1992 water rights adjudication settlement allows for leases or sales, a "valuable tool" for when Jicarilla Apache can't access or doesn't need the water for its own use.

"(The government) tried to make us farmers and ranchers, but there's only one perennial river on the north side of the reservation," Vigil said.

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Money for the lease – the result of two years of negotiations – comes from New Mexico's strategic water reserve fund.

The first release of water from Navajo Reservoir could happen as early as 2023, said ISC Director Rolf Schmidt-Petersen.

"That will aid endangered species and habitat along the San Juan River, mainly for the razorback sucker and Colorado pikeminnow," he said, adding that the water deal between the state, a tribe and a non-governmental organization is a first for New Mexico.

The water could also help New Mexico meet Colorado River Compact requirements.

New Mexico, Colorado, Utah and Wyoming must deliver a certain amount of water to the Lower Colorado River Basin states or face cutbacks.

Such restrictions could slash San Juan-Chama Project allocations for the Rio Grande Basin.

"What we could do with this (Jicarilla) lease is deliver a good portion of that water to Lake Powell," Schmidt-Petersen said. "But we're about five or six steps away from that."

The Nature Conservancy assisted Jicarilla Apache with legal costs and expertise for the lease. The group may also help with future funding.

Celene Hawkins, The Nature Conservancy's Colorado River tribal water project manager, said the region's tribes are key to finding "lasting solutions to the pressing water scarcity and ecological challenges that face the millions of people who rely on this incredible river."

The ISC is asking the state Legislature for a total of \$2.5 million over the next five years to fund the lease.

For Vigil, the agreement was “built on the perspective of working as a tribal sovereign to a state sovereign.”

“That levels the playing field, and is absolutely essential to building a resilient water future for this region,” he said.