



H.R. 5710 – EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

FLOOR SITUATION

H.R. 5710 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Tom Udall (D-NM) on April 3, 2008. The House Committee on Natural Resources ordered the bill to be reported by unanimous consent on June 11, 2008.

H.R. 5710 is expected to be considered on the floor of the House on June 17, 2008.

SUMMARY

H.R. 5710 authorizes the Secretary of the Interior to assist the Eastern New Mexico Rural Water Authority in the planning, design and construction activities for the Eastern New Mexico Rural Water System. Federal financial assistance cannot be used to supply irrigation water for agricultural purposes and is limited to the total cost of the System to no more than 75 percent. The total cost of the System will include any costs incurred by the Water Authority or the State of New Mexico on or after October 1, 2003. The System is still in the planning stages.

Operational Plan and Funding Requirements

The bill makes the annual operation, maintenance, and replacement costs of the System the responsibility of the Water Authority. Additionally, the Water Authority must consult with the Secretary of the Interior to develop an operational plan that establishes the rates and fees for users of the System. The plan must also ensure that the System is properly maintained and capable of producing about 16,500 acre-feet of water annually. No federal financial assistance will be provided under this Act unless the operational plan is established and the construction and operation of the System is in compliance with the requirements of the National Environmental Policy Act of 1969 (P.L. 91-190).

Biological Assessment

The legislation requires the Secretary to consult with the New Mexico Interstate Stream Commission and the Water Authority to prepare any biological assessment of the construction System that may be required under the Endangered Species Act of 1973 (P.L. 93-205). The System may have impacts on endangered species habitat.

Authorization of Appropriations

The bill authorizes no more than \$327 million to the Secretary to carry out the purposes of H.R. 5710. This total amount is to be adjusted to reflect changes in construction costs occurring after January 1, 2007, that are necessary to complete the construction of the Water System.

BACKGROUND

The east-central region of New Mexico that the proposed Eastern New Mexico Rural Water System will serve is currently provided with water by the Entrada Aquifer and the Southern High Plains (Ogallala) Aquifer. Both of these water sources have experienced increasingly limited annual levels of water recharge over previous years. Since 1966, the Bureau of Reclamation has worked with state and local governments in New Mexico to develop concepts for the Eastern New Mexico Rural Water Project. Since 1998, Congress has provided over \$1.7 million dollars in planning and technical assistance for the Water Projects with over \$1.2 million going directly to the City of Clovis, which has been acting as the Water Projects fiscal agent for the other affected communities.



LEGISLATIVE DIGEST

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The System funded by H.R. 5710 would pipe 16,400 acre-feet of water annually from the nearby Ute Water Reservoir located off the Canadian River to the east-central New Mexico municipalities of Clovis, Elida, Grady, Melrose, Portales, and Texico, as well as to the Curry and Roosevelt counties and Cannon Air Force Base. The Ute Reservoir was built by the State of New Mexico in 1963 as a water supply source for eastern New Mexico. The pipeline would be located primarily on private property.

COST

The Congressional Budget Office “estimates that implementing H.R. 5710 would cost \$348 million over the 2009-2013 period.”

[Full CBO Cost Estimate for H.R. 5710](#)

STAFF CONTACT

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