OPERATING PROCEDURES

FOR

RIO GRANDE PROJECT

These Operating Procedures are unilaterally implemented as of May 15, 2007, by the United States of America (USA), by and through the Bureau of Reclamation ("Reclamation") acting pursuant to the Reclamation Act of June 17, 1902, 32 Stat. 390, as amended and supplemented. The USA, the Elephant Butte Irrigation District ("EBID"), an irrigation district and a quasi municipal corporation in the State of New Mexico, incorporated and organized under New Mexico law, N.M.S.A. 1978, § 73 10 1 et seq. (1985 Repl. Pamp.); and the El Paso County Water Improvement District No. 1 ("EPCWID"), a political subdivision of the State of Texas, under Art. XVI, § 59 of the Texas Constitution are collectively, "the Parties" refereed to in these Procedures. As of May 15, 2007, neither, EBID nor EPCWID have approved of theses Procedures in their entirety.

RECITALS

WHEREAS the Rio Grande Project ("Project") was authorized as a federal reclamation project under the Reclamation Act of June 17, 1902, 32 Stat. 390, and the Act of February 25, 1905, 33 Stat. 814 ("Rio Grande Project Act"), and pursuant to the State Department Appropriation Act of March 4, 1907, 34 Stat. 1357;

WHEREAS the USA owns and controls Elephant Butte Dam and Reservoir, Caballo Dam and Reservoir, the bed and banks of the Rio Grande within the Rio Grande Project (except that in the international reach of the Rio Grande Project, the USA owns the bed and banks on the United States-side of the Rio Grande only), and the six Project diversion dams (Percha, Leasburg, Mesilla, American, International, and Riverside) on the Rio Grande;

WHEREAS Reclamation, EBID, and EPCWID have entered into a series of contracts relating to the construction, operation, and maintenance of the Project in New Mexico and Texas, and;

WHEREAS the Parties recognize the need to establish procedures for the allocation, accounting, and delivery of Project Water consistent with the Reclamation Act of 1902 and other federal and state laws;

WHEREAS the USA and EBID have entered into a contract (Contract No. 9-07 53-X0554 of February 15, 1979) and the USA and EPCWID have entered into a contract (Contract No 07-54-X0904 of March 14, 1980) for the Transfer of the Operation and Maintenance of Project Works where in both contracts it is stipulated in Article 6.a. that the "United States will make allocation of available stored project water…", and in Article 6.d. that "A detailed operational plan will be concluded between the United States and the District setting forth procedures for water delivery and accounting"; and

WHEREAS the USA is obligated to make water deliveries to Mexico pursuant to the Convention of 1906;

NOW THEREFORE, the Parties, in consideration of the foregoing recitals and the mutual terms and conditions contained in these Operating Procedures (the Procedures), recognize the following terms and conditions to constitute a detailed operational plan for the Rio Grande Project:

1 DEFINITIONS

When used in the Procedures, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the following definitions shall apply:

1.1. Normal Annual Release

A Normal Annual Release from Project Storage for all authorized uses is 790,000 acre-feet as measured at the first gauging station downstream of Caballo Dam. It is possible that during any Water Year the aggregate quantity of water released for EBID and EPCWID, and for the USA (pursuant to the Convention of 1906), including release of Carryover Water for EBID and EPCWID, may be more or less than the Normal Annual Release from Project Storage of 790,000 acre-feet

1.2. Project-Authorized Acreage

There are 159,650 authorized acres within the Project. Of the Project Authorized Acreage, 90,640 acres are within EBID and 69,010 acres are within EPCWID.

1.3. Project Storage

Elephant Butte Reservoir, Caballo Reservoir, and such additional storage facilities (less flood control space) as may be authorized by Congress or provided for pursuant to the Rio Grande Compact (Act of May 31, 1939, 53 Stat.785).

1.4. Rio Grande Project

The Project was authorized by Act of Congress on February 25, 1905, 33 Stat. 814, pursuant to the Reclamation Act of 1902, 32 Stat. 390. The Project includes facilities and works with their appurtenant lands authorized by the Act of February 25, 1905, as amended and supplemented, particularly Elephant Butte Dam and Reservoir, Caballo Dam and Reservoir, a power generating plant, and six diversion dams (Percha, Leasburg, Mesilla, American, International, and Riverside) on the Rio Grande in New Mexico and Texas, and includes the Project lands and service area authorized for water delivery pursuant to the Rio Grande Project Act of February 25, 1905, as amended and supplemented.

1.5. Water Year

The water year shall be a calendar year beginning on the first day of January and ending on the thirty-first day of December.

1.6. Project Water

Project Water, as used herein, shall mean: 1) Usable water in Project Storage; 2) all water required by the Rio Grande Compact of 1938 to be delivered into Elephant Butte Reservoir; and 3) All water released from Project Storage and all inflows reaching the bed of the Rio Grande between Caballo Dam, New Mexico and Fort Quitman, Texas.

1.7. Annual Allocated Water

Annual Allocated Water is the quantity of Project Water that is determined by Reclamation, in consultation with EBID, EPCWID, and USA, to be allocated each Water Year for delivery to EBID and EPCWID, and to the USA (pursuant to the Convention of 1906).

1.8. Carryover Water

Carryover Water is Annual Allocated Water allotment balance remaining on the water account for each district at the end of a given Water Year. EBID and EPCWID shall each have the right to carry over no more than twenty percent (20%) of their Annual Allocated Water for the Water Year in which the Carryover Water was accumulated.

1.9. Actual Carryover Water

Actual carryover water is the actual increase in a districts allocation due to applying carryover water amounts for each district in the allocation calculations. Actual carryover

water may be accumulated in an account for each district to a maximum of sixty percent (60%) of a full yearly allocation for each district.

2. ALLOCATION OF PROJECT WATER

2.1. Use of Project Water

All Project Water in Project Storage, including any actual Carryover Water shall be used for the authorized purposes set forth in the Rio Grande Project Act of February 25, 1905, 33 Stat. 814, as amended and supplemented.

2.2. Determination of Project Water in Project Storage

At the beginning of each Water Year and during each month of the Water Year, Reclamation shall determine the total quantity of Project Water in Project Storage

2.3. Determination of Annual Allocation to Mexico, EBID and EPCWID

Reclamation shall determine the quantity of Annual Allocated Water to Mexico, EBID and EPCWID by the first of December for the following Water Year utilizing the Project Water in storage amounts and Carryover Water amounts for each district. Reclamation may reconsider the Annual Allocated Water each month during a Water Year and adjust it as necessary in consultation with EBID and EPCWID and the USA.

2.4. Annual Allocation for USA for delivery to Mexico

So long as it has not been determined by the USA pursuant to the Convention of 1906 that an “extraordinary drought” exists, or that a “serious accident to the irrigation system in the United States” has occurred, then 60,000 acre-feet of the Annual Allocated Water shall be reserved for the USA to meet its obligations pursuant to the Convention of 1906. If the USA has determined that an “extraordinary drought” exists or that a “serious accident to the irrigation system in the United States” has occurred but subsequently determines during the course of a Water Year that an “extraordinary drought” no longer exists or that the “serious accident” has been repaired, then 60,000 acre-feet of the Annual Allocated Water shall be reserved for the USA to meet its obligations pursuant to the Convention of 1906. In determination of Annual Allocated Water in Project Storage to meet the USA’s obligation pursuant to the Convention of 1906, Reclamation shall

consider the quantity of Project Water in Project Storage, including any Carryover water accounts.

If the USA has determined that an "extraordinary drought" does exist, then the portion of the Annual Allocated Water which shall be allocated for the USA to meet its obligations pursuant to the Convention of 1906 shall be 11.3486 percent (11.3486%) of the sum of the quantity of Project Water delivered to lands in the United States plus the quantity of Project Water delivered to the head works of the Acequia Madre in acre-feet per Water Year as set forth in equation 2-1 and Table 1 that follow:

$$Y = 0.8260932\ (X) - 102{,}305 \qquad (2\text{-}1)$$

where X =Annual Allocated Water (in acre-feet per Water Year), and Y = sum of the quantity of Project Water delivered to lands in the United States plus the quantity of Project Water delivered to the head works of the Acequia Madre (in acre-feet per Water Year).

Table 1

Annual Amount of Water Released from Caballo Reservoir (ac-ft/acre)	Sum of the quantity of Project Water delivered to lands in the United States plus the quantity of Project Water delivered to the head works of the Acequia Madre (in acre-feet per Water Year).	Quantity of Project Water delivered to the head works of the Acequia Madre (in acre-feet per Water Year).
790,000	550,309	60,000
763,842	528,700	60,000
700,000	475,960	54,015
650,000	434,656	49,327
600,000	393,351	44,640
550,000	352,046	39,952
500,000	310,742	35,265
450,000	269,437	30,577
400,000	228,132	25,890
350,000	186,828	21,202
300,000	145,523	16,515
250,000	104,218	11,827
200,000	62,914	7,140

During such times that the USA has determined that an “extraordinary drought” or a “serious accident to the irrigation system in the United States” exists, or has occurred, the portion of the Annual Allocated Water which shall be allocated for the USA will be recomputed using equation 2-1 anytime the determination of Annual Allocated Water is adjusted pursuant to Section 2.3.

The USA shall be entitled to release all or such portion of the Annual Allocated Water which has been allocated for the USA as it deems necessary to meet the requirement of the Convention of 1906 to deliver water in the bed of the Rio Grande at the head works of the Acequia Madre.

2.5. Annual Allocation for EBID and EPCWID

EBID”s and EPCWID’s portions of the quantity of Annual Allocated Water, exclusive of the USA’s portion of Annual Allocated Water pursuant to the Convention of 1906, shall be determined by the process described in Table 2. for a full allocation condition and Table 3 when there is less than a full water supply available. EBID’s and EPCWID’s yearly allocation shall be determined using the empirically derived linear regression analysis equation (D-2). Equation D-2 was derived using historical Rio Grande Project data correlating releases from Rio Grande Project storage and corresponding yearly deliveries to Rio Grande Project diversions from the Rio Grande for EBID, EPCWID and Mexico during the Water Years 1951 to 1978 inclusive. In years where there is less than a full water supply available, EBID’s yearly allocation is the amount of Rio Grande Project water remaining after the allocations for Mexico and EPCWID have been determined using equations 2-1 for Mexico and D-2 for EPCWID. The release from Rio Grande Project storage to meet the delivery of the yearly allocation and carryover water to each Rio Grande Project water user shall not exceed the 790,000 average yearly releases as provided by the Rio Grande Compact.

Table 2 - Rio Grande Project - Hypothetical Example for Full Allocation

Row	**2007 Rio Grande Project Diversion Allocations**	**ac-ft**
3	Elephant Butte Reservoir Storage	1,000,000
4	Caballo Reservoir Storage	44,005
5	**Total Rio Grande Project Storage**	**1,044,005**
6	Estimated Rio Grande Compact Credit Waters	(196,000)
7	Estimated San Juan-Chama Water	(4,553)
8	Year to date Irrigation release from Project Storage at Caballo Dam	-
9	Estimated Reservoir Gain/(Losses)	-
10	**Total Usable Water Available for Allocation**	**843,452**
11	**Total Usable Water Available for Release (Subject to Rio Grande Compact Restrictions)**	**790,000**
12	D1 Allocation to EPCWID, EBID, and Mexico	550,309
13	**Gross D2 Diversion Allocation to EBID, EPCWID, and Mexico**	**966,892**
14	Mexico's Diversion Allocation	60,000
15	EBID Carryover Storage from Previous Year	10,000
16	EPCWID Carryover Storage from Previous Year	5,000
17	EPCWID ACE Conservation Credit (Accrued monthly as a function of net water delivered thru ACE)	-
18	**Net D2 Diversion Allocation for EBID and EPCWID**	**906,892**
19	D2 Diversion Allocation for EBID	514,880
20	D2 Diversion Allocation for EPCWID	392,011
21	**Total EPCWID Diversion Allocation (With accrued Conservation Credit + Carryover)**	**397,011**
22	Estimated Diversion Ratio for Current Year	1.019883
23	Diversion Ratio Adjustment	16,770
24	**Total EBID, EPCWID, Mexico Diversion Allocation (without Carryover)**	**806,770**
25	EBID 2007 Diversion Allocation	354,759
26	**Total EBID Diversion Allocation (with Carryover)**	**364,759**
27	Total Allocations (Including accrued Conservation Credit)	821,770

Row	**Description**
10	Sum of water in Project Storage less RGC Credits, SJC Water, plus Net Gains (inflow - losses)
12	D1 equation calculation of amount of water deliverable to US Lands and Mexico (Release x 0.8260932 -102,305)
13	D2 equation calculation of amount of water available for diversion including carryover water (Release x 1.3377994 - 89,970)
14	Mexico's allocation based on 11.3486% of D1 equation with a maximum of 60,000 ac-ft
18	Net D2 Diversion Allocation (Gross D2 Allocation - Conservation Credit - Mexico)
19	EBID portion of Net D2 Diversion Allocation (88/155)
20	EPCWID portion of Net D2 Diversion Allocation (67/155)
21	Total EPCWID Diversion Allocation (Net D2 Allocation + Carryover)
22	Diversion Ratio (see linear regression worksheet) based on release of 790,000 ac-ft
23	Diversion Ratio Adjustment (Diversion Ratio - 1) x Release
24	Total Diversion Allocation (Total Release + Diversion Ratio Adjustment)
25	EBID Diversion Allocation (Total Diversion Allocation - EPCWID D2 Allocation - Mexico Allocation - Conservation Credit)
26	Total EBID Diversion Allocation (EBID Diversion Allocation + EBID Carryover)
	Note: American Canal Extension Conservation Credit will be applied by Reclamation at the end of each month based on the pro rata amount of water diverted for use by EPCWID.
	Note: EBID and EPCWID carryover allocations not subtracted from D2 allocation because the amount of usuable water is greater than 790,000 + Carryover (15,000/1.019883).

Table 3 - Rio Grande Project - Hypothetical Example for Less Than Full Allocation

Row	**2007 Rio Grande Project Diversion Allocations**	**ac-ft**
3	Elephant Butte Reservoir Storage	600,000
4	Caballo Reservoir Storage	44,005
5	**Total Rio Grande Project Storage**	**644,005**
6	Estimated Rio Grande Compact Credit Waters	(196,000)
7	Estimated San Juan-Chama Water	(4,553)
8	Year to date Irrigation release from Project Storage at Caballo Dam	-
9	Estimated Reservoir Gain/(Losses)	-
10	**Total Usable Water Available for Allocation Less Allowance for Carryover**	**427,864**
11	**Total Usable Water Available for Release (Subject to Rio Grande Compact Restrictions)**	**443,452**
12	D1 Allocation to EPCWID, EBID, and Mexico	264,028
13	**Gross D2 Diversion Allocation to EBID, EPCWID, and Mexico**	**482,426**
14	Mexico's Diversion Allocation	29,963
15	EBID Carryover Storage from Previous Year	10,000
16	EPCWID Carryover Storage from Previous Year	5,000
17	EPCWID ACE Conservation Credit (Accrued monthly as a function of net water delivered thru ACE)	-
18	**Net D2 Diversion Allocation for EBID and EPCWID**	**452,463**
19	D2 Diversion Allocation for EBID	256,882
20	D2 Diversion Allocation for EPCWID	195,581
21	**Total EPCWID Diversion Allocation (With accrued Conservation Credit + Carryover)**	**200,581**
22	Estimated Diversion Ratio for Current Year	0.962276
23	Diversion Ratio Adjustment	(16,141)
24	**Total EBID, EPCWID, Mexico Diversion Allocation (without Carryover)**	**427,311**
25	EBID 2007 Diversion Allocation	201,767
26	**Total EBID Diversion Allocation (with Carryover)**	**211,767**
27	Total Allocations (Including accrued Conservation Credit)	442,311

Row	**Description**
10	Sum of water in Project Storage less RGC Credits, SJC Water, plus Net Gains (inflow - losses)
12	D1 equation calculation of amount of water deliverable to US Lands and Mexico (Release x 0.8260932 -102,305)
13	D2 equation calculation of amount of water available for diversion including carryover water (Release x 1.3377994 - 89,970)
14	Mexico's allocation based on 11.3486% of D1 equation with a maximum of 60,000 ac-ft
18	Net D2 Diversion Allocation (Gross D2 Allocation - Conservation Credit - Mexico)
19	EBID portion of Net D2 Diversion Allocation (88/155)
20	EPCWID portion of Net D2 Diversion Allocation (67/155)
21	Total EPCWID Diversion Allocation (Net D2 Allocation + Carryover)
22	Diversion Ratio (see linear regression worksheet) based on release of 650,000 ac-ft
23	Diversion Ratio Adjustment (Diversion Ratio - 1) x Release
24	Total Diversion Allocation (Total Release + Diversion Ratio Adjustment)
25	EBID Diversion Allocation (Total Diversion Allocation - EPCWID D2 Allocation - Mexico Allocation - Conservation Credit)
26	Total EBID Diversion Allocation (EBID Diversion Allocation + EBID Carryover)
	Note: American Canal Extension Conservation Credit will be applied by Reclamation at the end of each month based on the pro rata amount of water diverted for use by EPCWID.

3. RELEASE FROM STORAGE

3.1. Orders for Release of Rio Grande Project Water from Storage

EBID and EPCWID may order releases from Project storage to meet their respective delivery requirements of Annual Allocated Water or Carryover Water at their river headings during the Water Year at such times and in such quantities as they respectively elect. Water orders shall be delivered by Reclamation to their respective diversion and delivery points as prescribed by agreed to travel times and in Appendix A of this agreement. EBID shall not order changes more frequently than four times per week. EPCWID shall not order changes more frequently than twice per week.

EBID and EPCWID shall determine the amount of water to be released from Caballo Reservoir necessary to meet the diversion orders at the time and days requested by EBID, EPCWID, and the USA (pursuant to the Convention of 1906). If EBID and EPCWID cannot agree on the amount or timing of release, then Reclamation shall make such determinations.

The parties shall develop a schedule of order changes that will best meet the needs of each party at their respective delivery points.

Reclamation shall only release Project Water ordered by EBID when EBID has Annual Allocated Water or Carryover Water remaining in their allocation.

Reclamation shall only release Project Water ordered by EPCWID when EPCWID has Annual Allocated Water or Carryover Water remaining in their allocation.

The Parties may make non-scheduled order changes to adjust for rainfall/runoff or flood events, accident to the delivery system, or for public safety.

Reclamation may make releases from storage in such quantities as necessary to meet the requirements of the Convention of 1906 and according to the schedule determined by the USA under the authority of the Convention of 1906.

4. DELIVERIES

4.1. Operation of Release and Diversion Structures

Reclamation shall operate Elephant Butte Reservoir so as to provide for sufficient quantities of water to be available for released from Caballo Reservoir to the Parties, as outlined in Section 3.1 herein. Reclamation or its designee shall operate Percha, Leasburg, and Mesilla Diversion Dams so as to provide sufficient flows for the districts'

diversions on the river. The USA shall operate the American and International Diversion Dams and make the diversions into the American Canal.

4.2. Obligations to Deliver Project Water

Reclamation shall release from project storage those quantities of Project Water which will meet the individual requirements of each district as communicated in their water order to Reclamation to be delivered at the Arrey Canal heading, Leaseburg Canal heading, Eastside Canal heading, Westside Canal heading, Del Rio Lateral heading and any additional authorized points of delivery for EBID and the Franklin Canal heading, the Riverside Canal heading, the City of El Paso water treatment plants and any additional authorized points of delivery for EPCWID at the time and day requested. Reclamation shall deliver those quantities of Project Water in the Rio Grande at the head works of the Acequia Madre in accordance with the orders designated by the United States Section of IBWC at the time and day requested.

EBID shall deliver those quantities of Project Water for use by EPCWID of the flow diverted at Mesilla Diversion Dam from the Rio Grande at the Mesilla Diversion Dam and through the East Side Canal and the West Side Canal in accordance with the procedures defined in Appendix A. EPCWID's portion of Project Water conveyed through the West Side Canal and East Side Canal shall be accounted for using the procedure included in Appendix A. Operations at Mesilla Dam shall be modified in agreement by all the parties in order to stabilize and meet the allocated water flow rates for delivery of water to EPCWID and Mexico at their designated metering stations.

5. FLOW REQUIREMENTS

5.1. Order

An "Order" is a request to Reclamation by a Party to deliver a quantity of Project Water from Project Storage at each district's delivery and accounting stations at a specific flow rate (cubic feet per second) and at specified delivery time and day.

5.2. Release

A "Release" is a flow rate (cubic feet per second) of Project Water released from Project Storage.

5.3. Delivered Flow

A "Delivered Flow" is a flow rate (cubic feet per second) of Project Water that meets the conditions required to meet the delivery requirement for each district and Mexico at their designated delivery point or metering stations (stations) and at specified delivery time and day.

5.4. Charge

A "Charge" is a quantity of Project Water (acre-feet) that is deducted from (i.e. charged against) a Party's Annual Allocated and actual Carryover Water account.

5.5. Charge Against EBID's and EPCWID's Annual Allocated Water including Carryover Water

EBID's and EPCWID's remaining Annual Allocated Water shall be computed by subtracting a "Charge" which shall be equal to EBID's or EPCWID's respective delivery at main canal headings and any other designated and authorized metering stations at the Rio Grande diversion dams against their respective remaining portion of Annual Allocated Water including carryover water.

EBID's water allocation account shall be charged for the greater of the amount of water ordered for diversion at their canal headings or the actual amount diverted. EPCWID's water allocation account shall be charged for the greater of ordered for diversion or the amount of water diverted from the Rio Grande as measured at the Robertson/Umberhauer Water Treatment Plant, the heading of the Franklin Canal, the Jonathan Rogers Water Treatment Plant, and the heading of the Riverside Canal less any amount of water greater than the amount of water ordered by EPCWID and measured flowing out of canal wasteways in Unit 8B, 9A, or 9B in the El Paso Valley the following day (water diverted at canal headings over the existing order but not used).

Water diverted from the Rio Grande by EBID may be returned "bypassed" to the Rio Grande for credit to their water allocation account at one designated location each within the Leasburg, Eastside, and Westside canal system, and two designated locations with the Arrey Canal system. Water diverted from the Rio Grande by EPCWID may be return "bypassed" to the Rio Grande for credit to their water allocation account at one designated location on the La Union East Canal. Such credits shall be the smaller of the amount of water declared for bypass by the respective district or the actual amount of water that was measured and returned to the Rio Grande.

Reclamation shall make every effort to match the delivery and the order for each district at all designated metering and delivery stations in order to minimize spill water and meet the order at any given time.

5.6. Charge Against USA's Annual Allocated Water for delivery to Mexico

USA's remaining Annual Allocated Water shall be equal to USA's previous Annual Allocated Water minus the water delivered to Mexico at their diversion point on the Rio Grande at the Acequia Madre. The USA will maintain the gates at the International Dam so as to minimize the leakage to the greatest extent practical.

5.7. Compliance with Delivery of Project Water to Mexico at the Acequia Madre

If the flow at the first metering station above International Dam does not meet the Acequia Madre delivery requirement the USA will adjust the gates at American Dam to reduce the flow to meet the corresponding delivery requirement for that day. The adjustment will be made and the USA will give notice to EBID and EPCWID of such action except when such flow is due to storm runoff or flood events, short term debris clearing or sluicing operations. Any time the USA manually adjusts the flow at the American Dam by more than 25 cfs, for any reason, or at anytime the flow diverted at the American Dam into the American Canal exceeds the capacity of the American Canal, USA shall notify EPCWID as soon as possible.

5.8. Diversion Points

The diversion points used for the EBID are as follows: Percha Lateral, Arrey Canal , Leasburg Canal, California Extension, various designated river pumps, Del Rio Lateral, East Side Canal, and West Side Canal. The diversion points used for the EPCWID are as follows: The New Mexico/Texas state line crossings for the La Union East Lateral, Three Saints Lateral, and La Union West lateral in the Mesilla Valley. In the El Paso Valley, deliveries to EPCWID will be made at the Robertson/Umbenhauer Water Treatment Plant, Franklin Canal, Jonathan Roger Water Treatment Plant, and Riverside Canal.

5.9. Compliance with Delivery of Project Water to EBID and EPCWID

Reclamation shall closely match the order and diversion at each designated delivery metering station thru close monitoring of releases from Project storage and river accretions or losses. Close coordination and daily communication shall be maintained between the EBID, EPCWID and the United States in order to make adjustments to

releases from Project storage such that water deliveries match water order amounts as close as possible at each delivery point on the Project.

6. GENERAL PROVISIONS

6.1. Rights of the Parties

The rights to the use of the water subject to such appropriation are appurtenant to the lands within EBID and EPCWID which are classified under Reclamation Law and by EPCWID or EBID as 'irrigable' and/or having 'first class water rights,' and the owners of such lands are the beneficial owners of said water rights. EBID and EPCWID have the right to receive Project Water pursuant to this Agreement, contract, and/or federal law, and EBID and EPCWID distribute such water pursuant to federal law and EBID's or EPCWID's respective policies, rules, and regulations.

6.2. Compliance with Federal Law

The terms of this Agreement are subject to applicable federal law. All Parties will cooperate to comply with all federal law prior to and during implementation of this Agreement.

6.3. Other Agreements

This Agreement is not intended to conflict with terms of any prior agreements or contracts between the EBID and EPCWID, or EBID and the USA, or EPCWID and the USA, or among all of the Parties; however, the Agreement represents the current conditions and present understanding that future operations shall be as provided for herein unless further modified by majority agreement of the Parties.

6.4. Required Continuous Flow Metering Stations

A list of required continuous flow metering stations is attached to this Agreement as Appendix B. Each Party shall distribute and exchange copies of all flow records for all flow metering stations for which it is responsible as listed in Appendix B among the other Parties at least monthly with a goal of real time data exchanges.

6.5. Regulating Reservoirs Below Caballo Dam

Nothing in this Agreement shall be interpreted to prohibit the construction and/or operation of an off-channel regulating reservoir, providing however that no such reservoir

shall affect the water order delivery requirements of the Parties or increase EBID's or EPCWID's entitlement to Project Water.

6.6. Emergency Conditions (Force Majeure)

If any Party through no fault of its own is rendered unable, wholly or in part, by Force Majeure to carry out its obligations under this Agreement, then the obligations of such Party, so far as they are affected by such Force Majeure, shall be suspended during the time reasonably necessary to remedy such inability, but for no longer period. The term "Force Majeure" shall mean acts of God, wars, terrorism, vandalism, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, hazardous spills, or explosions.

6.7. Term of Agreement

This Agreement shall be in effect until December 31, 2012 or until a permanent agreement is in place which ever is sooner.

6.8. Modification of Agreement

The Parties may modify any provisions of this Agreement upon having reached unanimous consent.

6.9. Assignment Limited - Successors and Assigns Obligated

The provisions of this Agreement shall apply to and bind the successors and assigns of the Parties hereto. No assignment of any right or obligation shall be made by any Party without first obtaining written approval by the other Parties.

6.10. Obligations to Indian Tribes Not Affected

Nothing in this Agreement shall be construed as affecting the obligations of the United States of America to the Indian Tribes, or as impairing the rights of the Indian Tribes.

6.11. Obligations to Mexico Not Affected

Nothing in this Agreement shall be construed as affecting the obligations of the United States of America to Mexico under existing treaties.

6.12. Amendment of Agreement

This Agreement shall be reviewed for improvement of operations at least on an annual basis or as agreed to by the majority of the parties. Any of the parties may submit a written request to the other parties for review of this Agreement at any time.

6.13. Rio Grande Compact

Nothing herein is intended to alter, amend, repeal, modify, or be in conflict with the provisions of the Rio Grande Compact.

APPENDIX A - Accounting Procedures for EBID and EPCWID Diversions at Mesilla Dam – East Side and West Side Canals

Table 4

RIO GRANDE PROJECT
ELEPHANT BUTTE IRRIGATION DISTRICT
WATER ALLOTMENT CHARGES
EXAMPLE

	GROSS DIVERSIONS		DELIVERIES TO TEXAS		NET DELIVERIES	
	Current Month	TO DATE	Current Month	TO DATE	Current Month	TO DATE
ARREY CANAL	6,900	6,900	-	-	6,900	6,900
PERCHA LAT.	10	10	-	-	10	10
LEASBURG CANAL	7,428	7,428	-	-	7,428	7,428
CALIF. EXT.	0	0	-	-	0	0
EASTSIDE CANAL	4,764	4,764	315	315	4,449	4,449
DEL RIO LAT.	79	79	-	-	79	79
WESTSIDE CANAL	14,977	14,977	4,024	4,024	10,953	10,953
PUMPED FROM RIVER**	0	0	-	-	0	0
GROSS TOTALS	34,159	34,159	4,339	4,339	29,820	29,820
CHARGES AT RIVER BELOW CABALLO			-	-	0	0
TOTAL CHARGES			-	-	29,820	29,820
CREDIT TO DISTRICT (-)	(Arrey Canal Bypass)		-	-	169	169
CREDIT TO DISTRICT (-)	(Leasburg Canal Bypass)		-	-	0	0
ADJUSTMENT *** (+)			-	-	0	0

NET ALLOTMENT CHARGE	-	-	29,651	29,651
DISTRICT ALLOTMENT*	-	-		172,361
DISTRICT BALANCE	-	-		142,710

Table 5

RIO GRANDE PROJECT

EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1

WATER ALLOTMENT CHARGES EXAMPLE

ACRE-FEET

			DELIVERIES FOR MONTH	TOTAL DELIVERIES TO DATE
DELIVERIES TO MESILLA VALLEY				
TEXAS BY BOTH DISTRICTS	-		2,891	2,891
L.U.E. & L.U.W. (TX)		2,767		
THREE SAINTS LATERAL		262		
CITY OF EL PASO	-		2,560	2,560
FRANKLIN CANAL	-		4,542	4,542
LESS ASCARATE WASTEWAY	-		0	0
RIVERSIDE CANAL	-		19,581	19,581
CABALLO DAM RELEASE	-		0	0
	-			
GROSS TOTAL	-		29,574	29,574
HASKELL ST. PLANT CREDIT	-		873	873
CREDIT TO DISTRICT	-		(60)	(60)
	-			
NET ALLOTMENT CHARGE	-		28,761	28,761
DISTRICT ALLOTMENT*	-		-	225,659
	-		-	
DISTRICT BALANCE	-		-	196,898

APPENDIX B – Required Flow Metering Stations

In order to assure accurate metering of allocated water deliveries to EBID, EPCWID and Mexico, the following metering stations will be maintained by the described agencies. The letter prefix before each metering station indicates the valley in which the metering station is located (R for Rincon, M for Mesilla, and E for El Paso).

The following continuous stage recorders shall be maintained by the USA:

R1 – Rio Grande Below Caballo – located on the east side of the river and approximately 0.8 mile downstream of Caballo Dam. This measurement station contains a metering cart and cable across the Rio Grande and a CMP shelter with recorders. Measurements shall be done as requested by Water Operations, and flows are continuously recorded.

M2 - Rio Grande at Leasburg Canal – located approximately 1 ½ miles downstream of Leasburg Diversion Dam on the river channel just downstream of Leasburg Wasteway No. 1. Station contains a metering cart and cable across the river channel, and a CMP shelter with recorder. Measurements are made twice per month and flows continuously recorded.

The following continuous stage recorders shall be maintained by EBID:

R2 – Arrey Canal – The metering bridge is located just downstream of the canal heading and the CMP shelter and recorder are located just downstream of the Percha State Park bridge crossing. Measurements shall be done twice per week and flows are continuously recorded (when canal is in use.)

R3 – Percha Lateral – The lateral water flow is measured just downstream of the lateral heading and the CMP shelter with recorder are located downstream of the metering RC Box culvert. Measurements shall be done twice per week and flows are continuously recorded (when lateral is in use.)

R4 – Wasteway No. 5 at Hatch Siphon – This wasteway is located upstream of the Hatch Siphon at the Rio Grande. The station includes a metering bridge and an CMP shelter with recorder. The flow is metered when the wasteway is in use and continuously recorded during the irrigation season.

R5 – Garfield Drain – located north of the US Hwy 85 bridge, three miles north of Hatch, New Mexico, and west of the highway on the drain channel. This station contains a metering bridge and CMP shelter with recorder. Measurements shall be done once/monthly and flows are continuously recorded.

R6 – Rio Grande at Hatch – located approximately three miles north Hatch, New Mexico, and west of the US Hwy 85 bridge on the right side of the river channel. The station contains a CMP shelter with recorder. The flows are continuously recorded. No metering is done.

R7 – Wasteway No. 16 at Rincon Siphon – located downstream on the river channel from the A.T. & S. F. Railroad crossing the Rio Grande approximately two miles east of Hatch, New Mexico. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

R8 – Hatch Drain – located on the drain upstream of UW Hwy 85 approximately 2 ½ miles east of Hatch, New Mexico. This station contains a metering bridge and a CMP shelter with recorder. Measurements shall be done twice per month and flows are continuously recorded.

R9 – Wasteway No. 18 from Rincon Lateral – located approximately eight miles east of Hatch, New Mexico, north of the US Hwy 85, and on the left side of the Rio Grande. The station contains a metering bridge and a CMP shelter with recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

R10 – Rio Grand at Hayner Bridge – located approximately eight miles east of Hatch, New Mexico on the Rio Grande just upstream of the Tonuco River crossing. Station contains a recorder and CMP shelter. Flows are continuously recorded.

R11 – Rincon Drain – located approximately eight miles east of Hatch, New Mexico, one mile north of the Tonuco River crossing, and downstream of the intersection of the Rincon Lateral and Rincon Drain. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per month and flows are continuously recorded.

M1 – Leasburg Canal – located approximately 1 ½ miles form the canal heading and approximately ½ mile east from the intersection of Fort Selden Road (from US I-25) and US Hwy 85. Station contains a metering bridge and a CMP shelter with recorder. Measurements shall be done two times per week and flows shall be recorded when the canal is in use.

M3 – Selden Drain – located approximately 3.5 miles south of Radium Springs, New Mexico and just east of U.S. Hwy 85, immediately upstream of the intersection of Kerr Lateral with the drain. Station contains a CMP shelter (no recorder). Metering is done from the existing adjacent bridge. This station is not being used at this time due to lack of flows.

M4 – Wasteway No. 5 – located approximately five miles north of Las Cruces, New Mexico and one mile south of the intersection of NM Hwy 430 and US Hwy 85, on the left side of the river channel. Station contains a metering bridge and a CMP shelter with recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M5 – Wasteway No. 8 – located approximately three miles north of Las Cruces, New Mexico on the left side of the river approximately two miles west of US Hwy 85. Station contains a metering bridge and a CMP shelter with recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M6 – Picacho Drain – located approximately 2.0 miles northwest from Mesilla Diversion Dam, west of the Rio Grande, and just downstream from the Nusbaum Lateral inflow into the Picacho Drain. Station contains a metering bridge and CMP shelter (no recorder). This station is not being used at this time due to lack of flows.

M7 – Mesilla Diversion Dam – located on the Rio Grande approximately six miles southwesterly from Las Cruces, New Mexico. Station is upstream of the dame and contains a cinder block shed with a stilling well and recorder. Station is on the right (west) side of the river channel. An electronic digital encoder is also available. (Tel: (505) 526-0985) Recorder only.

M7 – West Side Canal – located west off the Mesilla Diversion Dam. Station is located approximately ½ mile downstream of the canal heading and contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week and flows are continuously recorded.

M10 – Del Rio Lateral – located east off the Mesilla Diversion Dam. Station is located approximately ½ mile downstream of the lateral heading and contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week and flows are continuously recorded.

M11 – Rio Grande Below Mesilla – located approximately ¾ of a mile downstream of Mesilla Diversion Dam on the Rio Grande. Station contains metering cart and cable across river channel and CMP shelter with recorder.

M12 – Wasteway No. 15 – located approximately 200 feet upstream of the left (east) of the river levee and 1.6 miles downstream from the New Mexico State Hwy No. 28 bridge crossing of the Rio Grande. Station contains a metering bridge, a 42-inch diameter CMP pipewell and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M13 – Santo Tomas River Drain – located approximately 3.4 miles downstream of the New Mexico State Hwy No. 28 bridge crossing and 0.8 miles upstream of the Mesquite-San Miguel Road bridge crossing the Rio Grande. The station is on the west side of the river on the Santo Tomas River Drain upstream of the culvert through the levee. Station contains a meter bridge, a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M14 – Wasteway No. 25 – located approximately 3.5 miles downstream of the New Mexico State Hwy No. 28 bridge crossing and 0.7 mile upstream of the Mesquite-San Miguel Road Bridge crossing the Rio Grande. The station is on the west side of the river on the tail end of the Santo Tomas River Lateral on the river side of the lateral embankment. Station contains a metering bridge and a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M15 – Wasteway No. 26 – located approximately 1 ½ miles west of Mesquite, New Mexico on the right side of the river off the Upper Chamberino Lateral and just downstream of the river crossing the Mesquite-San Miguel state road. Station contains CMP shelter with recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M16 – Brazito River Lateral Wasteway – located on the east side and 0.7 mile downstream of the Mesquite-San Miguel Road bridge crossing the Rio Grande. The station is on the tail end of the Brazito River Lateral and is downstream o f the river levee. Station contains a metering bridge, a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M17 – Wasteway No. 18 – located approximately 1 ½ miles northwest from Vado, New Mexico on the left (east) side of the river. This station is just upstream where the wasteway crosses Del Rio Drain and downstream of the railroad tracks. Station contains a metering bridge, a CMP shelter and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M19 – Del Rio Drain – located approximately three miles south of Mesquite, New Mexico and north of Vado, New Mexico. Station is just west off US Hwy 85 and 125 feet downstream of the Vado Mesquite Road Crossing Del Rio Drain. Station contains metering bridge and CMP shelter with recorder. Measurements shall be done twice per month and flows are continuously recorded.

M20 – Wasteway No. 19 – located between a fork formed by the river on the west and the A.T. & S.F. railroad and approximately 2.0 miles northwesterly from Berino, New Mexico. The wasteway station is approximately 500 feet from the Three Saints Lateral and wastes this lateral into the Rio Grande. Station contains a metering bridge and a CMP recorder shelter. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M21 – Wasteway No. 30 – located downstream of the New Mexico State Road 226 from Berino, and downstream of the river levee between the Chamberino East Lateral and the Rio Grande. Station contains a metering bridge and a 12-inch diameter pipe well. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M22- La Mesa Drain – located approximately 2 ½ miles west of Berino, New Mexico, west of the river, and ½ mile from wasteway No. 31. Station contains a metering bridge, CMP shelter and recorder. Measurements shall be done twice per month. Flows are continuously recorded.

M23 – Wasteway No. 31 – located approximately 2 ½ miles southwest of Berino, New Mexico, west of the river, and 3 miles downstream from the intersection of the river with State Hwy 226 (Berino to Chamberino). Station contains a CMP shelter, recorder, and metering bridge. Measurements and water flows are recorded during irrigation season.

M24 – Wasteway No. 20 – located on the east side of the Rio Grande and wastes the Three Saints West Lateral. This wasteway is approximately 1.6 miles upstream of the Anthony bridge crossing the Rio Grande. Station contains a metering bridge and a 12-inch diameter PVC pipe well. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M25 – Wasteway No. 31B – located approximately 0.5 mile upstream of the Anthony bridge crossing and on the west side of the Rio Grande. This wasteway is on the tail end of the Jimenez Lateral and is upstream of the river levee. Station contains a metering bridge, a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M26 – Wasteway No. 21 – located approximately 0.5 mile upstream and on the east side of the Rio Grande. This wasteway is on the tail end of the Three Saints West Lateral and is 300 feet upstream of the river levee. Station contains a metering bridge, a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M27 – La Union West Canal – located approximately three miles west of Anthony, New Mexico just downstream of the canal heading. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week and flows are continuously recorded when canal is in use.

The following continuous stage recorders shall be maintained by EPCWID:

M28 – La Union East Canal – located approximately three miles west of Anthony, New Mexico just downstream of the canal heading. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week and flows are continuously recorded when canal is in use.

M29 – Three Saints East – located approximately 0.3 mile upstream of the intersection of the Three Saints Lateral and FM1905 from Anthony. Station contains a ramp flume, CMP housing and recorder. Measurements shall be done weekly and flows are continuously recorded during irrigation season.

M30 – Wasteway No. 32 – located approximately two miles west of Anthony, New Mexicao, on the right side of the river, and just downstream of New Mexico State Hwy 225. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done weekly and flows are continuously recorded during irrigation season.

M32 – East Drain – located approximately two miles south of Anthony, New Mexico and west of US Hwy 80A. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per month. Flows are continuously recorded.

M33- Wasteway No. 32A – located 2.0 miles upstream of the Anthony bridge crossing and on the west side of the Rio Grande. This wasteway is on the tail end of the Rowley Lateral and just upstream of the river levee. Station contains a metering bridge, a 12-inch PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M35 – Wasteway No. 32B – located west and downstream of the Vinton bridge crossing the Rio Grande. Station is on the tail end of the Vinton Cutoff Lateral and just downstream of the river levee. Station contains a metering bridge, 12-inch diameter PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M36 – Wasteway No. 34 – located just downstream of the Montoya Siphon and is on the tail end of the Canutillo Lateral. Station contains a metering bridge, a 12-inch diameter

PVC pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M37 – Wasteway No. 34A – located approximately 0.6 mile upstream of the Combined La Union Lateral and on the west side of the Rio Grande. Station contains a metering bridge, a 12- inch diameter PVC pipe well and a recorder. This is an IBWC station. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M38 – Wasteway No. 35 – located 3 ½ miles downstream from Canutillo, Texas on the right side (west) of the Rio Grande. Station contains a metering bridge and CMP shelter with records. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M39 – Wasteway No. 35C – located just downstream and on the west side of the Rio Grande. Station is on the tail end of the Schutz Lateral and upstream of the river levee. Station contains a metering station, a 12-inch pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M40 – Wasteway No. 36 - located at the tail end of the Montoya Lateral A and on the east side of the Rio Grande. Station contains a metering bridge downstream of the river levee, a 12-inch pipe well and a recorder. Measurements shall be done when wasteway is in use. Flows are continuously recorded.

M41 – Montoya Drain – located in the Upper Valley, Texas, approximately two miles downstream of Country Club Road on the Montoya Drain. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per month and flows are continuously recorded.

M42 – Wasteway No. 38 – located just down stream of the Sunland Park Road on the Montoya Main Lateral. Station contains a metering bridge, a 12-inch diameter PVC pipe well and a recorder. Measurements shall be done twice per month during irrigation season. Flows are continuously recorded when lateral is in use.

M45 – Rio Grande at Canutillo – located approximately 1.0 mile north of Canutillo, Texas and on the right and west side of the Rio Grande. Station contains a CMP shelter with recorder.No measurements are done. Flows on the river are continuously recorded.

E1 – American Canal – located off Paisano Drive on canal concrete lined channel just downstream of the Paisano Siphon and ASARCO plant.

E2 – Robertson/Umbenhauer Water Treatment Plant – located adjacent to the American Canal Extension near Canal Street in downtown El Paso. Continuous measurements shall be made of all water diverted from the canal.

E3 – Franklin Canal – located downstream of heading of the Franklin Canal near the 2nd Street Check on the American Canal Extension. Station contains a metering bridge, CMP shelter, and a recorder. Measurements shall be done twice per week. Flows are continuously recorded.

E4 – Jonathan Rogers Water Treatment Plant - located adjacent to the Riverside Canal immediately upstream of the E5 metering station. Continuous measurements shall be made of all water diverted from the canal.

E5 – Riverside Canal – located on the right side (south) and approximately 800 feet downstream of the canal heading. Measurements shall be done twice per week. Flows are continuously recorded when canal is in use.

E6 – Riverside Canal Wasteway No. 1 – located on the right side of the canal just south of the Bosque Park. Wasteway is from Riverside Canal to the Rio Grande. Station contains a CMP shelter and recorder. Measurements at the channel in the river are down when wasting. Flows are recorded when wasting.

E7 – Riverside Canal Wasteway No. 2 – located downstream from Riverside Canal Wasteway No. 1, at a point where the canal channel departs from the river levee, approximately 2 ½ miles northwest of Cuadrilla, Texas.

E8 – Fabens Waste Drain – located on the Waste Drain Channel just west of U.S. Hwy 20 at Fabens, Texas. Station is downstream on the waste channel Fabens-Island Road crossing. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week. Flows are continuously recorded.

E9 – Fabens Waste Channel – located southeast of Fabens, Texas, downstream on the waste channel from the Tornillo Canal Heading and the Cook-Schultz Lateral inlet intersection. Station contains a metering bridge and CMP shelter with recorders. Measurements shall be done twice per week. Flows are continuously recorded.

E10 – Waste Channel Below Tornillo Wasteway No. 1– located on the Fabens Waste Channel below the Tornillo Canal Wasteway and the Tornillo-Caseta Road. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per week (when in use). Flows are continuously.

E12 – Hudspeth Feeder Canal – located on the Hudspeth Feeder Canal approximately six miles downstream from the Guadalupe-Caseta Road and International Bridge in to Caseta, Mexico. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice weekly. Flows are continuously recorded.

E13 – Tornillo Canal Wasteway No. 2 – located approximately one mile east of Alamo Alto, Texas on the canal channel adjacent to U.S. Hwy 20 Alternate. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done a minimum of once per week. Flows are continuously recorded.

E14 – Tornillo Drain – located on drain channel just downstream and 800 feet from the Alamo Alto Drain inlet, approximately ½ mile southeast of Alamo Alto, Texas. Station contains a metering bridge and CMP shelter with recorder. Measurements shall be done twice per month. Flows are continuously recorded.

APPENDIX C Reporting Requirements of Allocated and Carryover Water Deliveries

1) EBID and EPCWID will report to Reclamation the flow records at their respective diversion and water delivery stations on a monthly basis by the tenth day of the month.

2) The report may be transmitted electronically to Reclamation and followed with a written and signed report by regular mail.

3) Reclamation shall use these reports to compute the monthly charge and the year to date charge for each district against their Annual allocated water and their carryover water and report the balance of the total allocation remaining for each district by the 20th of each month.

4) Stage recorder records will be made available to Reclamation for verification of flow records at the end of each irrigation season or upon request.