

1 **JON W. ALLRED**
2 **GILA WATER COMMISSIONER**
3 **P.O. Box 152**
4 **Safford, AZ 85548**
5 **Telephone (928) 428-3220**

6 **UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

9 UNITED STATES OF AMERICA,)
10 Plaintiff, and)
11 GILA RIVER INDIAN COMMUNITY,)
12 Plaintiff in Intervention and)
13 SAN CARLOS APACHE TRIBE,)
14 Plaintiff in Intervention,)
15 vs.)
16 GILA VALLEY IRRIGATION)
17 DISTRICT, et al.,)
18 Defendants.)

Case No.: CV31-59-TUC-SRB
(a/k/a Globe Equity No. 59)
(Assigned to Hon. Susan R. Bolton)
WATER COMMISSIONER'S
REALLOCATION OF
APPORTIONMENT No. 1-2010 AND
APPORTIONMENT No. 2-2010
AND
WATER COMMISSIONER'S ORDER
OF APPORTIONMENT No. 3-2010
and the
ALLOCATION OF
APPORTIONMENT TO UVD TBI
ACRES No. 3-2010

Order No. 3-2010

21 Effective January 1, 2010, under the authority contained in Article VIII (2) of the
22 Gila Decree [and after appropriate deductions for losses] an apportionment was made by
23 the Gila Water Commissioner to the UVDs as of January 1, 2010 in the amount of **5,362**
24 **acre-feet** of water, which is equivalent to **0.177 acre-feet** of water per UVD TBI acre,
25 based upon 30,292.15 TBI acres as of January 1, 2010.

1 Effective February 1, 2010, under the authority contained in Article VIII (2) of the
2 Gila Decree [and after appropriate deductions for losses] an apportionment was made by
3 the Gila Water Commissioner to the UVDs as of February 1, 2010 in the amount of
4 **75,389 acre-feet** of water, which is equivalent to **2.461 acre-feet** of water per UVD TBI
5 acre, based upon 30,634.05 TBI acres as of February 1, 2010.

6 The Court has ordered that only lands then being irrigated [TBI] may receive
7 natural flow of the Gila River. Therefore, in allocating the apportionments made pursuant
8 to Article VIII (2), the Commissioner allocates the water apportioned to the UVDs, to the
9 lands reported as TBI. Because the amount of acreage reported as TBI may change from
10 time to time, when the TBI acreage changes, it is necessary and appropriate for the
11 Commissioner to re-allocate the amount of water apportioned under Article VIII (2) to
12 the revised number of TBI acres. However, the total amount of water calculated and
13 apportioned pursuant to Article VIII (2) does not change unless there has also been an
14 additional apportionment because of added stored water available for release in the
15 Reservoir.

16 On February 1, 2010, the UVD TBI acreage increased to 30,634.05 acres. On
17 March 1, 2010, the UVD TBI acreage increased to 30,907.52 acres. Accordingly, the
18 original apportionment of **5,362 acre-feet** as of January 1, 2010 was reallocated to the
19 number of UVD TBI acres on February 1, 2010 and the original allocation of **0.177 acre-**
20 **feet** of water per TBI acre is reduced to **0.175 acre-feet** per TBI acre, effective February
21 1, 2008. On March 1, 2010 the original allocation of **0.177 acre-feet** of water per TBI
22 acre is reduced to **0.174 acre-feet** per TBI acre, effective March 1, 2010.

23 On March 1, 2010, the UVD TBI acreage had been increased to 30,907.52 acres.
24 Accordingly, the Second apportionment of **75,389 acre-feet** February 1, 2010 must be
25 reallocated to the number of UVD TBI acres on March 1, 2010 and the second allocation

1 of **2.461 acre-feet** of water per TBI acre is reduced to **2.439 acre-feet** per TBI acre,
2 effective March 1, 2010.

3 **IT IS THEREFORE ORDERED** reducing the original allocation of
4 apportionment of **0.177 acre-feet** per UVD TBI acre to **0.174 acre-feet** per TBI acre, and
5 reducing the second allocation of apportionment of **2.461 acre-feet** per UVD TBI acres
6 to **2.439 acre-feet** per UVD TBI acre, effective March 1, 2010.

7 **APPORTIONMENT 3 - 2010**

8 Article VIII (2) of the Decree entered on June 29, 1939 in the above-entitled cause
9 provides that on the first day of January of each calendar year, or as soon thereafter as
10 there is water stored in San Carlos Reservoir [the “Reservoir”], which is available for
11 release from Coolidge Dam for conveyance to and diversion on the lands of the San
12 Carlos Project, the Gila Water Commissioner shall apportion for the ensuing irrigation
13 year, to the Upper Valley Defendants [UVDs] an amount of water equal to the available
14 storage [after appropriate deductions for losses] and shall permit the diversion of said
15 amount of water from the natural flow of the Gila River for irrigation of the lands of the
16 UVDs in disregard of the prior rights of the plaintiff but within the duty of water
17 limitations of the Decree [6 acre-feet per acre during each irrigation season] and subject
18 to the actual consumptive use limitation of Article VIII (2).

19 Articles IX and X of the Decree provide that when, under the rule and method of
20 apportionment stated in Article VIII, there is apportioned to the UVDs an amount of
21 water from the natural flow of the Gila River, there also shall be apportioned to the
22 parties named in Articles IX and X, for the purposes therein specified, an amount of
23 water per acre corresponding with the amount per acre apportioned to the UVDs under
24 Article VIII.

25 Article VIII (2) further provides that the Commissioner shall make additional

1 apporportionments from time to time if and when water shall flow into the Reservoir and
2 shall be stored there and become added to the available stored water in the Reservoir,
3 which apporportionments shall be made and calculated in the same manner as the first
4 apporportionment.

5 The Court has ordered that only lands then being irrigated [TBI] may receive
6 natural flow of the Gila River. Therefore, in allocating the apporportionments made
7 pursuant to Article VIII (2), the Commissioner allocates the water apporportioned to the
8 UVDs, to the lands reported as TBI. Because the amount of acreage reported as TBI may
9 change from time to time, when the TBI acreage changes, it is necessary and appropriate
10 for the Commissioner to re-allocate the amount of water apporportioned under Article VIII
11 (2) to the revised number of TBI acres. However, the total amount of water calculated
12 and apporportioned pursuant to Article VIII (2) does not change unless there has also been
13 an additional apporportionment because of added stored water available for release in the
14 Reservoir.

15 Notwithstanding the total amount of water apporportioned or the allocation of the
16 total apporportionment to TBI acres, the Commissioner will not permit the 6 acre-feet
17 limitation to be exceeded.

18 **THEREFORE**, under the authority contained in Article VIII (2) of the Gila
19 Decree [and after appropriate deductions for losses] an additional apporportionment is made
20 to the UVDs as of March 1, 2010 in the amount of **55,079 acre-feet** of water.
21 Accordingly, based upon **30,907.52** TBI acres, as of March 1, 2010 there is allocated an
22 additional **1.782 acre-feet** of water to each TBI acre. Attached hereto is the computation
23 sheet for apporportionment and allocation of apporportionment.

24 **FURTHER**, under the authority contained in Articles IX and X of the Decree
25 there is apporportioned an equivalent amount of water per acre to the lands and for the

1 purposes specified in Articles IX and X of the Gila Decree.

2 **PROVIDED**, however, and notwithstanding the foregoing, diversions from the
3 natural flow of the Gila River shall not exceed the duty of water limitations of the Decree
4 or the limitations otherwise specified in Articles IX and X of the Decree.

5 The above apportionments are in addition to and not exclusive of the right to
6 divert in regular order of priority when the same is available, limited to a maximum
7 diversion of six acre-feet per acre of apportioned and priority water, and also limited, as
8 appropriate, to actual consumptive use of 120,000 acre-feet of water per year as
9 determined by the method set forth in the Decree.

10 **SO ORDERED**, this 5th day of March, at Safford, Arizona, as of the 0000 hrs.
11 March 1, 2010.



12
13 JON W. ALLRED
14 Gila Water Commissioner
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**Computation of apportionment and allocation of apportionment
San Carlos Reservoir**

Lake elevation 2400 hrs. February 28, 2010	2,447.38	
Available storage		169,413 ac-ft
Less Minimum Pool		<u>- 2,006 ac-ft</u>
		167,407 ac-ft
Less minimum Pool "B" (Awaiting Court Decision)		<u>-363 ac-ft</u>
		167,044 ac-ft
Less Reservoir seepage loss		<u>-2,803 ac-ft</u>
		164,241 ac-ft
Less Transit loss on stored water		<u>-16,509 ac-ft</u>
		147,732 ac-ft
Less computed evaporation		<u>-11,902 ac-ft</u>
		135,830 ac-ft
Total available for apportionment	135,830 ac-ft	
Apportionment No. 1	5,362 ac-ft	
Apportionment No. 2	<u>75,389 ac-ft</u>	
Available for Apportionment No.3	55,079 ac-ft	
Reallocation of Apportionment No. 1 (30,907.52 acres TBI)		0.174 a/f/a
Reallocation of Apportionment No. 2 (30,907.52 acres TBI)		2.439 a/f/a
Apportionment No. 3 (30,907.52 acres TBI)		<u>1.782 a/f/a</u>
Total Apportionment		4.395 a/f/a