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VIA EMAIL AND FIRST-CLASS MAIL

Mr. John D'Antonio
New Mexico State Engineer
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

Re: City of Gallup Permit No. Application No. G-80/SJ-1491 et al.

Dear Mr. D'Antonio:

The City of Gallup has resolved the remaining protests to Application No. G-80/SJ-1491 *et al.* and is requesting expedited approval of this now unprotested application by the Water Rights Division. The application was filed by Gallup on October 15, 1981 and requests a new appropriation of groundwater from the Dakota Sandstone and/or Westwater Canyon Member of the Morrison Formation (Dakota/Westwater) of up to 5,600 acre-feet per year. Without prejudice to seeking an additional new appropriation from the Dakota/Westwater in the future as circumstances change, the City of Gallup is hereby reducing Application No. G-80/SJ-1491 *et al.* from 5,600 acre-feet per year to 2,600 acre-feet per year.

There are two primary reasons for the City's request for expedited approval of Application No. G-80. First, because of the circumstances related to COVID-19, the City has been contacted and requested repeatedly to increase its groundwater diversions to assist in the water supply to the Navajo Nation and other surrounding communities. These requests have come from the Governor's Office, the Navajo Nation, and state and federal legislators concerned about the high number of positive COVID-19 tests on the Navajo Nation and in McKinley County.

Second, with the agreement of the New Mexico Interstate Streams Commission, the Bureau of Reclamation delayed the delivery date for surface water from the Navajo-Gallup Water Supply Project ("NGWSP") to an unspecified time, but the delay is expected to be at least five years.

Because of the earlier commitment by the state and federal government for completion and operation of the NGWSP by 2024, for many years Gallup's municipal water supply planning has been based upon receiving imported surface water from the NGWSP beginning in 2024. To that end, the City redirected its financial resources from drilling and equipping production wells to the NGWSP, and accordingly, has not placed a new production well in service for many years, even as existing wells decrease in production or go out of service for extended periods of time for maintenance and repair.

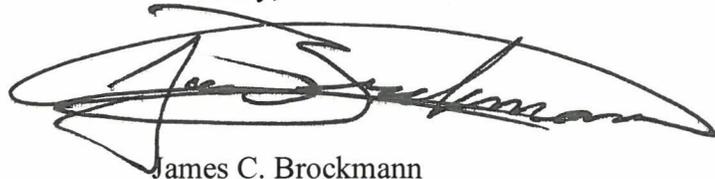
Gallup has existing wells that are dually completed in the Dakota/Westwater and the Gallup Sandstone. By administrative order of the OSE, 25% of the water produced from these dual-completion wells is accounted as water coming from the Dakota/Westwater and 75% is accounted as coming from the Gallup Sandstone. Because Gallup's existing OSE permit limits diversions from the Dakota/Westwater to 492 afy, Gallup must stop pumping all of its dual completion wells and two other wells that divert only from the Dakota/Westwater (Well Nos. G-97-S-8 and G-97-S-9) because of permit limits when the wells are otherwise capable of producing much more water.

Critically, two of the points of diversion specified in Application No. G-80/SJ-1491 already have existing wells (Well Nos. G-97-S-8 and G-97-S-9) so the City can immediately begin diverting more groundwater without having to drill or equip new wells the minute Application No. G-80/SJ-1491 is approved. This is a significant benefit to the City, the Navajo Nation, and McKinley County, and is especially important given existing circumstances.

The City will work closely with WRD to evaluate this application because we are requesting approval within the next 30-60 days. A hydrology analysis that supports granting Application No. G-80/SJ-1491 *et al.* was done by John Shomaker and Associates for the City shortly after the application was filed and provided to the OSE-Water Rights Division. To assist OSE-Water Rights Division staff in quickly processing this application, we will provide a synopsis of the file under separate cover. The City will promptly respond to any questions or requests for information from your staff to approve this application.

Please feel free to contact me or Dennis Romero, Executive Director, Utilities – Water and Sanitation, City of Gallup, if you have any questions.

Sincerely,



James C. Brockmann

cc: *Email and/or First-Class Mail:*

Mr. John Romero, Director, Water Rights Division, NM OSE

Mr. Wayne Cannon, District Manager, District I, NM OSE

Mr. Jeff Peterson, Water Resources Manager, District I, NM OSE

Mr. Bill Teel, counsel to the NM OSE-Water Rights Division

Hon. Louie Bonaguidi, Gallup City Mayor
Mrs. Maryann Ustick, Gallup City Manager
Mr. Dennis Romero, Executive Director, Utilities – Water and Sanitation, City of Gallup
Mr. Curtis Hayes, City Attorney, City of Gallup
Hon. Michelle Lujan-Grisham, Governor, State of New Mexico
Hon. Jonathan Nez, Navajo Nation President
Mr. Daniel G. Moquin, Principal Attorney, Navajo Nation Department of Justice
Mrs. Lisa Yellow Eagle, Attorney, Navajo Nation Department of Justice
Mr. Walter W. Haase, General Manager of NTUA
Mr. Bartholomew Stevens, Regional Director, BIA
Mr. Rudy Keedah, Branch Chief, Branch of Engineering, BIA Navajo Region-Gallup
Hon. Tom Udall, United States Senator for New Mexico
Hon. Martin Heinrich, United States Senator for New Mexico
Hon. Ben Ray Lujan, United States Representative for New Mexico
Hon. Patty Lundstrum, Member of New Mexico House of Representatives
Hon. George Muñoz, Member of the New Mexico Senate