



AUDIENCE: Town of Kearny Residents and Water Use Stakeholders

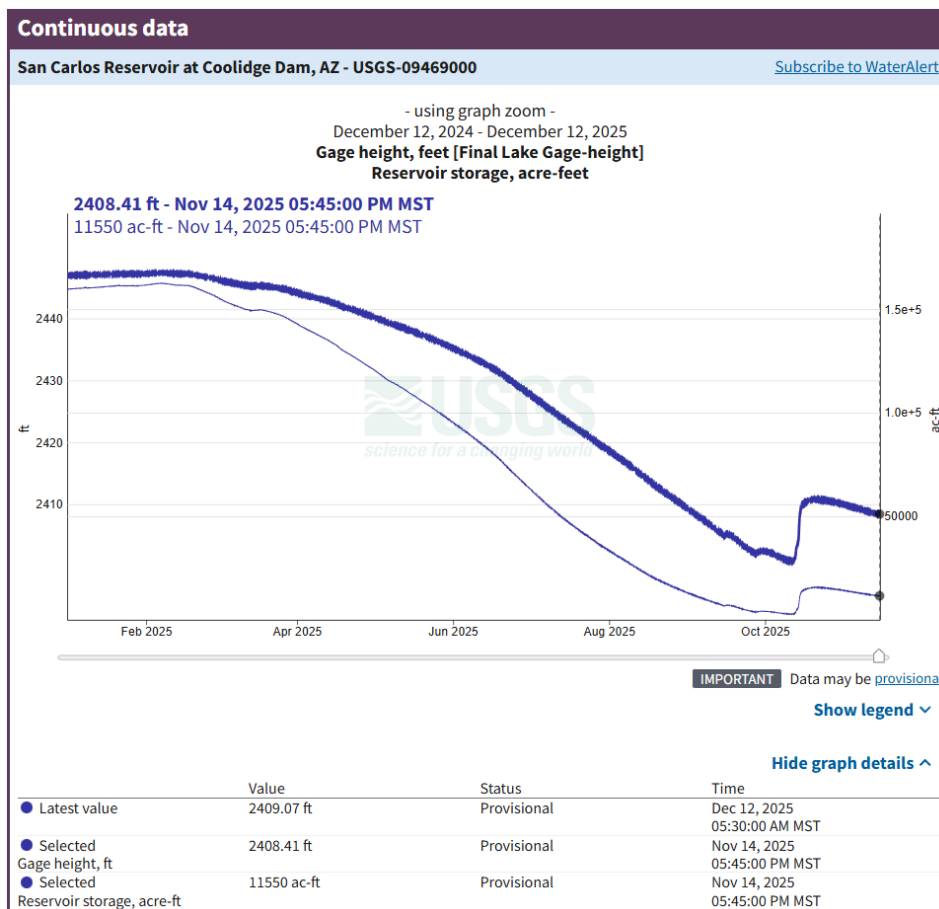
COMMUNICATION PLAN ID: S003

DISTRIBUTION METHOD: Newspaper article, on-line web page, social media, water bill mailer, open meeting

SUMMARY: The Town of Kearny is facing potential lowered water allotment based on the Globe Equity Agreement which may force water use restrictions.

CURRENT SITUATION

The Gila River is a source of strength and entertainment for our community. It is also our primary source of water. Upstream, rain and snow across western New Mexico and Eastern Arizona flow into the San Carlos Reservoir where it is stored and managed by the San Carlos Irrigation and Drainage District under the Globe Equity Decree of 1935. The reservoir is designed to hold more than 900,000 acre feet of water, as of December 9th, 12,380 acre feet of water was behind the dam.



The Globe Equity Decree establishes priorities and volumes of water allotted to the various consumers of water along the Gila River with **ASARCO**, the Gila River Indian Community (GRIC) and **the San Carlos Irrigation and Drainage District (SCIDD)** holding the highest



priority rights. This basically means they get their water first then everyone else gets what is left over, if any. However, over the years, ASARCO, GRIC and SCIDD have worked with Kearny to assist the Town in years where there have been shortages of water available under the Globe Equity Decree.

The Gila Water Commissioner is authorized to enforce these priorities of the Globe Equity Decree. During times of drought or low reservoir storage, allotments for lower priority entities such as the Town of Kearny can be drastically reduced or even completely cut-off. These reductions are not optional, because of the priority rights the GRIC and SCIDD the Commissioner is required to reduce allotments to other users in order to meet the requirements of the priority rights users. Currently, the Town of Kearny gets 100% of our water from the Gila River under the Globe Equity Decree. A reduced allotment will result in restrictions in the Town of Kearny.

POTENTIAL RESTRICTIONS

Restrictions will vary based on the allotment.

MITIGATION STRATEGY

The Town has been working on this issue for decades. Approximately nine (9) years ago the Town began working with Rural Development a Department of the United States Department of Agriculture to address the Town's water and waste water needs. Using a \$3.5 MM grant from the USDA, the Town's domestic water system has been undergoing multiple upgrades. Some of these upgrades include repair of well systems outside the Gila River streambed and out of the "cone of depression" for Gila River surface water which is subterranean flow, these wells are located north of Town. These wells have not been in service for 20 years, they are dilapidated and non-operational as of today. Additionally, the historical records we can find indicate that the amount of water produced by these wells is not sufficient to fully replace the water from the Globe Equity Decree, they can only supplement it. For the last three months we have been working with Congressman Crane's office to push the USDA to prioritize this repair project in anticipation of restrictions and we are happy to report that this effort has resulted in improved project completion timelines and prioritization from USDA. **These wells should be coming online around March of 2026 and we hope the wells will supply forty (40%) of the water needs of Town on an annual basis.**

In addition to the well project completion, we have been engaged with our local mining partners to find alternative sources of water. Our partners are considering how we might share water in times of need and are assisting with legal advice and negotiation with downstream higher priority users of the water supply in the Gila. We do not yet know if our work will be effective in this regard.

Industrial water users such as drillers, firefighters and construction crews will soon be able to draw their water from the Town Lake. A new siphon operated water stand is being



constructed for this purpose as we have some users who will be in need of this kind of water.

WHAT THIS MEANS TO RESIDENTS

Water usage restrictions are very likely. If you are planning a high water usage landscape in the near future please postpone those plans.

Our water allotment is provided to us in early January and we will communicate that information as soon as we get it. A special meeting will likely be held for communications and Q&A. Restrictions will be announced at that time should they be required.

This is not the first time we have faced drought in our community and we will get through it together.

FAQ

1. What happens if our allotment is zero?
 - a. We will switch over to the wells north of town but we do not know what their flow rates or aquifer volumes will produce. Severe restrictions will be imposed.
2. What is the Globe Equity Decree?
 - a. The **Globe Equity Decree of 1935** directly impacts water allotments by defining and settling the specific surface water rights on the Gila River mainstem, establishing **priorities and volumes of water allotted** to the Gila River Indian Community (GRIC), the federal government, and other landowners, including those in the San Carlos Irrigation and Drainage District (SCIDD).
 - b. Allocation and Priority**
 - i. The decree created a hierarchical system for water access:
 - ii. **Defined Rights:** The decree specifies the amount of water each party is entitled to, their points of diversion, and, crucially, their priority dates.
 - iii. **Time Immemorial Priority:** The GRIC holds a primary right to a specific flow of natural water from the Gila River, sometimes referred to as a "time immemorial" or "Winters" right, which takes precedence over junior water rights.
 - iv. **Impact on SCIDD Allotment:** The SCIDD, which includes farmers in the Kearny area, receives water from the same source. When natural flows in the Gila River are low (as is the case currently due to the near-dry San Carlos Lake), the senior water rights of the GRIC are fulfilled first. This means that parties with junior rights, such as many non-tribal farmers in the SCIDD, experience a significant reduction or complete cut-off of their surface water supply.
 - c. Current Operational Realities**



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- i. **Water Scarcity:** During periods of insufficient natural flow, such as from June to October 2023 and again in 2025, even the GRIC did not receive its full entitlement of **437.50 cfs (cubic feet per second)** of natural flow.
 - ii. **Mandatory Cutbacks:** Because the decree mandates that senior rights are met first, the Gila Water Commissioner is authorized to enforce these priorities. If insufficient water is available to satisfy senior rights, other users, including those in the SCIDD, must cease diversions or rely on alternative sources like groundwater.
 - iii. **Ongoing Jurisdiction:** The U.S. District Court has maintained continuing jurisdiction over the decree since **1935** to ensure compliance and resolve disputes, such as recent cases involving the unlawful pumping of groundwater that affects the river's subflow.
 - d. In essence, the Globe Equity Decree determines who gets water first. In drought conditions, this strictly enforced priority system leads directly to reduced or nonexistent surface water allotments for users with junior rights.
3. What restrictions can we expect?
 - a. Landscaping restrictions, vehicle washing, usage penalties

USEFUL LINKS

<https://waterdata.usgs.gov/monitoring-location/USGS-09469000/#dataTypeId=continuous-00065-1028756077&period=P365D&showFieldMeasurements=true>