

SAN JUAN SOIL & WATER CONSERVATION DISTRICT

SERVING SAN JUAN COUNTY

DISTRICT OFFICE

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10/8/2026

To whom it may concern:

The purpose of this letter is to document justification for single-source procurement of Rubicon Headgates for the Halford Independent and Farmers Mutual ditch headgate replacement projects. These replacement projects stipulated a requirement for headgates that prevented fish entrainment into agricultural irrigation canals (ditches). The Rubicon Headgate was identified as the only type of headgate that withdraws water from the top of the water column, thereby preventing fish passage from river mainstems into ditches.

Background:

The San Juan River Basin Recovery Implementation Program was developed to recover two endangered fish species while allowing water development to proceed in accordance with federal and state laws and interstate compacts. The Recovery Program supports projects that support recovery of the endangered fishes.

As mitigation for the 2015 Gold King Mine spill, the San Juan Soil and Water Conservation District (SJSWCD) secured funding from the New Mexico Office of Natural Resources Trustee to replace aging infrastructure at five ditches along the San Juan and Animas Rivers. Three of the originally planned projects were completed but construction costs increased during the project leaving Farmer's Mutual Ditch (on the San Juan River just downstream of its confluence with the Animas River) and Halford-Independent Ditch (Animas River at river mile 15.3) incomplete. The San Juan Endangered Fish Recovery Program (Recovery Program) is supporting the replacement of the head gates at Farmer's Mutual and Halford-Independent ditches due to the potential impact on endangered fishes. Rubicon FlumeGates™ have been identified as the best replacement because they withdraw water from the upper portion of the water column. Most stages of endangered fish typically occur in habitats along the lower portion of the water column making this type of water diversion head gate less likely to entrain endangered fish. The purpose of this project is to replace the head gates of the Farmer's Mutual and the Halford-

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Independent Ditches with Rubicon FlumeGates™ to increase irrigation efficiency while reducing fish entrainment.

Conservation Requirement from Regulatory Funding Sources

In 2021, the Recovery Program finalized a Prioritization of Diversions for Fish Passage and Entrainment Evaluation report which assessed fish passage and entrainment projects that may be potential impediments to recovery. The diversion structures were prioritized for evaluation according to a series of criteria. The report also stated that the Recovery Program would work with irrigators to rehabilitate their structures with technologies to advance water delivery objectives and benefit native fishes when possible. Farmer's Mutual, which is the ditch targeted for rehabilitation in this project, was highly ranked in that evaluation, and the ditch association has demonstrated an interest in working with the Recovery Program to reduce fish entrainment.

The need to replace aging head gate infrastructure with Rubicon FlumeGates™ was identified after irrigation ditch operators were unable to close the head gates during the 2015 Gold King Mine spill. An attempt to replace the head gates at Farmer's Mutual and Halford-Independent Ditches was planned with Environmental Protection Agency remediation funds but there were insufficient funds to replace them. The Recovery Program recently obtained data indicating entrainment of endangered fish into Farmer's Mutual and potential passage of endangered fish up to Halford-Independent's headgate indicating the potential importance of rehabilitating these diversion structures to reduce entrainment.

Endangered fish are more likely to occupy habitats along the riverbed and because the Rubicon gates withdraw water from the upper portion of the water column entrainment is less likely to occur (Figure 1). The gate also offers improved water diversion efficiency in both high and low flow conditions, reduced intake of debris and sediment, enhanced precisions in water-flow management, and the critical capability of fully closing ditch diversions during emergencies.

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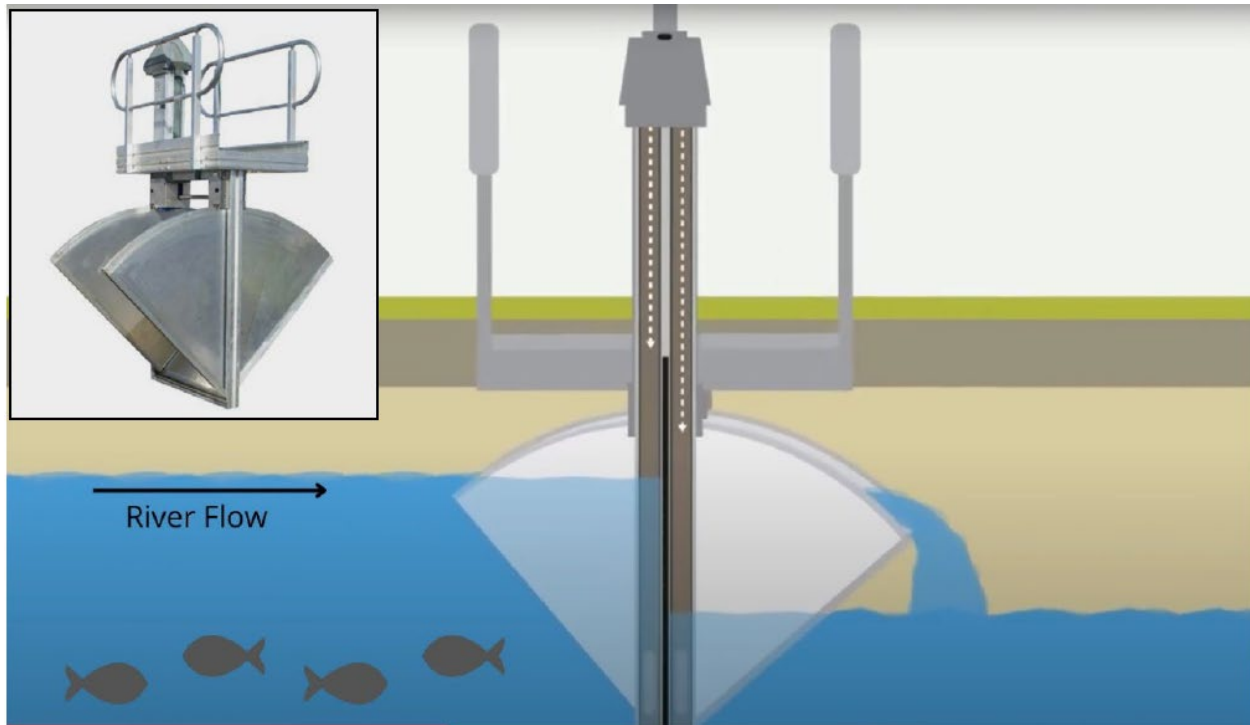


Figure 1. Rubicon flume gate (adapted from Rubicon 2022)

The SJSWCD already obtained detailed cost estimates and engineering designs for this project and will provide construction oversight. Additionally, all environmental compliance including Endangered Species Act consultation, National Environmental Policy Act review and cultural resources clearances were conducted previously.

Baseline fish entrainment data have been collected by the Recovery Program in 2024 and 2025 in anticipation that the head gate at Farmer's Mutual would be replaced with a Rubicon gate meaning that there will be pre- and post-gate replacement data available for evaluating the effectiveness.