New Mexico State Water Plan

Public Input Process

Public Comment Synthesis

October 20, 2003

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and
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EXECUTIVE SUMMARY: PUBLIC COMMENT SYNTHESIS

When Governor Richardson said he wanted a State Water Plan completed by the end of 2003, the Interstate Stream Commission (ISC) immediately began planning the public input process. The process included 29 listening meetings held across the state. Almost 1500 people attended the meetings. Participants provided comments, and numerous other comments were sent to the ISC. The following paragraphs contain summaries of public comments in eight areas: adjudication, administration, conservation and education, reliable data, funding, purpose and place of use, law and regulation, and values and ethics. They provide a general sense of the more than 1600 comments received by the ISC. Each of these summaries is included in the body of the report followed by specific comments related to each theme.

Adjudication:

There was an overwhelming sense that the waters of the state need to be adjudicated in order to have proper water rights administration. People also felt that completing adjudications would allow for more efficient water rights transfers. Many said the adjudication process was too long, too inefficient, and too adversarial, and more mediation should be used. Protection of and respect for tribal rights in adjudications was widely supported. Comments related to adjudication fell into the categories of time frame of adjudications; respect for prior rights; establishment and enforcement of rights; and funding.

Administration:

A great deal of comment related to the administration theme. Many participants were concerned with the way New Mexico's water is being managed and offered suggestions for improvement or changes management. An overwhelming concern was that population growth was exceeding our water supply. Many felt that water issues could not be dealt with properly without proper land management practices, such as overall watershed management. Many of these people emphasized the importance of "thinking like a watershed," i.e.-if you manage the larger watershed properly and consciously, then

the smaller sub-watersheds will benefit too. Many talked about how the OSE and ISC could do a better job managing water and offered plenty of suggestions on how to do this. Ideas for new sources of water to New Mexico, such as cloud seeding, piping water from the Mississippi and other plentiful waterways and even oceans, and desalination were talked about.

Conservation and Education:

Conservation and education are broad topics. There was overwhelming support for the necessity for education at all levels regarding our water situation (living in a desert with a growing population). This concern related both to the need to conserve and to educate on conservation. There was also widespread support to encourage conservation through financial incentives. In general, there is the feeling that New Mexico is wasting too much water and that we must increase our efforts to conserve. Many rural people feel that city dwellers must be educated in the realities of drought and conservation. When you can turn on the faucet each morning and have a plentiful supply of water, it is easy to forget that water is part of a cycle and there is a limited supply. Education campaigns are necessary to increase awareness of conservation from a very early age and to educate the general public on measures they can take to help. Many meeting participants have suggested incentives for conservation, such as tax breaks and rebates, as a good way to encourage conservation. In addition to continuing time-tested methods of conservation, many meeting participants agreed that alternative methods such as recycling water and using gray water would reduce water usage. Many participants commenting on conservation believed that growth must be planned and infrastructure kept in good repair. Watershed management was popular with meeting participants to increase water yield and keep the forests healthy. All agreed that the "use it or lose it" Policy discourages conservation. Comments were categorized as methods; recycling and alternative treatments; infrastructure; data; education; values.

Reliable Data:

A consistent theme has been the need for better, more reliable science, including better quantification of existing water sources (surface and ground) and demand (amount of use by user-type); evaporation measures and solutions; basin transfer costs and benefits; cost estimates and ecological potentials for alternative supplies (including pipelines and desalinization); better metering and measuring; improvement to the WATERS database, etc. There was widespread recognition and expression that we need to have good data in order to make good decisions. Some warned, however, that it is impossible to know the amount of groundwater available, and that further studies will be pointless. Comments related to data fell into the categories of better data; how data related to different uses is characterized; the use of technology, such as metering, measuring, cloud seeding, etc.; drought data; the use of data in economic analysis of water; data about water quality; better outreach with the data we do have; use of regional plan data.

Funding:

The suggestions for funding the needs identified by participants were many and varied. Generally, there was a sense that the majority of funds for water projects should come from the state and federal government, although a number of other alternatives were suggested. Some participants advocated for higher taxes or user fees to supplement government grants or loans, but there was an insistence that these taxes or fees are fair and equitable and not put a heavy burden on poor communities, farmers, or individuals. Many people felt that high users such as urban areas and industries should absorb much of the costs for water administration and infrastructure. New industry and users were also mentioned as potential sources of extra revenue. Tax cuts were also mentioned as incentives, along with offering water rights as a reward to encourage people to clean up watersheds. Privatization was mentioned, but did not have much support. It was suggested that there are resources that do not involve money. Comments clustered around the topics of general funding suggestions state, federal, incentives, alternative funding, water rates, data, and private funding.

Purpose and Place of Use:

Comments related to this theme dealt with how water was used and where it was used, the continuation of historic uses, and whether rights should be transferred. A number of the comments related to the necessity to protect acequia and agricultural livelihood and culture. A great amount of value was placed on the food that agriculture produces. Comments showed that there is a deep fear of water being transferred and taken from traditional uses and placed in urban areas. There was considerable disagreement and debate around whether water should be an economic commodity and open to the free market or not. Similar disagreements centered on the issue of prioritization of beneficial use. An overwhelming theme that emerged was the basic human right to water for domestic purposes of every individual. Shortage sharing, water for beautification, drought awareness and planning, the reality that we live in a desert and the steady loss of water to cities were other common topics that emerged. Purpose and Place of Use comments fell into the categories of general use statements; agriculture uses; cultural and historic preservation; and the practical/sensible use of water.

Law and Regulation:

One theme that emerged was the role of law and regulation. Although this theme overlapped with several others, it seemed important to highlight the comments that dealt with law as law and regulations as regulation, either criticizing them or recommending legal and regulatory change. The "use it or lose it" policy is a key area of concern; people feel it compels water-rights holders to waste what they don't need now in order to preserve their rights and ability to use it later. There were a number of ideas offered about how to adopt this concept including banking, storing, leasing, and lending of existing water rights. Many suggested that the compacts should be revisited due to changing conditions such as drought and Endangered Species claims. Many felt that the State Engineer should aggressively enforce current law and regulations, particularly to avoid waste and over appropriation. Many ideas were expressed about the benefits of a working water bank system, where those who didn't need to use all their allotted water could put this extra water into a "bank" without losing their water. Some felt strongly that these water banks should be local in scale and community-controlled. Comments

related to the scope of control advocated regional control first, then local, and finally state control. Very few recommend any role for the federal government except for funding. Comments were categorized into interstate compacts, stronger administration by OSE, less regulation, regional regulation, and changes to water law and regulations.

Values and Ethics:

There was significant expression related to taking the long view in the water plan and caring for future generations. Also, people looked at the broad picture, caring for the natural system, plants and animals. At the same time, virtually all comments related to the Endangered Species Act said that people's needs are more important than species' needs. There was widespread support for preserving agricultural values and way of life. Nevertheless, there is strong agreement that responsibility for conserving and sacrificing should be shared equally by urban and rural, rich and poor, developers and agriculturalists, etc. There is particular concern that municipalities are overusing and operating without constraint, and rural areas and agriculture are being deprived of what is rightfully theirs. There were many expressions of preserving water for traditional and historic users -- Native Americans, acequias, and farmers. In urban areas participants mostly expressed desires to preserve the bosque, river ecosystems, and expressed value for water as instream flow. Comments on Values and Ethics reflected feelings of fear and separation as well as the clearest expression of the need to work together. From the statement that this country was built on individualism and the individual should prevail to the statement of water as a spiritual and community value to be seen holistically, diversity in values was expressed. Comments related to values and ethics fell into the categories of historic and cultural values, agricultural values, basic values, political values, water as necessity, nature, humans before fish, water as sacred.

Public Input Process and Synthesis

NM State Water Plan Background of Public Input Process

PUBLIC LISTENING MEETINGS

The number of public listening meetings selected by the Interstate Stream Commission (ISC) was chosen based on both geographic distribution and urban and rural representation in order to ensure broad participation across the State. The staff of the Planning and Communications Bureau of the ISC along with the ISC Director, Estevan Lopez, first focused on representation from communities that make up the 16 planning regions of the state. These planning regions were self-selected by the residents of these areas as part of the 1987 Regional Water Planning Process (See "NM Water Planning Map," p.3).

Analyzing one planning region at a time, staff selected communities that were accessible to the majority of the regions' population. Sometimes, in regions with greater population or larger in geographic size, the ISC chose to select more than one community in which to hold meetings. The map entitled "Public Listening Meeting Locations" (p.3), illustrates where the 29 meetings were held.

Over 215 statewide communities were represented at the 29 host community meetings (See "215 Communities Participating in Public Meetings," Map p.3). This meeting schedule provided one of the most comprehensive public participation processes undertaken by a state agency.

PUBLIC NOTIFICATION PROCESS

Media Outreach

The Office of the State Engineer (OSE) and the ISC hired Karin Stangl to serve as the Public Outreach Officer to the State Engineer. At the request of both the State Engineer, John D'Antonio, Jr. and ISC Director, Estevan Lopez, Stangl set up press conferences

with the local media in the 29 host communities. D'Antonio and Lopez visited a majority of these communities approximately one week prior to the public meeting in order to meet with local press contacts and to publicize the meetings. Other press contacts were reached by telephone.

Elected Community Leaders

All New Mexico legislators, mayors and tribal governors were personally invited to attend at least one of the meetings. They were provided details of the meeting location and an agenda as well as the *State Water Plan Atlas* and *Framework for the Public Input for the State Water Plan.*

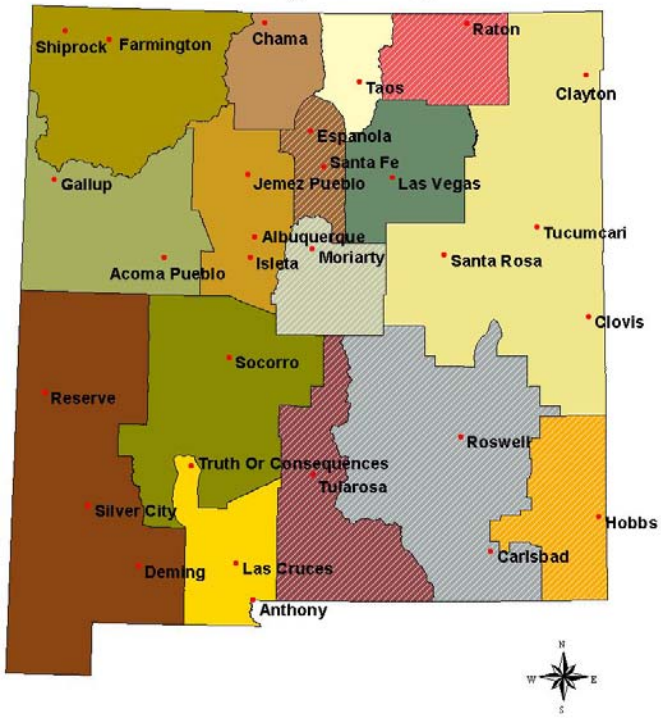
Stakeholder Groups

Over 1,300 individuals representing dozens of stakeholder groups were also invited and asked to spread word of the meetings as extensively as possible within their communities. The stakeholders included: agricultural, acequia, conservation, recreational, community advocacy and support, water, and religious groups. We assume that many more than the original 1,300 people were reached. Again, maps and details of the meeting were made available. Nearly 1,500 people attended the 29 meetings.

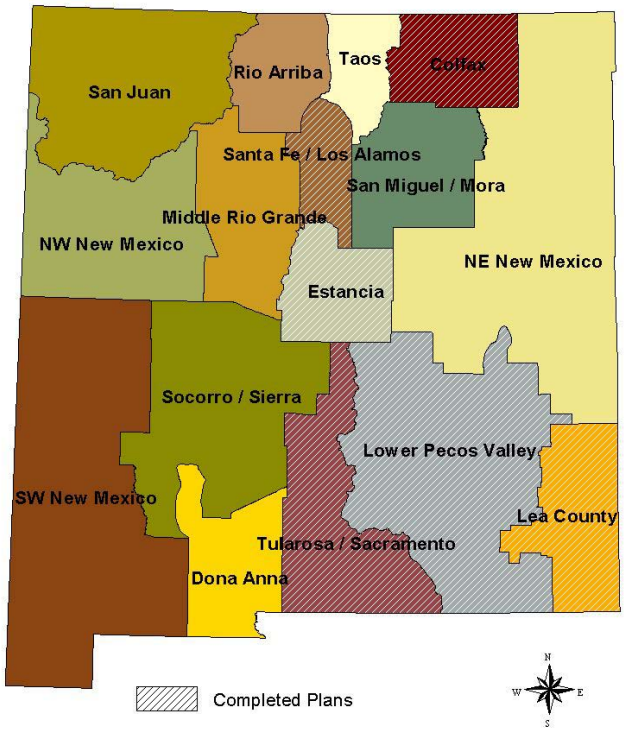
Office of the State Engineer Website

The ISC was intent on reaching as many individuals as possible in the short time frame that existed prior to the start date for the public meetings. The OSE website (http://www.ose.state.nm.us) provided the public meeting schedule and content of the public meetings. A hyperlink to the state water planning website was provided on the homepage of the OSE website in addition to other information regarding the process.

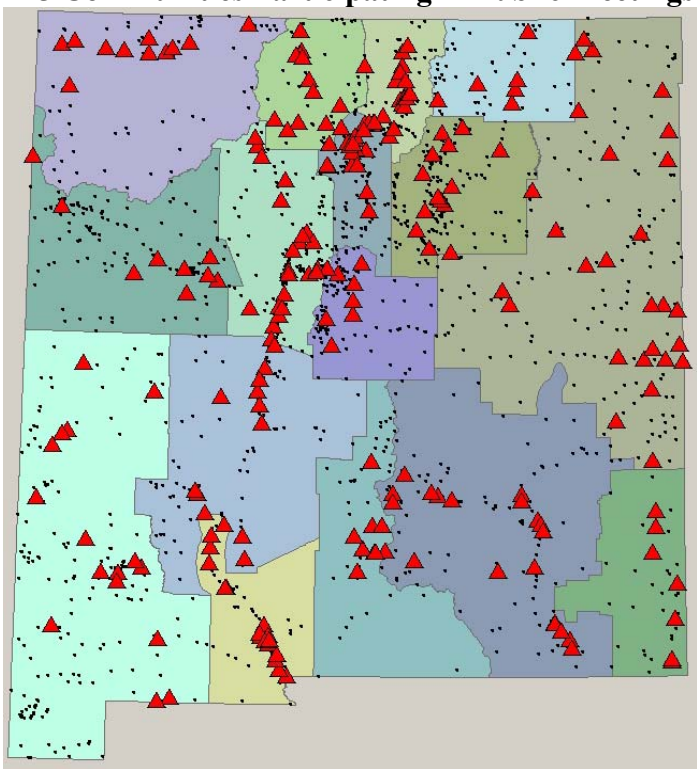
New Mexico State Water Plan Public Listening Meeting Locations



New Mexico Water Planning Regions



215 Communities Participating in Public Meetings



Questions about the SWP Process

Phone and email contact information was provided to the public in order to provide answers regarding the meeting schedule or public listening process.

PUBLIC LISTENING LOGISTICS

Selection of Five Categories for Public Comment

The senior staff of the OSE and ISC convened to discuss topics for public discussion that would elicit a broad range of comments related to the management of our state's water resources. The categories constituting the SWP listening meetings were:

- Stewardship
- Supply and Demand
- Drought
- Water administration
- Funding
- Other

Senior staff wanted to provide an organized format around a range of specific value and management-based categories to focus on statewide issues.

Venue Coordination

In each of the 29 communities that were selected to host the meetings, the ISC planning and communications staff contacted local chambers of commerce and governments to determine where to locate the meetings. Plans were made to accommodate up to 80 individuals in the smaller communities and up to 200 in the larger metropolitan areas. All venues and technological supplies were provided free of charge by local and tribal governments for the purpose of these meetings. (See Table I)

Facilitation Assistance

The ISC contracted with four professional facilitators to provide neutral facilitation at the public meetings. One facilitator was sufficient at smaller meetings but up to three were required for the larger gatherings.

Fact Sheets

Fact Sheets were developed by staff of the OSE and ISC on a variety of topics to provide information on important issues related to water in New Mexico. The fact sheets were available at all of the meetings. The topic areas of the 10 fact sheets are:

- Adjudication
- Domestic Wells
- Active Water Resource Management
- Water Law
- Regional Water Planning
- Fun Facts and Water Trivia
- Conservation
- Forfeiture and Abandonment
- Acequias
- Population

Table I
Public Meeting Schedule – State Water Plan

City	Date	Time	Location	Address
Clayton	7/9/03	7:00-9:00p.m.	Clayton Civic Center	114 North Front Street
Raton	7/10/03	7:00-9:00p.m.	Town Conference Center	901 South 3rd Street
Truth or Consequences	7/14/03	7:00-9:00p.m.	Town Civic Center	400 West 4th Street
Espanola	7/16/03	7:00-9:00p.m.	County Chamber Room	1122 Industrial Park Road
Tularosa	7/17/03	7:00-9:00p.m.	Community Civic Center	1050 Book Out Road
Jemez Pueblo	7/21/03	7:00-9:00p.m.	Walatowa Visitors Center	NM Highway 4
Las Cruces	7/23/03	7:00-9:00p.m.	New Mexico Farm and Ranch Heritage Museum	4100 Dripping Springs Road
Anthony	7/24/03	7:00-9:00p.m.	Gadsden High School Cafeteria	6301 NM Highway 28
Socorro	7/28/03	7:00-9:00p.m.	City Hall	111 School of Mines
Gallup	7/30/03	7:00-9:00p.m.	Chamber of Commerce – Indian Code Talker Room	103 West Highway 66
Taos	7/31/03	7:00-9:00p.m.	Bataan Hall Convention Center	121 Civic Plaza Drive
Santa Rosa	8/4/03	7:00-9:00p.m.	High School Technology Room	717 3rd Street
Clovis	8/6/03	7:00-9:00p.m.	North Annex of the Library	700 Main Street
Tucumcari	8/7/03	7:00-9:00p.m.	Convention Center Annex	1500 W. Historic Route 66
Deming	8/12/03	7:00-9:00p.m.	Convention Center	2300 E. Pine Street
Reserve	8/13/03	7:00-9:00p.m.	Catron County Court House	101 Main Street
Silver City	8/14/03	7:00-9:00p.m.	County Administration Center	1400 Highway 180 East
Chama	8/18/03	7:00-9:00p.m.	Community Center	299 4th Street
Farmington	8/20/03	7:00-9:00p.m.	Civic Center	200 W. Arrington Street
Shiprock	8/21/03	7:00-9:00p.m.	Chapter House Navajo Nation	Highway 64 North of Junction US 491 (old Hwy 666)
Albuquerque	8/25/03	7:00-9:00p.m.	UNM Science and Technology Park – Rotunda Room	801 University Blvd. SE
Hobbs	8/27/03	7:00-9:00p.m.	Lea County Event Center	5101 Lovington Highway
Acoma Pueblo	8/28/03	7:00-9:00p.m.	Tribal Auditorium	140 -exit 102, 5-6 miles south towards Sky City Casino
Las Vegas	9/2/03	7:00-9:00p.m.	City Council Chambers	1700 N. Grand Avenue
Santa Fe	9/3/03	7:00-9:00p.m.	Morgan Hall – State Land Office Building	310 Old Santa Fe Trail
Moriarty	9/4/03	7:00-9:00p.m.	Civic Center	202 Broadway
Isleta Pueblo	9/8/03	7:00-9:00p.m.	Old Palace Casino	Old Palace Casino Exit 215 off I-25, Take Broadway. Across the street from golf-course
Roswell	9/10/03	7:00-9:00p.m.	Chavez County Administration Bldg.	#1 St. Mary's Place
Carlsbad	9/11/03	7:00-9:00p.m.	Pecos River Village Conference Center	711 Muscatel Avenue

Sign-in Sheets

Sign-in sheets were used to provide a record of attendees and their interest. Thus the ISC is able to count the numbers participating in the process. Details of the participant's interest provide further data to the ISC.

PUBLIC MEETING CONTENT AND PROCESS

All public listening meetings began at 7:00 pm and ended at 9:00 pm. An agenda was distributed prior to the start of the meeting (See Agenda, p. 10). Staff, facilitators and special participants or guests who were present were introduced at the start of the meeting. A fifteen minute PowerPoint presentation was given to acquaint the audience with the SWP process and to clarify the purpose of the public meeting.

The introduction included Governor Bill Richardson's deadline for completion of the plan, a description of the public involvement process, the place of regional water planning in the SWP, government-to-government invitations to tribes and pueblos to participate, and technical and legal work plans.

Input was then sought on the 5 categories. A statement was made for each category to set the tone for discussion as seen below:

- Stewardship – We would like to know your values about the stewardship of water. What are the values you hold about water that, even if the laws were lax regarding the protection of water, you would do just because you want to see it protected?
- Supply and Demand – We are aware that we live in a desert and the water that we have is finite. We are also aware that there are many interests in the state that utilize this water. What type of consideration should be looked at when our demand exceeds our supply? What are some suggestions that you have to the managers of water to help plan for this situation?
- Drought – It is said that we are in a drought and its end date is unknown. What are some ideas that you have as to the management and planning for times of drought?

- Water Administration – Assuming that you are in the seat of the State Engineer, what are some changes to the current structure of water management that you would make? What works and what does not?
- Funding – There are sure to be many great ideas as to the management of our water resources from you tonight. Proper management and protection costs money. What are some outlets for funding that you can think of that we should look to?
- Other – Are there any other comments that you have that did not properly fit into any of the other 5 categories?

Upon completion of the PowerPoint presentation, the meeting was turned over to the facilitator and public. The facilitator made it clear that he/she took a neutral position and was not an employee of the OSE or ISC. The facilitator also stated that 15 minutes or so would be devoted to each category.

At the end of the meeting the participants were thanked for their attendance and participation and assured that their comments would be included in the planning process. They were informed that their comments would be posted on the OSE website within two weeks of the meeting. Participants were invited to correct any errors that they found on the website by contacting staff at OSE.

Public Comment Record

An ISC staff member recorded the comments to each category on a laptop computer. The facilitator(s) also recorded the comments onto a flip chart. The flip chart pages were taped up around the room so that the participants could review them. ISC staff recorded the comments and, although grammatical errors were corrected, they were careful to avoid any other alterations. The comment record was then sent, via email, to the facilitator who conducted the meeting. The facilitator(s) were responsible for cross-referencing the comments with the flip chart record. There was more editing at that stage. The facilitator's edits were returned to ISC staff who compared the two versions. (This was done using the technology of 'track changes' that permitted viewing both versions at the same time.)

This double-checking was conducted to avoid any serious reworking of comments, but in all instances ISC staff accepted the changes.

The final step in the process was to send the comments to the ISC Webmaster for posting on the Office of the State Engineer web site. This made available all the public listening meeting comments for the public to view.

Open Public Comment Period

A public comment form was made available at all our public meetings and on the OSE website (See Comment Form). Public comments mailed, emailed or delivered to the ISC regarding the state water plan were encouraged and accepted from July 7 to September 15, 2003. These comments were added to the public meeting comments as part of the public record for the synthesis process.

Public Meeting Agenda

Time	Activity	Responsible
7 p.m.	Welcome, introductions, recognitions, logistics	ISC
7:05 p.m.	Introduction to the State Water Plan planning process	Staff
7:20 p.m.	Introduction of major topics	Staff
	Facilitated discussion of major topics • Stewardship • Balancing Supply and Demand • Drought • Water Administration • Funding Sources • Other Topics	Facilitator
8:50 p.m.	Wrap up – Review Process and Next Steps	Facilitator / Staff
9 p.m.	Adjourn	

PUBLIC COMMENT FORM
NEW MEXICO STATE WATER PLAN
2003

In an effort to complete the New Mexico State Water Plan by December 2003, the Interstate Stream Commission and the Office of the State Engineer would like to learn about your opinions on water and water issues. Please take some time to send us your comments on the five topical areas and mail to:

New Mexico Interstate Stream Commission
P. O. Box 25102
Santa Fe, NM 87504-5102
Phone: 505-827-6160
Fax: 505-827-6188
E-mail: nmwaterplan@ose.state.nm.us

Please include your:

Name_____
Address _____
City _____State _____Postal Code _____

Comments

Stewardship
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_____
_____

Balancing Water Supply and Demand
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_____
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Managing Drought
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Water Administration
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Funding
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We also value any comments you may have regarding the public input process that we have undertaken. Your comments are of great value to us and will be considered.
_____
_____
_____

Thank-you for your participation!

NM State Water Plan Public Comment Synthesis Process

SYNTHESIS OF PUBLIC COMMENTS

The thousands of comments provided by participants at the public listening meetings, through mail and email were synthesized to achieve two important goals. The first was to provide a stand-alone document that fairly represents the sense of all of the comments without requiring those interested to read them all. The second was to give the participants in the Town Hall on the State Water Plan a sense of the comments, thereby providing a link between the members of the public who provided their input and the Town Hall participants who were asked to discuss policy recommendations for consideration by the ISC. While any synthesis involves judgment, those involved in the synthesis process were careful not to allow personal values to affect the synthesis. We believe we provided this neutrality by having some people work on the synthesis who had not worked on the public listening meetings. We also had at least four people work together categorizing the comments and developing the synthesis.

Process Logistics

The synthesis was based on public meeting minutes and all written comments submitted to the ISC during the meetings and submitted by mail and email.

All public comments from the state water plan public comment period were gathered. Each comment was given a symbol to keep the geographic representation of the comment intact (See Symbols). The comments were then cut and placed in one of the five public meeting categories (See Synthesis Process Map). The comments were then sorted from each of the five category areas into the themes that emerged from the comments. Once the major themes emerged, the five category areas were abandoned, allowing the eight themes to stand alone. Due to the wide range of issues under each of the eight themes, subheadings were identified.

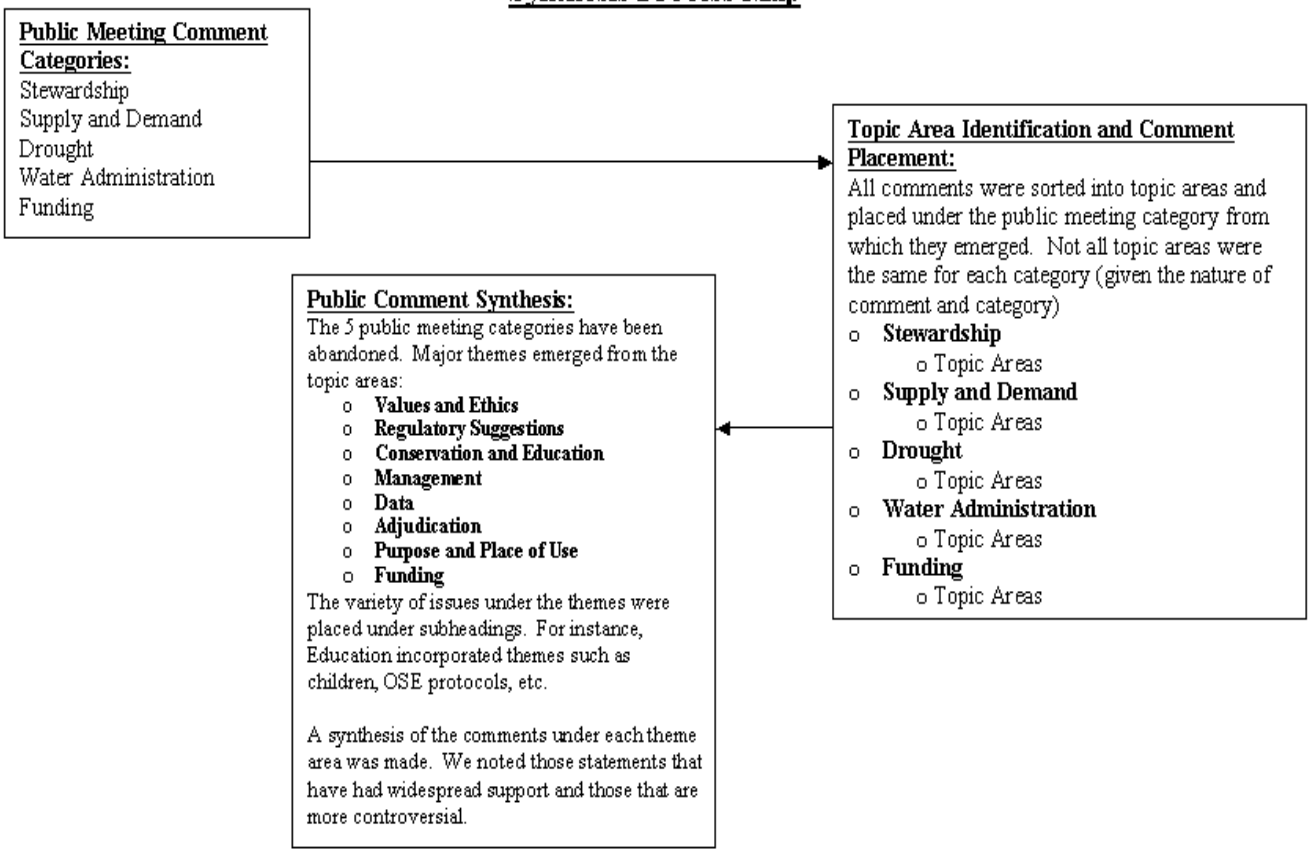
Public Meeting Location Symbol Key:

❑ Clayton
♏ Raton
◆ Truth or Consequences
♓ Espanola
☯ Tularosa
☸ Jemez Pueblo
ॐ Las Cruces
🕱 Anthony
♎ Socorro
♐ Gallup
♑ Taos
🕯 Deming
☒ Reserve
♍ Silver City
❖ Chama
♌ Farmington
■ Shiprock
❍ Albuquerque
📻 Hobbs
📂 Acoma Pueblo
🛋 Las Vegas
✉ Santa Fe
♒ Santa Rosa
ℯ𝓇 Clovis
● Tucumcari
♉ Moriarty
☺ Isleta Pueblo
✂ Roswell
👍 Carlsbad

Open Comment Period Location Key:

SA – San Antonio
LC – Las Cruces
Cl – Clovis
Ep – El Prado
P – Portales
RSW – Roosevelt County
NMC – NM Coalition
NMAA – NM Acequia Association
DPNM – Dairy Producers of NM
Ala – Alamogordo
S – Socorro
Esp – Española
NMWD – New Mexico Water Dialogue
Tu – Tularosa
SF – Santa Fe
O - Organ
F – Folsom
TC – Truth of Consequences
SX – Steax
LL – La Luz
C – Capitan
T – Tucumcari
Fa - Fairacres
D – Deming
Co – Columbus
Cf – Cliff
Alb – Albuquerque
Qu – Quemado
Est – Estancia
SC – Silver City
NMDA – NM Dept. of Agriculture

Synthesis Process Map



Synthesis Process

The synthesis process began by analyzing the public comments that fell under the subheadings for each of the eight theme areas. Statements were developed that captured the essence of the comments made. Comments that received overwhelming support were indicated with a star. Comments that received broad support were indicated with an asterisk. This categorization provides the reviewer with a sense of the issues that saw great public support from the more than 1,600 individuals who chose to comment. Many comments that had some, but not widespread support have also been included because they indicate the broad variety of comments relevant to state water planning considerations, and give a sense of the flavor of the meetings. Many were not edited in order to convey the feeling of the comment and to better portray its essence. These comments do not include stars or asterisks.

Important Considerations

There is some overlap of the topics under each theme. This overlap was included because it shows the context for comments that would be lost if similar comments were at all times combined. As stated above, a number of varied comments were included to give the sense of variety and diversity of views.

Many more participants gave comments related to rural issues than urban issues. More rural residents attended and voiced their comments than people who lived in the larger cities. One reason for this, as apparent in the comments, is that people in rural areas feel their water rights and their way of life are threatened by population growth and current conditions. They also feel more impacted by water shortages. One participant commented that in the cities all people have to do to get water is turn on the tap, but farmers see that their irrigation water supply is significantly reduced or not available. Overall, farmers expressed a great deal of fear that their water would be lost and their water rights taken.

The comments were not put through a legal screen at this point in the process. We believed that there was value in letting the comments speak to the understanding of the participants, and where there was misunderstanding of legal issues, that could be used as information in structuring educational materials for future use.

NM State Water Plan Public Meeting Synthesis Theme Summary and Category Comments

★ **Denotes overwhelming support expressed by individuals during the public comment period.**

* **Denotes broad support expressed by individuals during the public comment period.**

THEME: ADJUDICATION

There was an overwhelming sense that the waters of the state need to be adjudicated in order to have proper water rights administration. People also felt that completing adjudications would allow for more efficient water rights transfers. Many said the adjudication process was too long, too inefficient, and too adversarial, and more mediation should be used. Protection of and respect for tribal rights in adjudications was widely supported.

Comments related to adjudication fell into the categories of time frame of adjudications; respect for prior rights; establishment and enforcement of rights; and funding.

Time Frame for Adjudications

★ The adjudication process is too slow and should be made a priority (sped up).

★ More mediation and negotiated settlements should be used in the adjudication process to make the process less adversarial, less costly, and less time consuming.

* Participants believed that prior appropriation couldn't be enforced if the water rights are not adjudicated.

* The process needs to be expedited.

Respect for Prior Rights

★ Tribal water rights need to be respected and protected.

★ Senior rights should be respected and protected.

★ Recognition of acequia water rights is important.

* Need to recognize rights under the Treaty of Guadalupe Hidalgo.

* Decisions about water use should be based on existing rights, not on politics.

* Our leaders should follow the law of prior appropriation.

Establishment and Enforcement of Right

★ Without adjudication, you can't administer and enforce water rights.

* Adjudication is necessary so that people can buy and sell water rights.

* It's difficult for people to prove their rights through the *inter se* process of the State Engineer.

* The process is too adversarial; the adjudication process should be friendlier.

Some people feel upstream users take more water than they are allowed.

Our over appropriation relates to the lack of adjudication of our states waters.

There are more water rights claimed than there is water; the distinction must be made between paper rights and wet water rights.

Funding

* State funds are needed to complete adjudications.

If we used more mediation and other tools, adjudication would require less money.

THEME: ADMINISTRATION

A great deal of comment related to the administration theme. Many participants were concerned with the way New Mexico's water is being managed and offered suggestions for improvement or changes management. An overwhelming concern was that population growth was exceeding our water supply. Many felt that water issues could not be dealt with properly without proper land management practices, such as overall watershed management. Many of these people emphasized the importance of "thinking like a watershed," i.e.-if you manage the larger watershed properly and consciously, then the smaller sub-watersheds will benefit too. Many talked about how the OSE and ISC could do a better job managing water and offered plenty of suggestions on how to do this. Ideas for new sources of water to New Mexico, such as cloud seeding, piping water from the Mississippi and other plentiful waterways and even oceans, and desalination were talked about.

Managing Growth

★ Hydrologic basin, county and municipal level master planning needs to occur to help match water supply with water demand.

★ Water for additional population needs to be planned for.

★ Growth should be based on available water supply and drought predictions.

★ The communities in New Mexico need to consider the impact of different types of industry on the community's water supply before bringing in those industries.

* Management of population growth should occur.

Cities should pay for irrigation efficiencies and at least some of the water saved could go to the cities.

Integrate land use, watershed and transportation planning.

The impact of water on the economy of New Mexico must be evaluated as part of the state water planning effort.

Make assurances that developers pay for all infrastructure for their developments and have all water rights purchased before they are allowed to build and sell units.
(Countered by statement of reducing populations in parts of state.)

A study of the condition of the state's water infrastructure needs to be conducted.

New residents to New Mexico should be educated that we live in a desert.

Suggestions for Improvement

★ Data from Regional Water Plans needs to be used.

* Lack of coordination between governmental agencies; need better communication and should work together towards water projects and management.

* Decision makers need to remember the rural areas when considering water issues.

We need to be open to alternative ways of doing things.

Improve infrastructure for the mutual domestics, reservoirs and other water facilities.

Office of the State Engineer needs more resources to do the job that they have been tasked to do.

Stop making unilateral decisions without public input.

Too many lawyers in the Office of the State Engineer; they slow down the approval process.

Managing Drought

★ We need long term, pre-planned drought management, rather than year-to-year planning.

* Develop drought contingency plans at the regional level.

* People should be willing to share resources and help each other during times of drought.

In times of plenty we should be thinking of recharging our aquifers for times of drought.

Underground storage or closed surface reservoir waters would reduce evaporation and add water during times of drought.

If cities need water during times of drought, agricultural water right holders should be able to lease their water to them for a fair cost.

Drought policies should be fair and equitable to everyone along a stream system.

Farmers can grow drought tolerant crops.

New Sources of Water

The 18,000 acre feet of water from the Gila-Central Arizona Project was mentioned several times as a resource that should be used.

* Desalination was a popular idea, although some consider it cost-prohibitive, as well as high-impact on the surrounding land. Some people said that new technology makes it a good source.

* Build pipelines or canals to transport water here from wetter regions. Again, there was concern about tampering with the larger ecosystem and causing damage to the areas of export.

Cloud-seeding programs should receive more funding, though some people claim they caused hail damage.

Develop new dams, such as one on the Rio Salado or increase storage in older dams and reservoirs, such as Abiquiu.

Harvest water for storage and reuse.

Water Quality

★ Improve the watershed quality and you will improve the water quality and quantity.

* There was a lot of concern about the quality of the water coming out of Albuquerque; downstream areas such as Isleta Pueblo are being affected.

* One problem with over pumping is that concentrations of contaminants increase as aquifers are drawn down.

* Water quantity and quality go hand in hand.

* There was concern about the oil and gas industry contaminating the water, though industry claims that regulations are much stricter now than in the past.

Some aquifer water has been contaminated with a layer of crude oil on top and other dissolved chemicals in the water below.

Unused wells and boreholes need to be plugged to prevent contamination.

There is concern about solid waste disposal into creeks and arroyos in the Mimbres and elsewhere.

Coal bed methane fields near Raton may have long-term effects on water quality in the region.

Research

★ More research needs to be done on conservation and reuse methods.

★ Studies need to be done to determine actual supply and demand by various users on various scales: national, statewide and local.

We need more regional studies.

Some felt that it is impossible to determine amounts of supply given the unknown quantities in the aquifers and that more studies are a waste of money.

The minnow needs more study; does it really need all that water?

We need research on controlling evaporation.

Studies need to be done on how to extend the life of aquifers.

Land Management

★ There should be more focus on watershed management and restoration, especially in upland areas.

* Phreatophyte and non-native species removal is paramount: especially Salt Cedar and Russian Olive. (Other comments suggested that we can't count on much gain from their removal).

* Streamlined forest-thinning programs should be implemented; they lessen danger of serious fires which cause erosion.

* Inter-basin transfers between hydrologically connected areas should be made easier. (Others expressed the opposite view).

* Different regional geographies and microclimates should be taken into account in managing water in different areas.

Landowners need to have incentives to help to clear trees.

Land management should also take needs of wildlife into account, although some claim that wilderness study areas unnecessarily hinder their usage.

Introduction of dirt roads can negatively affect watersheds; new roads can be paved with porous pavement to allow for percolation.

Ditch lining needs to be site-specific. In some areas it can negatively impact riparian zones by hindering recharge.

Land around flowing streams and springs should be protected, since they recharge the groundwater.

Economy

★ People need adequate compensation and/or incentives for good stewardship.

* Economic markets and cost-benefit solutions are the best ways to meet demands, (though some people insist that free market economics cannot be applied in the case of water – water should not just go to the highest bidder).

* Establish water rates based on usage and availability.

Create jobs in watershed management project to stimulate the economy.

Replacement costs of taking water from aquifers should be considered when projects are implemented.

Economic growth vs. water management: Can these issues be reconciled?

Regional Management

Note: Comments listed here reflect the general concerns of regional management, not comments pertaining to specific regional projects.

* Urban areas should not get their water needs met at the expense of rural areas.

* Communities can do a lot to manage their resources on the local level; need to be proactive.

* People need to have input on statewide decisions that will affect them.

* Let communities create their own plans and have the state just manage them.

* Watersheds should be managed along hydrologic, not political, boundaries.

* State offices need more funding to give people technical assistance and to advise.

Region-to-region collaboration should be facilitated or mediated by the state.

Need to recognize pueblos' contribution to rivers.

There should be tribal government participation in regional water plans; state should continue to settle tribal claims where tribes are willing.

Areas affected by the oil and gas industries need better water management.

Dams need to be managed more efficiently with appropriate flood flows.

Acequias need local autonomy for transfer decisions and metering.

Water boards should be implemented in all counties.

Communities need to be accountable to neighboring communities.

Active Management

★ Everyone needs to participate and work together in management of water.

* We need short, medium and long-term planning. The State Water Plan should not be rushed to completion by an arbitrary date.

* Domestic wells should be included in the SWP

* We need to increase the storage capacity of water throughout the state.

Water delivery should mimic a natural hydrograph.

State water plan should allow for periodic review to meet changing conditions.

Agriculture needs to change and grow in cooperation and mutual respect with urban areas.

New Mexico, not the federal government, should be responsible for the stewardship of its own water.

We need funding for physical treatment of water and watersheds.

Those closest to the land are the best stewards and should be treated as such.

We need to adapt to the limitations of the available water.

THEME: CONSERVATION AND EDUCATION

Conservation and education are broad topics. There was overwhelming support for the necessity for education at all levels regarding our water situation (living in a desert with a growing population). This concern related both to the need to conserve and to educate on conservation. There was also widespread support to encourage conservation through financial incentives. In general, there is the feeling that New Mexico is wasting too much water and that we must increase our efforts to conserve. Many rural people feel that city dwellers must be educated in the realities of drought and conservation. When you can turn on the faucet each morning and have a plentiful supply of water, it is easy to forget that water is part of a cycle and there is a limited supply. Education campaigns are necessary to increase awareness of conservation from a very early age and to educate the general public on measures they can take to help. Many meeting participants have suggested incentives for conservation, such as tax breaks and rebates, as a good way to encourage conservation. In addition to continuing time-tested methods of conservation, many meeting participants agreed that alternative methods such as recycling water and using gray water would reduce water usage. Many participants commenting on conservation believed that growth must be planned and infrastructure kept in good repair. Watershed management was popular with meeting participants to increase water yield and keep the forests healthy. All agreed that the "use it or lose it" Policy discourages conservation. Comments were categorized as methods; recycling and alternative treatments; infrastructure; data; education; values.

Methods of Conservation

★ Store water in reservoirs during wet times for use in dry times.

★ Restore watersheds.

* Explore water banking as a way to put water to its highest and best use.

* Collect water during wet times for injection into aquifers for future use/recharge.

* Use drip irrigation or sprinkler systems lower to the ground to reduce water loss and stop the practice of flood irrigation.

* Encourage incentives/funding for water saving irrigation system upgrades, etc.

* Line conveyance channels (Some claim that ditch lining keeps groundwater/streams from being recharged and destroys riparian habitat.)

* Cultivate drought-tolerant crops.

* Don't let water run when it is not being utilized.

* Reuse gray water for yard and household plants.

* Xeriscape lawns.

* Fix leaky faucets.

* Removal of invasive water-hogging species such as salt cedar and Russian olive is important, but some were unsure their removal would not increase water quantity.

* Make it convenient to report water waste.

* Create landscaping restrictions on water intensive landscaping.

* Meter irrigation wells and private domestic wells. (There were very few who resisted metering.)

Prepare for drought. "We should declare perpetual drought because of escalating use…drought is the rule."

Don't wash vehicles.

Install water-saving appliances.

Trees need to be thinned to reduce risks of catastrophic fires that contribute to erosion in watersheds, especially woody vegetation like piñon and juniper. Selective cutting is advocated over clear-cutting of forests due to soil loss and sedimentation of our surface waters.

Look to the Tribes and acequias for traditional and effective ways of making water go further.

<u>Incentives</u>

★ "Use it or lose it" is a disincentive for conservation.

★ There should be (tax) incentives for conservation of water.

* Create incentives for farmers, industry and individuals, to conserve water.

Encourage installation of conservation fixtures with rebates.

Publicize awards for conservation.

Alternative Solutions

* Desalinization and/or cloud seeding should be used to augment existing supplies, but some feared that alternative source technology is poor and would cause more harm than benefit.

Growth

★ Tie population growth to water availability.

* Big water consuming industries should be reduced in New Mexico.

* Some felt the amount water for golf courses should be reduced, but others felt that Tribes have the right to develop their water resources as they wish.

New development should pay for the real infrastructure costs of using more water. Lots of different comments around this issue.

Reduce urban sprawl .

Infrastructure

* Line ditches and stock ponds to decrease percolation (quite a few disagreed and felt that this decreases the availability of water to plants and aquifer recharge).

* Fix leaky faucets, pipes and pipelines.

Encourage dual-plumbing systems (potable vs. non-potable) for new structures.

Enclose/cover canals to reduce evaporation.

Data

★ Develop better farming technologies to reduce water consumption/increase efficiency.

* Good data must drive decisions on water conservation.

* Need to discover ways to recharge aquifers without harming water quality.

* Collect data on water-efficient vegetation for farming, golf courses and landscaping.

We need to understand how global warming affects our future water supply.

Education

★ Educate youth on conservation "from kindergarten all the way through college."

★ Educate city dwellers on drought, conservation and agriculture. Know that having available potable water is not always as easy as turning on the faucet

* Educate the general public through media – newspapers, billboards, television, mascots, jingles, and the Internet.

* Public needs to be educated about the administration of water rights in the state.

* Need better public awareness of the issues.

* People moving here should be made aware of desert conditions, drought and conservation practices.

Values

★ We need to learn how to do more with less water.

★ We must conserve for future generations. (Only a few people feel that our current water use outweighs concern for future generations' use).

★ People should share water in times of drought; there needs to be less greed and more cooperation; more personal responsibility.

* Do not be wasteful; water is our most precious natural resource.

* This is a desert culture and environment and we must treat it as such; we cannot over-develop areas.

* Too much emphasis is placed on minnows; human needs should come first.

Important to take care of the environment, wildlife, streams and watersheds.

THEME: RELIABLE DATA

A consistent theme has been the need for better, more reliable science, including better quantification of existing water sources (surface and ground) and demand (amount of use by user-type); evaporation measures and solutions; basin transfer costs and benefits; cost estimates and ecological potentials for alternative supplies (including pipelines and desalinization); better metering and measuring; improvement to the WATERS database, etc. There was widespread recognition and expression that we need to have good data in order to make good decisions. Some warned, however, that it is impossible to know the amount of groundwater available, and that further studies will be pointless.

Comments related to data fell into the categories of better data; how data related to different uses is characterized; the use of technology, such as metering, measuring, cloud seeding, etc.; drought data; the use of data in economic analysis of water; data about water quality; better outreach with the data we do have; use of regional plan data.

Better Data

★ Need for thorough and accurate information about our water resources before we can make quality management decisions.

★ Need for knowledge of how much water we have in order to get a handle on our sustainable use.

* Need for good figures on supply and demand. Paper water rights do not always equate to wet water rights.

* Better monitoring data of domestic and irrigation wells is needed to understand their impact.

* The State Engineer should give thorough and accurate information. They should rely on good data from regional plans. The regions should be given resources to gather regional data.

* Water use should be metered so we know what we're using. Metering has benefits of being able to quantify water use (very few were against metering).

Better data is needed for the actual water usage of phreatophytes.

We need to study and quantify our aquifers. We need deep well testing. (Some felt this was a waste of resources, since accurate figures are impossible for groundwater.

Economic data

Need study of water markets, the free market, how markets work, interbasin transfers.

Water costs should include full environmental accounting.

The price of water rights should be studied and become public information and should reflect value of use.

Drought

Conduct studies on historical trends in order to get a better sense of what the limits should be during times of drought.

Data Use of Different Sectors

* Need for more accurate better data that shows actual usage of water by each sector.

Better Outreach

* Quality data should be easily available to the public (especially via the web).

Cloud Seeding

Data should be gathered and studied to illustrate the effects of cloud seeding.

Quality

We need studies of the water quality effects from septic tank leakage.

We need better measurement of the effect of water contamination from commercial, industrial and petroleum sources.

State – Regional

* State Water Plan data must incorporate data from the Regional Plans.

THEME: FUNDING

The suggestions for funding the needs identified by participants were many and varied. Generally, there was a sense that the majority of funds for water projects should come from the state and federal government, although a number of other alternatives were suggested. Some participants advocated for higher taxes or user fees to supplement government grants or loans, but there was an insistence that these taxes or fees be fair and equitable and not put a heavy burden on poor communities, farmers, or individuals. Many people felt that high users such as urban areas and industries should absorb much of the costs for water administration and infrastructure. New industry and users were also mentioned as potential sources of extra revenue. Tax cuts were also mentioned as incentives, along with offering water rights as a reward to encourage people to clean up watersheds. Privatization was mentioned, but did not have much support. It was suggested that there are resources which do not involve money. Comments clustered around the topics of general funding suggestions state, federal, incentives, alternative funding, water rates, data, and private funding.

General

★ Funding needs to come from local, state, and federal sources.

* Needs of all communities should be addressed, with funding going to those with the greatest need first.

* Interstate funding should be encouraged.

Interstate compact monitoring should be funded.

Water Trust Board should be an important funding resource.

Costs can be shared with tribes.

Fund watershed health first.

Farmers need funds for conservation.

State Funding

* More funding should be available for state engineer's office(s) to do their work.

* Funds should be available to finish regional water plans.

State should provide funding for agricultural infrastructure, especially for acequias.

State should provide funds for enforcement.

There should be funds for large supply projects.

State should legislate impact fees for polluters.

Some concerns expressed about state taking away funding/economic resources in certain areas.

There must be state funding for smaller/poorer communities.

The state should fund cloud seeding.

Federal Funding

* Funding could be acquired from the BIA or Bureau of Reclamation for the tribes.

* State should leverage federal funds.

* Federal fund for watershed health/tree removal should be utilized.

* Need to depend on state and be wary of federal funds because "they have strings attached."

Federal emergency funds should be used to bail out "drought disasters."

Make sure federal funds are used for the purpose to which they have been designated (ie acequias).

State and tribes should work together to get federal monies.

Use federal funds for water rather than gasoline development.

Incentives

★ Tax credits could be given for water harvesting/conservation.

Long term loans can be made available for farmers for conservation efficiencies.

Pay people in water rights for participating in watershed management.

Alternative Funding

* Lottery money could be used to fund water projects.

* Surcharges could be charged to large water providers/users in metro areas.

* Low-interest bonds could be sold to fund projects.

Loan mechanisms could go through New Mexico Finance Authority.

Funding could come from different states with whom we share water.

A permanent water fund should be created from some source – this is too big a problem not to have a fund.

There could be a scholarship fund for people who work on water rights and administration.

A percentage of settlements from lawsuits and fines should fund water projects.

Water Rates

* Agricultural users should have lower rates than city users.

* Water rates should be raised to encourage conservation and reduce waste.

* Corporations should pay higher rates.

Poorest people shouldn't pay the highest rates.

Data

Need to have a plan to research spending and prioritize and decisions need to be based on good science.

User fees/new users

★ New user fees or water users should absorb new costs.

* Higher fees should be charged for new well permits.

Developers should pay cost of new reservoirs; large developers should put down bonds for future water needs.

Grant money should fund domestic wells.

Cities should absorb costs of domestic users.

Taxes could be imposed on domestic wells.

Taxation

Most people agree some sort of tax is required in order to raise money for these efforts, though a few insisted that no new taxes should be required and we should use funds we already have.

The new tax proposals included: increased income tax (more equitable than user tax), *tax new industries/users at a higher rate, taxes for non-necessary uses, tax exports to other states, *tax high users, *raise sales tax, raise liquor or cigarette tax, *pollution/industrial tax, and *severance tax for infrastructure.

Private Funding

The responses were mixed: some are in favor of it, but others are more hesitant, "the system isn't necessarily improved, and the cost for water…actually increases."

"The biggest mistake we can make is turning it over to private entities."

Some suggested private foundations might be willing to make grants.

THEME: PURPOSE AND PLACE OF USE

Comments related to this theme dealt with how water was used and where it was used, the continuation of historic uses, and whether rights should be transferred. A number of the comments related to the necessity to protect acequia and agricultural livelihood and culture. A great amount of value was placed on the food that agriculture produces. Comments showed that there is a deep fear of water being transferred and taken from traditional uses and placed in urban areas. There was considerable disagreement and debate around whether water should be an economic commodity and open to the free market or not. Similar disagreements centered on the issue of prioritization of beneficial use. An overwhelming theme that emerged was the basic human right to water for domestic purposes of every individual. Shortage sharing, water for beautification, drought awareness and planning, the reality that we live in a desert and the steady loss of water to cities were other common topics that emerged.

Purpose and Place of Use comments fell into the categories of general use statements; agriculture uses; cultural and historic preservation; and the practical/sensible use of water.

General Use Statements

★ We live in a desert and should plant desert crops, plants.

★ We need to balance our demand with our supply.

* Domestic wells should be regulated in aquifer-depleted areas.

* Aquifer basins which lie on our state line should be protected from over-appropriation by neighboring states.

* Beautification is an important use of water; tourism is the state's second biggest industry.

* Texas should suffer the same consequences as New Mexico during times of drought.

* Drinking water should be protected and gray water uses encouraged for non-potable water needs.

* Water rights holders that do not use their entire right should be able to share their excess and not lose their right.

Water users should be able to sell their water for what it is worth.

Subdivision developers should be required to prove available water supply for more than a 40 years timeframe.

All uses should be equal; there should be no hierarchy or benefits; and prioritizing of water rights is the best way to deal with water allocation; economics may determine this. (But others felt priorities should be established.)

"However much water we have or don't have, we need to recognize the rights of the rivers to be alive and have water reserved for them."

Pueblos have a right to use water on golf courses.

By letting economics rule water we split the haves from the have nots.

Agricultural Uses

★ Once farming is gone it is not only an economic loss to New Mexico but a loss to the well-being of our state's environment; cannot afford to see all water go to cities and golf courses.

★ Agricultural water that gets taken from farmers and put to cities need to be paid for. There should be just compensation for this water.

* Agriculture is a renewable way of making a living in the State of New Mexico and should be protected. It is also a historic constant as opposed to the boom and bust cycles of other industries.

* Farming produces food and therefore is life and should be protected.

* Farming should have the water priority so that rural communities are not hurt.

* Cities have the junior uses in our prior appropriation system yet never get shut down; it's easier to shut down the farmers and this is not fair.

* Agriculture does not use as much water as is stated; the riparian system and evaporation take a majority of our water.

* Farmers should be able to reduce water use in drought times by changing the type of crop grown and should not lose saved water right but retain for use during wetter times.

Prioritize those areas that have the best land and water resource for farming. Every piece of land doesn't need to be farmed.
Farming and ranching practices support wildlife.

Farms can shut down in times of drought, cities cannot; this flexibility in farming and ranching is a community value.

Once a water right goes to a city from a farm it is going to be very difficult to get that right back.

Cultural and Historic Preservation

★ Acequias should be protected for their cultural, historic, ecological and economic value to New Mexico.

* Water is not an economic commodity that should be sold and permanently severed from the acequia communities.

Acequia waters are needed for agriculture and should not be transferred to other uses.

Acequia users communicate with each other about sharing the water in times of scarcity; brings out the best in people.

Retain the integrity of the existing irrigation districts.

Who has the money, has the water; but you cannot put a dollar amount on custom and culture.

Practical / Sensible Use of Water

* We need to conduct a study that looks at those communities/individuals that do not have running water to their homes; there is a need to shift resources from the people that have more than they need to the people who are in need.

* Golf courses should not be in the desert, especially during drought.

State should assist communities that have water with economic development rather than giving water to dry communities for economic development.

Waste of water in the urban areas should be regulated and fined.

THEME: LAW AND REGULATION

One theme that emerged was the role of law and regulation. Although this theme overlapped with several others, it seemed important to highlight the comments that dealt with law as law and regulations as regulation, either criticizing them or recommending legal and regulatory change. The "use it or lose it" policy is a key area of concern; people feel it compels water-rights holders to waste what they don't need now in order to preserve their rights and ability to use it later. There were a number of ideas offered about how to adopt this concept including banking, storing, leasing, and lending of existing water rights. Many suggested that the compacts should be revisited due to changing conditions such as drought and Endangered Species claims. Many felt that the State Engineer should aggressively enforce current law and regulations, particularly to avoid waste and over appropriation. Many ideas were expressed about the benefits of a working water bank system, where those who didn't need to use all their allotted water could put this extra water into a "bank" without losing their water. Some felt strongly that these water banks should be local in scale and community-controlled.

Comments related to the scope of control advocated regional control first, then local, and finally state control. Very few recommend any role for the federal government except for funding. Comments were categorized into interstate compacts, stronger administration by OSE, less regulation, regional regulation, and changes to water law and regulations.

Interstate compacts

* New Mexico needs to revisit its compacts with other states, especially Texas. (Some pointed out New Mexico could end up the loser in such renegoations.)

* Rio Grande compact should be renegotiated because of the new flow requirements for the silvery minnow.

* We need to make sure that Colorado is also honoring its part of the compact.

* Compacts don't provide for smaller communities, acequias or agricultural needs.

* Compacts need to be reevaluated due to changing conditions, especially with regard to droughts.

* New Mexico needs to protect its own interests with regard to water.

Existing treaties and compacts haven't protected indigenous people.
The main problem is that we have to deliver to Texas a set amount of water rather than a percentage.

We are part of a bigger picture and we have to engage with all of the states in the region.

Stronger administration by OSE

★ Tighten up criteria for issuing well permits; meter usage.

★ Well and dam use should be limited.

★ Fines and strict enforcement should be implemented for wasting.

★ Illegal impoundments under the guise of stock ponds are affecting the downstream user.

* The State Engineer does not have enough backbone to administer and enforce water rights.

* Priority administration at least lets people know what they have. Some might be harmed, but more will benefit.

"Senator Bingaman has provided a $5 million appropriation for the USGS to do Ogalalla monitoring, but water rights law is not consistent across all eight states using the aquifer, so it is difficult to implement; uniform compensation should be apportioned by the extent of resources in each state."

The OSE must have a more visible presence to enforce current laws.

Wells should be metered.

Regional Regulation

★ *There was a great deal of support for regional and local control.*

* Water should be managed on a watershed basis.

* Development in cities should be connected with how much water was available.

Local communities can have control through the legislative process.

Water rates in cities should be raised. There should be higher rates for use above basic use needs.

Regional water plans should be coordinated with the state water plan.

Major uses of water such as dairies, corporations, mining, and golf courses should be regulated.

While some advocated eliminating transfers out of the basin, others supported such transfers.

Irrigation wells should be metered when the water supply is low and generally for good data or usage.

Water Banking

* There is widespread support for the idea of water banking. (There are cautions about maintaining local control over these water banks to avoid highjacking water from one region to another.)

* Cities should be allowed to rent or lease water rights from farmers.

We need a functioning system to keep track of administration of water banking (sending and receiving areas, length of lease, enforcement).

Water Law

★ Need to reevaluate the 'use it or lose it' concept.

★ The State Engineer Office needs to be able to have the resources to enforce the existing law fairly.

* Most comments support making the priority system work (very few said to abandon it).

* All domestic wells should be metered (a couple of people stated that metering should not be done).

* The difference between paper water rights and wet water rights is great and should be straightened out.

* Water rights should not be taken but justly compensated for.

* Where water is over appropriated, allow no further appropriations.

* Endangered species water rights need to be purchased and not stolen.

Water rights are property rights, and need protection under the law.
Indian water rights need to be protected.

The rights of acequias under the Treaty of Hidalgo should be honored.

Some people felt that water law should not be changed. Others felt that the laws should be amended. One comment was that "water law will evolve" and the water plan should take that into account.

"The developer will say that I have just as much right as a farmer to make a livelihood from water because of New Mexico's water law."

History of the Office of the State Engineer has been to hand out water rights like they were candy; this has to stop.

Shortage sharing should be implemented as a policy over first in use first in right.

Beneficial uses should be prioritized.

Need to put economic value to water rights.

Management should affect the common good.

During wet times, individuals should rely on surface waters and not groundwater.

Person can sell water rights to land and still be able to drill domestic wells for a subdivision; this is not right.

Need new laws to take into consideration a growing population.

Use It or Lose It

* "Use it or lose it" is a disincentive to conservation and should be revisited (countered by a couple of statements that the law is good and should stay).

"Use it or lose it" needs to be revisited to allow water right leasing.

Governmental Regulation

Concern that the state is giving the water rights away to the federal government or fish or to the cities.

Silvery Minnow litigation used as an example of a problem with using the courts to resolve problems.

General distrust of federal involvement was expressed.

Bureaucracy, silly minutia, and general regulatory timing gets in the way of good ideas, good projects and simple requests.

THEME: VALUES AND ETHICS

There was significant expression related to taking the long view in the water plan and caring for future generations. Also, people looked at the broad picture, caring for the natural system, plants and animals. At the same time, virtually all comments related to the Endangered Species Act said that people's needs are more important than species' needs. There was widespread support for preserving agricultural values and way of life. Nevertheless, there is strong agreement that responsibility for conserving and sacrificing should be shared equally by urban and rural, rich and poor, developers and agriculturalists, etc. There is particular concern that municipalities are overusing and operating without constraint, and rural areas and agriculture are being deprived of what is rightfully theirs. There were many expressions of preserving water for traditional and historic users -- Native Americans, acequias, and farmers. In urban areas participants mostly expressed desires to preserve the bosque, river ecosystems, and expressed value for water as instream flow. Comments on Values and Ethics reflected feelings of fear and separation as well as the clearest expression of the need to work together. From the statement that this country was built on individualism and the individual should prevail to the statement of water as a spiritual and community value to be seen holistically, diversity in values was expressed. Comments related to values and ethics fell into the categories of historic and cultural values, agricultural values, basic values, political values, water as necessity, nature, humans before fish, water as sacred.

Agricultural Values

★ Agriculture is of historic, economic and cultural value to the state that has been a constant in New Mexico.

The sale of a farm is the loss of culture in the West.

Historic and Cultural Values

* Traditional uses of water have value.

* Water is the only thing keeping rural communities viable; we should not focus all the attention on the urban areas at the sacrifice of the rural areas.

* "We are trying to move away from fragmented, adversarial attitudes and processes that divide us against each other, and move towards a commonality and consensus; not everyone agrees all the time, but we are cooperating and creating a unity among very diverse people." In different ways this was said over and over again.

"For Indian tribes, history has shown that the state is not our friend."

"In terms of the tribal view, the water does not belong to anyone, the water belongs to everyone; It becomes very difficult when concepts such as water rights come up; we have no choice but to become involved because we are going to lose everything like we lost our land; we need to look seriously at the tribe in order to do any real planning."

Water plan should be for New Mexicans, not Texas.

Recreation, hunting and fishing is a lifestyle value.

We need to be sure we don't fight, but share the water.

Basic Values

★ Value of water for future generations is critical.

Water planning should include the concept of intergenerational equity.

Fairness between upstream and downstream users should be supported.

Water should not be a commodity, and water should be considered a commodity. There was a real mix about this. Each comment got resistance when it came up.

Political Values

★ All parts of the state should be treated equally with no special favors.

* Money shouldn't control the decision making process; just because someone has money doesn't mean they will make the best decision. (Some people expressed this saying that 'money flows upstream to water').

There are as many values as people; we have gone through our legislators, so we need to get our legislators to change these laws; think outside of the box.

State needs to value our water as a life sustaining resource.

Stakeholder investment and local citizen participation is essential to the state water planning process.

Water as Necessity

★ "Water is a human right" – some level of basic need for everyone was recognized.

* "Water supports life"; when it's gone it's gone.

Nature

* When there is a water shortage we need think about what uses are most important. Some opposed this statement and felt that all uses should have the same values no matter what the water availability is.

Water is not exclusively for human use; some should be left for nature.

Formulate state water plan with the idea that the river is a source of life and not just a pipeline; we have an obligation to look at water as a source of life and sustenance.

The river itself has a right to have water in it.

Responsibility

Every resident has the right to safe and reliable water for drinking.

"Every person in the state has to take responsibility of all the water, not just theirs, it's all one pot of water."

Humans before Fish

* People's needs are more important than species' needs.

Farmers are the endangered species.

Water as Sacred

★ Water is life.

We need to look at water in a more holistic manner; right now it is a commodity and we need to look at it as a spiritual and social holistic sustainable manner.

Water is a living presence, an ecosystem that has the right to exist as we found it.