Comments from New Mexico State Water Plan Public Meeting:

Hobbs

Lea County Events Center

Wednesday, August 27, 2003; 7:00 – 9:00 p.m.

Following is a summary of the questions, comments and issues raised from the facilitated State Water Plan public listening session in Hobbs, New Mexico. This was the 22nd of 29 public meetings scheduled to gather public input on the initial phase of the State Water Plan.

Introduction:

Rhea Graham, Director of the Planning and Communications Division of the Interstate Stream Commission, welcomed more than 60 people who attended the meeting from Hobbs, Lovington and surrounding communities. She said the Interstate Stream Commission wants to hear from residents regarding their values around the management and stewardship of water. New Mexico is growing and needs to plan, and needs ideas on how to administer water and arrange funding for projects. Rhea presented an overview of the State Water Plan and selected technical information to set the context for the meetings. The public meetings are "listening meetings," since he purpose is to hear what is of concern to New Mexico communities. The Interstate Stream Commission has organized 29 meetings, four of them on Indian tribal lands. The Interstate Stream Commission and the Office of the State Engineer identified five major topic areas that should be the primary areas of discussion during the public meetings, all seeking to determine what the public's values are regarding them. The discussion also sought public input on mechanisms that would be possible to address the topic areas and the public's values about them. The public was invited to contribute thoughts and ideas on five areas for discussion:

- Stewardship
- Balancing Supply and Demand
- Drought
- Water Administration
- Funding

Stewardship:

- Preservation of the water supply; conserving it
- Smart irrigating, such as drip irrigation, and stopping evaporation so that water reaches the roots of the plants
- Not to sell the rights of our heritage; because they are selling the rights of people's livelihood
- Don't stack these big corporate dairies on top of each other; they use a tremendous amount of water; if they are spread out, the water comes out of the ground over a larger area; there are too many irrigation wells in one area
- Identifying contamination sources
- Protecting the quality of water
- When people think of stewardship, they think of agriculture, but stewardship is for everyone, and people who live in towns and cities need to make better use of water
- Education needed to help people understand that water doesn't just come from the tap when you turn the knob on, it comes from the ground
- Water and money are very similar, and there are a lot of issues, such as selling more water to out-of-state interests, because they can afford to buy it, and when we sell water we lose our livelihood; the local people need to be aware that when they sell their water, they are selling their life; grass is greener on the other side, and when it's gone, it's gone
- We need to be good role models for our children. If we can't role model water usage, how can they understand how to follow us?
- Statewide, look at the stake that New Mexico has in the Pecos River, and not sending a drop more than is owed out of state is stewardship and controlling our destiny; need to revisit the Pecos Compact

- We can stand our ground, and we need to; we shouldn't let Texas push us around just because they are a bigger state
- Concern expressed Texas' use of water in the Ogalalla, especially an electric power plant in Odessa
- Recycling to limit water withdrawals; such as produced water. It needs to happen
- Northwest and southeast parts of the state have in common their usage of water for the oil and gas industry; are they taking too much? Enforcement; do they need to use fresh water from the ground always?

Balancing Supply and Demand:

- In order to sustain and enhance growth in New Mexico, we need to find new sources of water; we can already reclaim produced water, so why aren't we doing it statewide; also could be done in brine basins in and around Albuquerque and Santa Fe where two-thirds of the population lives; pilot project near Lovington was able to do it for six gallons per penny; we will be presenting this to the State Legislature; [audience indicated preference for this solution in show of hands]
- Recycling has huge potential in urban areas, since up to 60 percent of use is for non-potable purposes; non potable water could be used for other uses; why not required dual-plumbing for all new home construction; people want agriculture to save by conservation, but they don't want to do that in urban areas
- Texas doesn't have regulations on how they can use water wells; is the water being unfairly used where pumps are constantly pumping out water along the State line? Of course, it's percolating towards Texas, in the Ogalalla aquifer
- There needs to be something done as far as encouraging Texas to establish regulations for ground water; we are regulated to death here in New Mexico, but they can do what want in Texas; there needs to be more cooperation with Texas
- The Ogalalla is just a reservoir, so people on the west side are affected before people on the east side are affected, so it takes away from farmers and home use
- What is the "safe yield" of the aquifer?; it is the government's job to learn how much water is there, and then do an adjudication so that there can be used only the water that is available; that's what an adjudication should do

- Mining of groundwater does not create a "right"
- There can't be a blanket state policy to apply to every ground water reservoir, as each reservoir is different
- In traveling back and forth to Lubbock, I've noticed that the sprinkler heads in circle irrigation systems are closer to the ground to reduce evaporation; which shows that farmers are willing to change to be more efficient; drip systems are more efficient
- Is there anyone here other than myself who has had their water rights stolen from them? We got a letter from the State Environment Department in 1980 to stop pumping water because of contamination, and in 1999 the same water quality existed; we have the water rights paperwork, but we can't pump the water
- Contamination is a big issue; we have a contamination problem in this basin; contamination goes up as you drain the aquifer; who checks the wells?
- As water levels are drawn down, the contamination factor goes up; the federal government comes in and cuts funds, then who is checking the wells; if everybody is going to share, then everybody should pay; it shouldn't be put on the shoulders of one industry
- Aquifers that are not being recharged should be critical areas
- Identifying source of contamination if the State Engineer wants to claim the water in non-replenishable basins; salt water and carbon dioxide are being pumped in under pressure, and if they get a pinhole leak, then contamination starts; what is the State's position on this contamination
- If you contaminate water and that's your livelihood, then you're out. Tatum had leaking underground storage tanks and they can't drink their water
- My brother can't farm his place near Monument because a ruptured gas line contaminated all of the water supply
- The dairies have to prove that they aren't contaminating the water already
- The dairy doesn't contaminate the ground water under the dairy, the problem starts with over application using the waste from the dairy; there is usually a hard pan under the dairy
- There is a lot of contamination by the oil industry forcing contaminants back into the subsurface, and you don't know about it until its gotten there
- Petroleum industry is the number one source of contamination, but there are some good stewards who are working to change it; we didn't know the consequences 40-50 years down

the road; agriculture gets tagged with usage, but there is a lot of mining of fresh water by the agricultural industry; it needs to be fair

- There are areas with 3 to 40 inches of crude floating on top of the water table, and it will get worse when we mine the aquifer more; other contaminants don't float, so they are in the water
- There is a lot of regulation of the oil and gas industry; it has contributed to contamination over the years, but there is a lot of regulation in place to prevent that into the future; quality of water and contamination remains an issue, but the industry is heavily regulated and monitored today; was absolutely an issue in the '40's and '50's; we have changed but aren't perfect; however, there are a lot of safeguards in place
- They know that there is room for improvement, and they have been proactive
- Most pits are lined now; it's seldom that you see an unlined pit.
- I've been told that oil companies are still doing the same thing; the laws are that they have to line their pits
- Future planning; aging pipelines need to be looked at; as we continue to have pipeline leaks with aging pipelines, it will be an issue; we have to deal with contamination issues right now
- There is an ocean of water that could be used, which we wouldn't know it were there if the oil companies had drilled through it; who owns this water below the Ogalalla Basin? Why not put in some tax incentives to have those with the infrastructure to develop this water, and help everyone in New Mexico?

Drought:

- Sustain New Mexico first before any other place; tough times call for tough measures
- Dirt is stirred up by trucks driving the caliche roads onto the grass, which hinders the absorption of water into the ground, and is mostly done by the oil and gas people who travel fast down those roads
- How is the silvery minnow feeding the people?; give the water to the agriculture and industry people
- We have these compacts that were poorly formulated, but there isn't any provision for the amount of water that has to be provided during a drought; we give the same amount of water whether it rains or not

- The compacts should be revisited because we're not getting the water we used to
- We haven't had rain – how can we be expected to give it?
- You need to have New Mexico first whether or not we are in drought
- In my opinion changing the compacts would have to start at the federal level because a compact is an Act of Congress; in the late 1980's the U.S. Supreme Court wouldn't examine those issues; so how can we be bound by a contract that isn't equitable
- It looks like the 1947 condition in the Pecos Compact isn't a drought condition, so maybe we need to reexamine that
- Geologically the Ogalalla could be managed together, but politically it couldn't be pulled out
- A show of hands is that a minority of those in the audience live where there is a municipal water system
- National average use on a private well is 105 gallons per person per day; on municipal systems the national average is 130 gallons per person per day; in municipal systems there is 25 percent loss just within the system, so the larger the system, the more quantity of water lost
- I think that there could be timers on the showers; if it's yellow, let it mellow; if it's brown, flush it down
- Establish water rates based on usage; with an increase if you don't cut back 10 percent of usual use
- The water rate has been changed from decline block rate to incline block rate in Hobbs, which was part of the Regional Water Plan
- What about metering irrigation wells and city wells so that they know how much water they are taking? I am a farmer and putting meters on the wells has helped me tremendously – I just put on how much water is needed instead of overwatering
- In a drought in Hobbs we plant more grass and trees and shrubs to bring the water table up

Water Administration:

- Each area should develop its own local/regional water plan – local people should decide their own issues rather than let Santa Fe do it; state plan should deal with broad policies, not regional water issues

- Monitoring of irrigation wells should be done; check the monitoring wells – USGS /state program
- Local participation is key; local entities are perfectly able to do our own studies, with minimal regulation possible oversight but by knowledgeable folks – no blanket policies
- State engineer should develop a definition of beneficial use for ground water in basins that are mined; we are washing potash ore with fresh water; we are wasting produced water too; no definition of beneficial use just have to state what you plan to use it for; each basin needs its own definition
- Database must be computerized so we know what we have – applications are on the computer but the history is not; (80 percent domestic wells are on the database but use less than 20 percent of the water)
- Administration needs to make sure that water used should be claimed; ownership of the produced water needs to be decided; we pay for the clean up why should it not be ours
- We should be careful of claiming produced water; it's the state responsibility to establish a water right; we would need backing form the OSE to go to the legislature for that
- Brackish water falls under the same umbrella – this is a big foggy mess – legal study is being done and will be released in the next three weeks; done by DOE in partnership with the Lea Co SWCD and the Carlsbad SWCD on subject of the rights of ownership
- Regional planning needs to be through the OSE; work with existing plans; 40 year plan information in regional plans should be coordinated – dialogue and local input for SWP issues – work with the plans, locals and state together in solving the problems
- Does OSE have the staff to oversee all the ideas

Funding

- Impose a sales tax on water to fund conservation education programs and matching funds for federal dollars; sales tax is broad and everyone pays it; some federal money has no strings attached; recently used for a desalination plant
- We need to depend upon ourselves and be wary of federal funds
- State must do a lot of the funding
- There are a lot more projects than money; there is a big unknown as to where we are going to get the funds

- Tax incentives to private enterprise as an outcome of the ownership of the cleaned up produced water
- Oil companies pay a lot of money to put water back in the ground
- "Cost" of water needs to be studied
- Certain percentage of settlements of law suits and fines should go into fund to help pay for the various water projects
- Federal grants
- Lots of unplugged open wells – CRP land – farmers had no incentive to plug wells and they have become contaminated
- State wide water conservation bond/fund

Other Comments/Questions:

- Cleaning up the water is a real consideration but what about a pipe line from the Mississippi – it won't contaminate the ground
- Dallas wants to take water from the Ogallala; if we sell our water, why sell it to a Texan?