



**Comments from New Mexico State Water Plan Public Meeting:
Las Vegas
City Council Chambers
1700 N. Grand Avenue
Tuesday, September 2, 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 Albuquerque, New Mexico. This was the 24th of 29 public meetings scheduled to gather public input on the initial phase of the State Water Plan.

Introduction:

Planning and Communications Division Director Rhea Graham welcomed over 40 people who attended the public meeting from areas in and around Las Vegas and Mora County. State Water Planner Mary Helen Follingstad 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 the purpose is to hear what is of concern to New Mexico communities. The Interstate Stream Commission has organized 29 meetings, and four meetings are on 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 five areas for discussion are:

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

Stewardship:

- Acequias are first thing that comes to mind; communication among acequias and among those who have property along them
- Since you are allowing me to dream, one of the things that has to be clearly looked at is whether or not the management of water will be done through the market system, versus a community approach; if you choose one or the other and are unable to reach a compromise, it is obvious that those who have a communal stewardship of water by law and by treaty are going to lose to the market forces; those community rights are more than irrigation; it is really the life of the community; these communal rights should be assured in any water plan that might be coming forward
- I am from Mora and I would like to state that most of the parciantes believe that our rights and land should be protected and given the same status as that of Indian tribes; water is the warp and weft of our society, and that needs to be addressed in capital letters
- It is hard to define what stewardship is, but I feel that the acequias are a good example, and that the acequias are a good model for the state plan; they have recognized the value of the water and keeping and storing it and passing it along; there is no other model that I know of to study historical stewardship; they have been doing it for centuries, and we still have water; it has been conserved and passed on
- If you ever go to Murphy Lake, my acequia built that lake; in times of drought the acequias share shortage, but current law prevents it; current law doesn't work in a drought but acequia stewardship allows sharing in a drought, with the ability to use extra water in times of plenty
- You know our forefathers for 400 years have been maintaining acequias; they have known the value of protecting topsoil, and there are farms in the Pecos Valley that have been farmed for 400 years and are still producing bumper crops; it could not be done without maintaining the infrastructure and moving the water, and it was done without engineers; they started with rock and brush and deserve the recognition for keeping the systems alive; what we need to do now is to help with pipelines, headgate improvements, lining ditches, to stretch the water; historical, spiritual and cultural values are held by owners of water rights in this valley

Balancing Supply and Demand:

- Health of the watershed is the key to balancing between growth in cities and other needs, but one thing to recognize is that the economics of developing cities has always put a crunch on agriculture; in order to balance the supply we first have to know what the supply is; part of that balancing is knowing what you are going to do with it in the future; some of these things are going to unfortunately have to take second, third, fourth place; we may have to legislate balancing the growth, such as Texas and Colorado who have moratoriums on growth, and no more permits, or cut off uses, if you are going to have a 5-year drought; the most important thing is to know what we have, and of the three states I know of who are neighbors we are the last one to inventory our supplies; in a sense the Bureau of Reclamation and Corps of Engineers put up all of these dams to do that; somewhere there needs to be a stopping point – we have got this much and no snowfall and no stored water and no rainfall – how are we backing up our aquifers; our hydrologists and engineers say that we can't figure that out; we need to stop putting out that it is a difficult thing to do, but it is our livelihood; if we can go to Mars and the Moon I think we can find out how much water we have
- I saw your fact sheet about Bernalillo County population growth, and I don't see any restrictions on their growth, including subdivisions and golf courses, and I don't understand why; at some point the monetary value of water seems to outweigh the other values of water; at some point there are going to be tough decisions, and I would like to get them worked out before we have all of that population living here
- County planning and zoning need to get more involved
- Ever since the second world war, we have been spoiled rotten; look at cities' water rates; if it is really cheap, people will leave the water on all night; watering lawns will have value when we charge water rates what they are worth; no golf courses; no sprinkler heads up high watering during the daytime on fields
- It shouldn't be that if you don't have a dollar bill, you don't drink; make sure that water doesn't get privatized, and only the rich can afford it
- No one has really spoken about how ranchers manage their land and water – we have a concept called carrying capacity; you have to be terribly conservative because you have so little control over the elements that bring water; how can we carry that over to the human population? If we have more animals than the land or water can support, we sell them; but you can't take the excess population and put them on a bus when you run out of water; we need to figure out strategies that are legal that control growth; it is easier to control growth rather than limit it; domestic well policies and subdivision act; we need to realize that not amount of money can tell you how much water you have; you only know what is in the subsurface at the exact spot where you drill the well, not the entire subsurface; it's hard, but we are going to have to plan without knowing exactly what we have, because it is too expensive;

hydrologists disagree as much as lawyers, but you need to make a plan while you are waiting on information

- Perhaps the state water plan should look at regions and zones, because the climate is so different and the water use is so different; some areas have already exceeded their carrying capacity, such as Albuquerque, Las Vegas and Santa Fe; zones should be based on current uses and availability of water; and when growth or drought become too much, management systems should deal with these limits
- I'd like to go back to the ranching problem; in some cases they can ship cattle out and replace them; but I can't ship out the elk on my ranch, so I'd like to see wildlife considered in the state water plan; some of us have to manage elk and fish on our land
- Supply and demand – we can increase our supply; carrying capacity varies depending on how much water we get; over 90% of water produced in this state is north of Interstate 40, and that area supplies the recharge for aquifers and for what is delivered to Texas (except for the Rio Grande which starts in Colorado); regarding watershed health we cannot suppress every fire that comes up; when God made this earth, fire was part of the balance, and if anyone thinks that we are better than God, well, we're not – we need to do controlled burns and grazing to reduce the fuel load and to increase water supply; we need to think of the health of watershed and not just the riparian area – we need to take care of the whole thing, such as where the water is produced; we know the limits of our watersheds; in this particular watershed and region we have demands that exceed the water produced in the watershed
- I concur with most of what's been said, but one thing is obvious; the state has a limited amount of water, and the projected population growth can't be supported unless we import more water
- A lot of the water in Elephant Butte is lost to evaporation; if we have been in a wet cycle, and now it's more normal, maybe we need to renegotiate the compact with Texas.
- There are pluses and minuses to renegotiating the compacts, because water tends to go where there is the greatest human demand, so there is fear that we might get less water than what we have if the compacts are renegotiated
- The policies and practices being instituted and followed in the state create a greater demand for supply in certain targeted areas; and I am afraid of how that demand is increasing; the State Engineer stated that there needs to be a transfer of water from agricultural use to municipal and industrial use; so when people say let's ensure that rural communities survive, it seems as if the State is saying that they will not survive;
- I don't like the assumption in the State Framework Water Plan that water will be transferred from agricultural use to municipal and industrial use; we should not be recruiting industries that are high water consumers
- One of the things that occurs is that cities buy a ranch or a farm for needed water, but that is a short-term and short-sighted solution to a much more global problem; there are several cities who are buying farms

- Facilitating water transfers as a solution is a short-term solution to a long-term problem
- I know that the aquifers near the streams are really going down, but also people moving out into the farmland and drilling a domestic well is causing acequias to dry up, too

Drought:

- There are plenty of laws on the books right now that are not being enforced; up in Mora the lack of enforcement by the State Engineer is encouraging violations that affect the headwaters, capture springs, and over divert water; I think that there are talented staff but the direction from the top is really proving that water runs uphill to money; there's going to be a big blow-up some day; our water and land are protected by the Treaty of Guadalupe Hidalgo, which dates from 1848
- We have always had a need for water regardless of whether there was a drought or not; when the Corps of Engineers built all of those dams, it was to counteract the Dust Bowl and drought conditions; there are already mechanisms for doing this, but we haven't learned from previous droughts in the State of New Mexico
- Drought makes it more important and harder to do shortage sharing; sometimes junior users are upstream of the senior rights; some of the conservation measures practiced after the Dust Bowl are falling by the wayside
- Drought emphasizes the need for conservation on everyone's part; since agriculture uses about 80% of all the water, it is awfully important for agriculture to not waste any water; there is a lot of pressure on a small number of people in the state; creates a need for funding
- We'll all be sharks and sardines
- I think that we need to recognize that water is produced by our watersheds, which are sick and need treatment; Canadian River is almost dry, it has ceased to flow and fish are dying; it is because of the drought and the health of the watershed; a solid stand of juniper and pinon does several things to prevent water from ever being beneficial in the watershed; salt cedar uses 1.5 million gallons/acre/year; the Canadian River watershed has somewhere in the neighborhood of 40,000 acres of salt cedar, which is not native; about four or five years ago I was in a watershed very similar to ours in north-central New Mexico, where one spring produced one gallon per minute; now there are 38 springs producing 450 gallons per minute; until you give priority and funding to watershed and riparian health, you are just blowing smoke; and most of the watersheds are controlled by agricultural people, if you take those people out of business, you lose stewardship of the watershed
- A person stood up front and showed pictures of various ponds on private lands in the region that they may not have permits from the State Engineer; she linked these impoundments to low or no flow in the Canadian and Pecos rivers
- Put some silvery minnow in the Canadian River, and maybe it will get some water
- A study on pinon-juniper showed that in some places we have ten times the maximum tree density that can be supported by 16 inches rain per year
- We have got to see the big picture and come together on balancing supply and demand, especially in times of drought

- El Paso wanted to drill 100 wells in New Mexico; if we want to continue to grow, we are going to hit that limit; I don't know why anyone would want to move Las Vegas, because all they can have is drinking water or household water; we need to look at extending our supply by a pipeline from another part of the country, if we want to increase the population
- Drought is going to help solve the tree problem, because the pinon are dying

Water Administration:

- Unregulated ponds (including stock) have hurt river flow and prevented irrigation in some areas; I urge that the Office of the State Engineer work with the locals with respect to changing this law.
- Administration is not there to protect folks in the rural areas; existing users, like farmers, are all of a sudden suppose to conserve to produce more water for a new user, usually a special interest of some kind. Who is more important, the farmer or the golfer? The farmer needs compensation if he is prevented from irrigating because of the Endangered Species Act or some other reason; there is no compensation and little by little the fabric of the community begins to change; the Office of the State Engineer should also look at the "use-it or-lose-it" law that punishes rather than encourages water conservation
- Need to look at the paper transfer of water from one basin to another, which can result in water leaving a community; developer built a pond on property just to look at it; he had no water rights, but he cut off 40 parciales; the dam was breached but the reason was dam safety, not protection of the water right holder; inconsistencies in the policies and the approach to enforcement on the part of the Office of the State Engineer
- Adjudication seems to mean we lose our water rights, due to non-use or abandonment, or some other reason; streamlining the process of adjudication is critical; it takes so long that by the time it is done the whole community has changed
- We need measuring devices on the rivers
- Local people should have a say in where the gauges are placed; sometimes a gauge is placed right above a big user
- United States Geological Survey and Office of the State Engineer already know this
- The planning process is more important than the plan; December 2003 is too short a timeframe to do good planning with local participation; you can only get the high points by December; we need a better process if you want a better solution to our problems
- You can't incorporate the Pecos and Canadian in the same regional water plan. Mora and San Miguel counties should be two plans.
- How will the state plan affect the federal laws? How this work?
- Federal government does not have a say in state water rights, which are constitutionally protected
- So why do we have compacts?

- Interstate compacts are agreements between states ratified by Congress.

FUNDING

- Reduce the bureaucracy in Santa Fe
- We need permanent funding for acequias; they are political subdivisions of the state, and right now we depend on only loans and grants, which are inconsistent and hard to get water conservation would be a lot easier with reliable funding
- We should reach out the private sector for funding; there are a lot of rich people moving into the state
- Review taxes and property assessments to make the system more equitable
- Stop fighting unnecessary wars and put the money into needs for our water
- Prosecute corporate crime and fine them
- People do not realize the value of agriculture and agricultural water; many think it is an ancient tradition, or that it is quaint, but it produces food; price of wheat has not changed in 30 years, but the cost of growing it has skyrocketed

Other Comments/Questions:

State vs. Regional Plans:

It is good to be working on a state water plan, but the regional water plans are critical to the planning process; we will be adding on to our regional plans, and adjusting them over the years