# Comments from New Mexico State Water Plan Public Meeting:
# Socorro
# City Hall, 111 School of Mines Road
# Monday, July 28, 2003; 7:00 – 9:00 p.m.

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Following is a summary of the questions, comments, and issues raised during the discussion that followed the formal presentation on the purpose and objectives of the facilitated listening sessions for the 2003 State Water Plan, at the public meeting in Socorro, New Mexico.

## Introduction:

Planning and Communication Division Director Rhea Graham of the Interstate Stream Commission (ISC) welcomed more than 50 people who attended the meeting from Socorro and surrounding areas. She said the ISC wants to hear from residents regarding their values around the management and stewardship of water. New Mexico is growing and needs to plan, and ideas on how to administer water and find funding sources for projects are being sought.

Rhea presented an overview of the State Water Plan and selected technical information to set the context for the listening session. The public meetings are "listening meetings,", since the purpose is to hear what is of concern to New Mexico communities. The ISC has organized 29 meetings statewide, 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 five areas for discussion were:

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

**Stewardship:**

- Put people first; don't waste on silvery minnow; honor priority rights and adjudicate the entire state

- Local people should be listened to and given the opportunity to implement a proposal, not just give input into a plan that the state would execute

- It's New Mexico's water, not the federal government's water; we should responsible for its stewardship, not the federal government

- *Proposal to dam the Rio Salado:* In the past it was difficult to get folks to listen to the fact that river water was being wasted (Rio Salado) I propose to have the water dammed so that 1,500 gallons a minute could be used; I learned that there are too many compartments of government that affect this proposal; this is water in Socorro County that can be used to help augment our supply, and NM Tech has looked at it, yet it seems to fall on deaf ears; my experience tells me that this can be done, even though I am not educated like the bureaucrats; on the ground knowledge needs to be listened to; I am contributing this proposal as input to this meeting, and I hope that it can be useful

- We have done a lot of laser leveling and lining of ditches as part of our stewardship, reducing our diversion from 350 cubic feet per second (cfs) to 250 cfs; therefore, we have already done an awful lot that needs to be taken into account, and give us credit

- All state buildings and federal buildings should follow the same rules that we have to follow; sometimes these are the buildings with the nice lawns, but no one tells state owned properties that they need to conserve

- The best stewards are those closest to the land – the farmers, the acequias, and the pueblos; whatever can be done to keep the water in the farmers' control is the best thing that can be done; those rights are lost to all of the people of the state; farmers only have the right to divert water as long as it is put to beneficial use

- Hope that plan is for New Mexico water for New Mexicans, not for Texans

- The pueblos and acequias use surface water that is an intermittent supply, so it requires adapting to available water; now state uses 90% ground water, but they are trying to use surface water; this will take the water away from the best stewards and give it to its poorest stewards (based on how the state handled ground water

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

- Am very suspicious of a policy that isn't based on all of the regional plans that are in production.

- The State Water Plan must be scientifically believable and legally defensible; if it isn't done right, and Texas proves that we didn't recognize the value of our water for us, by moving it out of agriculture to other uses

- Economic development promotion means that our water rights are going to be taken away; look at what happened when Intel tried to take southern Socorro County water rights; Legislature should enact a law to keep water rights where they are

- We can't make water, but we can potentially deliver it to another place

- Since there is a finite amount, we come to the issue of population growth; limiting population growth is an even touchier issue than water

*Value of Agriculture:*

- Agriculture's role in the economy and ecological health is more important than is believed by the State Engineer and Interstate Stream Commission – why are they fast tracking water leasing away from agriculture, when they should be making it more difficult?

- Agriculture provides valuable wildlife habitat

- In terms of looking at the importance of crops – economic value – it can be argued that using water to grow alfalfa for horses isn't as valuable a use for water as row crops for human consumption; feeding humans versus feeding horses

- It seems to me that is a hollow argument; alfalfa goes to dairies, we are the 5$^{th}$ largest dairy producing state with the largest mozzarella plant in the country; the land and climate are suited to growing alfalfa; growing row crops is a lot more difficult

*Government Control:*

- I think the most unpleasant aspect is that the only way to solve this is to have more government control; we are going to have to give up freedoms to keep what we have; we don't have enough water, and we just have to deal with it; however, I think that it is necessary to have more government regulation; need to blend the issues, and everyone isn't going to get what they want

- Interested in how to integrate regional plans into overall state plan – need regulations to stop cities from using way too much water. If they can't regulate themselves, then the state needs to regulate cities

*Water Transfers:*

- Broader economic impacts of water transfers: need to look at community impacts when water rights are sold; economic structure becomes unviable; look at Coolidge and Casagrande, in Arizona, to see what happens when water rights are transferred to the metropolitan areas

- Base values on where water is put to beneficial use, and recognize water rights laws

- Don't try to get more votes by making things look good

**Balancing Supply and Demand:**

- We don't have to assume that demand is greater than supply – it's a definite reality this year; one thing that comes to mind: municipalities, irrigators and recreation are three principal users; irrigation is losing out on the competition of values; row crop is more intensive, and we don't have a labor force, so it pushes the population up; waterfowl use farms as habitat, and we aren't given credit for it in terms of water supply; we shouldn't expand New Mexico's growth, which is what a lot of politicians are pushing – the jobs don't go to New Mexico's children

- I'd like our politicians to be NM politicians, not wanting to go on to a national level; funnel their views through what we are facing as an individual state, rather than how we look to other states

- On the supply side, we need to recognize that agriculture isn't the biggest user; the riparian system and the river itself is the Number 1 use; Number 2 is evaporation out of reservoirs; agriculture is Number 3; yet agriculture gets charged with all of it (loss in transport due to brushy river; loss in evaporation due to fact that reservoir storage is mostly for agriculture)

*Tree Removal:*

- Salt Cedar removal can produce more water; bounty on every salt cedar from San Acacia to Colorado state line would get rid of a minnow problem; spend what we are spending on bulldozers instead of lawyers; however, it has to be done by hand to satisfy environmentalists

- Focus on removal of salt cedar is good; Natural Resources Conservation Service has asked for irrigation rights on land that has salt cedar removed; irrigation loan program is available to help implement supply-side solutions, but the Office of the State Engineer is very difficult to work with on getting these funds released

- In the area of conservation, it was mentioned about eradication of salt cedar --that shouldn't be left to one entity or to one agency; effort should be given to all of the agencies that can do that, because individual governments can't do it by

themselves; by getting agencies together to help the Natural Resources Conservation Service eradicate the salt cedar, it can be done much easier than one agency by itself

- Increase supply through watershed thinning; more trees mean less water going into the ground, yet restrictive environmental laws are based on emotion, not on science; we need to reevaluate environmental laws to get common sense, so that we balance the water supply in the watershed; folks in cities don't have a clue, and more education is needed to realize that you can't have both

- Reducing amount of cottonwoods, what is wrong with that? Albuquerque had fires in the Bosque

- Market system is there for the municipalities and for industry to get all of the water they want. As the value of water rises the farmers will sell out. We have to maximize the supply of transferable water in the state of NM, and that can be done within the discretion that the State Engineer has to determine what is and isn't a pre-1907 water right. We have heard that salt grass indicates no previous irrigation, but actually the opposite is true. OSE prefers to have water available for meeting compact requirements, which is why a declaration is seldom honored for pre-1907 water rights. The plan has to be for the benefit of the people of New Mexico. Hope that there will be an advocate for the people in the administration of water rights. Failure to have this advocacy role was why market system didn't work.

- It seems as if the ISC may have a conflict of interest. They are in charge of delivering water to Texas, and they are in charge of the State Water Plan.

- Fundamentally supply and demand are balanced right now. Over-appropriation exists, which means that if everyone who has a water right were too use it at the same time, then supply and demand wouldn't be balanced. In order to promote growth, we need new water. That means we need available sources of supplies not now being. Suggestion to use non-potable water – through desalination or cleaning oil well injected water -- as the available supply for new growth. Will have to decide if the costs are worth it. We should not supply growth with water from someone else.

- Are there any state engineer studies comparing golf course consumption with agricultural consumption? See Water Use Report 2002, from the Office of the State Engineer lawyers play golf

- Until we inventory and prioritize water rights, esp. valid, existing pre-1907 rights, we can't make intelligent decisions about supply and demand, because the valid existing rights vary depending upon the available supply

- We also need a policy on flood water rights

- Finding new water is a pretty complex issue; cleaning water from oil wells is costly; Conservation can help; it's all going to hinge around a market system; once the price gets high enough, the water will get sold; I am really bothered about talk of nationalizing water rights, such as the federal government has been doing – that will be "takings" of private property; the plan needs to take into account the threat of nationalizing water rights

**Drought:**

- Make adobes; they dry fast

- Storage of water up north such as in this year's Emergency Drought Agreement; don't cut out recreation, but lowered evaporation is good for more intelligent use of water during drought

*Land Management and Tree Removal:*

- This is a manmade drought situation due to lack of land management, sending water downstream for the minnow, delivering for compacts; we need trees per acre in the hundreds, not in the thousands; fire has been taken out of the system, and now the fuel load in upper watersheds and the riparian zones (too costly to fight fires); eastern side of Rio Grande used to be savannah, we need to remove salt cedar and restore back to that condition; need to take a watershed approach – wouldn't it be nice if the Catron County lumber mills could be operational again? No lumber industry there anymore

- Need to have an incentive for landowners to manage land for more water supply; Offer some of the saved water rights? Or tax credit? There needs to be an incentive to clear trees; archeological survey clearances are done at rate of 40 acres per day, but backlog is 40,000 acres

- Tributaries to Rio Grande no longer function due to salt cedar choking; can't leave out endangered species and compact deliveries; need a holistic approach to tree situation; apply growth control for populations to trees, too

- When farmers sell water, the salt cedars will take over

- There is only one lumber mill left in the state, and it exists only because it is Indian-owned

- One of the more important things is to recognize limitations on the system when there is a drought; sending water releases down the river to help the minnow in 2000 was a big mistake; the new Biological Opinion is good; it lets the river go dry and allows for natural conditions; congratulations to Bureau of Reclamation and to US Fish and Wildlife Service

- New Mexico has a real problem in drought; prior appropriation law; cities and towns have junior rights; therefore, when a drought comes, the cities should shut down; But, it is easier to tell the farmers to stop growing alfalfa than to send city dwellers back to where they came from; we buy paper rights in the Pecos, and there is a reluctance to buy land and water rights; we are getting into same situation in the Middle Rio Grande

- Federal government doesn't take into account the fluctuations in drought years – why do they have the right to ignore the laws of nature?

**Water Administration:**

- Try to maximize the amount of water available now and in the future; aside from supply, if you want to take care of competing uses, you need to maximize the source (pre-1907 water rights); price will drop if some of the denied pre-1907 water rights were put back into the supply; it will give water administration many more opportunities to take care of competing demands; increase the supply of transferable water in the state; otherwise, it is compact water that goes to Texas

- Follow the rules; feds pump out of the Low Flow Conveyance Channel, which is a change in point of diversion being done without the permission of the State Engineer

- Convert areas that are dried up into a type of vegetation that doesn't introduce salt cedar; the purchaser should be required as part of the water rights transfer purchase, to maintain the land that is retired

- Streamline the process for establishing water rights; no real policy on how it's done – long delays in permitting wells; make it a priority that people know where they stand, so that they know what they can do with their own land

- Needs to be equitable process for poor man as well as those able to afford a lawyer – Integrity of the Office of the State Engineer is needed

- Adjudicate the water rights so that everyone knows what their priorities are; you can't get your priority date approved unless you want to move your water right to a municipality

- "It's easy to farm with a pen as a plow"

- The Endangered Species Act is a federal law that has an impact on all of the water in the Rio Grande, but also, other compact states should share in water costs and financial costs of that law; folks here who farm from San Acacia Dam south are saddled with a huge portion of this burden; regulations of the Endangered Species Act cost a large amount of money to the State Engineer and the Interstate Stream

Commission; Texas and Colorado should have to pay a part of the bill, because the Endangered Species Act is a burden on the entire river

- Flow requirements aren't shared, in the Rio Grande Compact impacts of the Endangered Species Act; Texas needs to play a bigger role

- Whose responsibility is it that the pilot channel to EBR needs to be excavated? Same thing, on the Pecos

- Evaporation loss in Elephant Butte Reservoir when it was full; Socorro takes evaporation losses for our storage in El Vado, as well off of Elephant Butte Reservoir

*Middle Rio Grande Conservancy District:*

- Interesting mix of obligations of the Middle Rio Grande Conservancy District for what we need versus State Plan direction; problem is losing water that we have through political pressure and mismanagement; we are not asking for additional water, just that we get what we already have coming to us

- Property rights associated with water coming down through Middle Rio Grande Conservancy District have to be accounted for, and compensation needs to be made if that water is taken, for Endangered Species Act, or whatever – every acre-foot that is taken, should be compensated with money; can't just take it, and have folks lose irrigation land due to the minnow

- If the regional water plans are incorporated into the State Water Plan, then the Middle Rio Grande Conservancy District issue will take care of itself

- The reason we are short of water this year is because of depletion of stored water due to minnow releases of previous years

- The compensation is based on the existing market value of the water right

**Other Comments and Questions:**

*Process Concerns:*

Q: How will the regional plans be integrated into the StateWater Plan?
A: An ad hoc committee of one designee and one alternate from each region will advise the Office of the State Engineer and the Interstate Stream Commission on how to meet that challenge, including how to distinguish state level issues from regional issues; state agencies will also be included in that dialogue

Q: There is urgency about our water needs right now. Who is working on finding us water for this season?

A: Interstate Stream Commission and Office of the State Engineer staffs are negotiating shortage sharing agreements and seeking additional water. The State Water Plan is a policy document.

Q: Is this meeting to talk about state issues rather than the regional planning process?
A: Yes, but we would appreciate comments on improvements to the regional planning process as well.

- Time frame for public review of the document after the Town Hall is too short – the public needs a chance to review the draft state plan before the Interstate Stream Commission hearing; concerned that public input will not be seriously considered

- This State Water Plan process is too darn fast

*Other Comments:*

- Albuquerque, but the native rights are easily 10 times the San Juan Chama rights; these rights need to be protected because they have the most value; fear that environmentalists are not willing to compromise

- We need accurate figures on the amount of water used by farmers, (including the recharge amount), and an agreed upon definition of "agriculture" – right now agricultural accounting often includes riparian and recharge losses

- I only divert water 75% of the time, because I only farm 9 months of the year; therefore, I don't think that it is true that agriculture uses 75% of the available water supply

- Is there going to be a re-evaluation of pre-1907 water rights' transfer policies and criteria?

- What is being done to protect the native rights in the Rio Grande valley? The actions to protect the San Juan Chama water helps that water

- What constitutes 75% agricultural use? We are charged with riparian, evaporative, and recharge losses

- It's not just the trees along the river; the aquifer is being impacted in recharge due to overpopulation of trees everywhere in the state; the trend of the courts isn't to follow the law, but to interpret what is good for the majority; Water rights are property rights and they have to be protected

- By the time the water gets to Socorro, it has been used three times [Steve Reynolds]; when we irrigate, our water table rises a foot; it's really important that we get credit for what we put back

- How many times can you use water before it's worn out?  South of Socorro, it's plumb wore out, because we don't have any at all in the river

- Water quality needs to be addressed as well as quantity

- Problem wouldn't be here if food weren't as cheap relative to water as it is; need to understand the true value of food and the true value of water used to produce food