



## **2009 State Water Plan Update Public Outreach**

**Region: Rio Chama  
Rural Event Center  
Abiquiu, New Mexico  
June 3, 2009**

### **Summary of Discussion**

Facilitator/Recorder: Rosemary Romero

### **Welcome and Introductions**

Angela Bordegaray, State Water Planner with the Interstate Stream Commission, welcomed the group of about 25 to this public forum sponsored jointly by the Office of the State Engineer and the Interstate Stream Commission (OSE/ISC). She introduced agency staff and contractors:

Karin Stangl, Planning and Communications Director  
Julie Maas, Communications Specialist  
Rolf Schmidt-Peterson, ISC Rio Grande Basin Manager  
Liz Zeiler, Planner/GIS Analyst, ISC Rio Grande Basin  
Buck Wells, Rio Chama Water Master, District 6 (Santa Fe)  
Kent Malmquist, Upper Rio Chama Basin Manager, District 6, (Santa Fe)  
Martha Franks, Legal Council (contracted)  
Rosemary Romero, Facilitator/Recorder (contracted)

### **Presentation**

Bordegaray presented an overview of the New Mexico's state and regional water planning process, including data on population, water supply and demands, and an overview of the Rio Chama Regional Water Plan. The Interstate Stream Commission accepted the Rio Chama water plan in 2006. The plan is available on the OSE/ISC website:

[http://www.ose.state.nm.us/isc\\_regional\\_plans14.html](http://www.ose.state.nm.us/isc_regional_plans14.html).

The water planning region encompasses portions of Rio Arriba County. The region is bounded on the north by Colorado, on the west by the Continental Divide, on the south by the northern boundary of The Pueblo of Santa Clara and the City of Española, and on the east by Santa Fe and Taos counties.

The Rio Chama and its tributaries, from which 92 percent of water diversions occur, supply water. However, groundwater accounts for 90 percent of water used for public and domestic self-supplied purposes.

About 60 percent of the land is owned by federal or state government entities. The largest land use is agriculture, particularly livestock grazing, mostly on United States Forest Service or Bureau of Land Management lands. About 90 percent of the water is used for agriculture in this region.

### **Questions and Comments on Presentation**

Rosemary Romero, contracted facilitator, took questions and comments from the audience on the presentation and other related water issues.

Comment: Although the Treaty of Guadalupe Hidalgo was noted in the regional fact sheet that was handed out at the meeting, one participant felt that the PowerPoint presentation also needed to indicate more information about it, which is important for local people and users and has implications for water planning.

Comment: Another participant questioned if the wildfires identified as possibly related to climate change were actually related to climate change and if perhaps these types of changes might be more directly related to seasonal or natural changes.

Question: Participants wanted to know more about “vested water rights” and if this was in violation of the state constitution.

Answer: Martha Franks, OSE legal consultant said that there are “vested” and “public waters” and clarified that vested rights can be regulated but not to the extent that they can be taken away. She noted that the State Water Plan is designed for the serving the public good.

Question: Another participant asked if this could be considered a “taking.”

Answer: Franks noted that statutes require water planning, and this could not be construed as a taking.

Question: Another participant asked if it was possible to transfer water use from permitted domestic wells in order to address increased population and depletions.

Question: One participant asked if it would be possible to create another reservoir project similar to Elephant Butte.

Answer: Staff noted that Elephant Butte Reservoir was authorized by federal dollars through an interstate compact agreement. It would be impossible to create a similar situation because the compacts are in place, and there is no need to create another similar type of project.

Comment: One participant suggested that perhaps a state agency would better manage the federal lands in the area.

Comment: A representative of the Rio Chama Acequia Association (RCAA) noted that the Rio Chama is a “pass through” for other waterways in the state but is not compensated or credited for being the delivery system of water for other areas. He indicated that this issue needs further discussion with the ISC.

## **Responses to the Four Focus Questions:**

The group considered the four focus questions for public input on the State Water Plan Update.

### ***1. What should your region and the state as a whole do to assure water for a growing population?***

- One participant suggested water banking.
- Another participant suggested incentives to conserve water.
- Another participant noted the importance of acequia efficiency.
- Participants feel that the region has very specific population issues that require further detailed discussion. Notes on the discussion are as follows:

Participants think that most of the growth in the area is from out-migration from other cities such as Santa Fe. Participants asked how the population was determined. Bordegaray explained that the state demographer, the University of New Mexico's Bureau of Business and Economic Research (BBER), bases population projections on historical trends, using death, birth, in-migration, and out-migration rates. Demographers base future population on these vital and migration events. [The full report, *A Report on Historical and Future Population Dynamics in New Mexico Water Planning Regions* is located on the OSE website at: <http://www.ose.state.nm.us/PDF/Publications/TechnicalReports/BBER-WPR-Estimates-Projections-Aug2008.pdf>.]

For the Rio Chama Regional Water Plan, the Citizens' Advisory Committee made projections for low-, current-trends, and high-range for the period from 2000-2040. The projected populations were estimated using growth rates proposed by the BBER, or actual growth rates observed over the past decade for different parts of the region, applied to the actual population counts developed from the 2000 Census data. For comparison purposes, BBER estimates a population of 8,000 in year 2000 and projects a population of 7,366 in 2040. This reflects a net loss of 634 people.

The Rio Chama water plan bases its projections on a 2000 population of 12,247, which projects a decrease in population in 2040 to 11,218, a "current trends" population of 22,278, and a high-range population of 32,529 in 2040.

Overall, less growth is expected than in other water planning regions. In addition, the Cañones/Chama area seems to be losing population, while the southern regions of the water planning area are getting more population from metropolitan areas.

**2. *What water conservation strategies would help meet increased constraints (population growth, climate variability) on water in your region and the state as a whole?***

- Participants noted that it would be important to develop more incentives, perhaps monetary, to conserve water through use of drip systems for agriculture or by perhaps by reducing cattle on irrigable lands.
- Another participant cautioned that conservation should be oriented toward credits rather than a monetary compensation.
- One participant pointed out that organic farmers have started to use old methods such as allowing specific lands to be fallow for one year in order to reduce depletion of the earth. This method could be explored by creating a pilot project.

**3. *Have you observed climate variability (e.g. drought, flooding, severe storms) in your region? What should be done to prepare for these extreme circumstances in your region and the state as a whole?***

- Some participants thought that climate change could be attributed to a typical natural cycle.
- Other participants noted that watersheds are affected by variability and could be improved through restoration efforts. While one participant noted that National Environmental Protection Act (NEPA) seems to slow restoration efforts down, there is funding available through other agencies to address restoration efforts. These programs include:
  - Section 319 –United States Environmental Protection Agency/ New Mexico Environment Department funds for watershed restoration (example: El Rito received grants for this purpose; Ojito area is improving its watershed seeking technical assistance and funding from OSE/ISC)

- Collaborative Forest Restoration Program (CFRP) – US Forest Service funding for reducing wildfire and addressing restoration efforts on public land
  - New Mexico Energy and Minerals
  - Federal stimulus dollars for projects
  - 1897 Agricultural Lands Act
  - Federal Land Management Policy Act
- Capital funding cannot be used for studies. It must be used for “shovel-ready” projects.
  - Better management of forests is key, one participant suggested that the state should take over federal lands.
  - Another participant noted the importance of metering.

***4. What water projects are needed in your region? How should these projects be prioritized for funding?***

- A participant suggested a study to determine actual population in the southern region and more definitive information about perceived loss of population in specific northern areas.
- Participants suggested increased water storage rights in Rio Arriba County, which are noted in both the Comprehensive Plan and Rio Chama Regional Water Plan.
- Another participant suggested cloud seeding as a project.
- Expansion of the Public Welfare Statement for the best interests of the county and stakeholders was suggested.
- Water banking was also suggested, which may require changing acequia by-laws to be able to accommodate banking, leasing, or transferring water.
- One participant suggested that the RCAA should continue to actively purchase water rights. This may be either complimentary or competitive with Rio Arriba County, which is also purchasing water rights.

- Removal of non-native species and other vegetation should be priority.
- Updated adjudication information should be made available.

After the discussion about the specific issues noted above, participants discussed how the regional water plans fit into the state water plan or perhaps conflicted with the state plan. Participants noted that the ISC should ensure that regional water plans are incorporated into the state water plan and work closer with the regions to ensure that conflicts between the plans are resolved.

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