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Interstate Stream Commission Endorses Active Water Resource Management Initiatives

(SANTA FE, New Mexico) – Interstate Stream Commissioners passed a resolution to support a framework for statewide **Active Water Resource Management** rules and regulations at a meeting in Santa Fe on July 20.

“Public hearings and public input are an important part of these proposed rules and regulations for Active Water Resource Management,” said Interstate Stream Commission Acting Chairman Phelps White. “We support the State Engineer in this effort, but we want to make sure public involvement remains a key component.”

“New Mexico is currently experiencing a state of severe drought, and demand on the state’s water supply is steadily increasing,” said New Mexico State Engineer John D’Antonio. “How long the drought will last is unknown. I have had requests from numerous areas to administer the waters of a stream or groundwater basin for the benefit of senior water right owners including on the Mimbres, San Juan, Lower Pecos Rivers, the Rio Gallinas, Rio Chama, Nambé-Pojoaque-Tesuque Basin, and the Lower Rio Grande. I have issued these regulations in order to respond to those requests by providing the administrative framework to gain the knowledge we need and the acceptance of water rights holders for water administration.”

“The objective of Active Water Resource Management is not to threaten rights to the use of water. It is aimed at protecting and preserving rights to the use of water, in the amount and priority of use of each water rights owner,” said D’Antonio.

Draft rules and regulations that were developed were made public on June 28. Public comments received are being used to modify the regulations. Basin-specific rules and regulations will be developed that are tailored to meet the needs of critical basin areas.

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"The proposed regulations begin a long, challenging task that will culminate with New Mexico controlling its water destiny. My hope is that there will be a break in the drought. However, I am committed to taking proactive steps toward the management of all New Mexico rivers. Steps taken this year to develop Active Water Resource Management into a statewide program will help prepare for active administration that will apply to future drought cycles as well as during wet cycles in our state," said D'Antonio.

Active Water Resource Management refers to a broad range of activities, which emphasize permitting transfers, monitoring and metering diversions, and limiting diversion of water to the amount authorized by existing water rights all within the prior appropriation system.

The State Engineer has targeted seven areas of critical concern around New Mexico to begin implementation of **Active Water Resource Management**. They include: the San Juan River, Rio Gallinas, Rio Pojoaque, Rio Chama, Mimbres, the Lower Rio Grande, and the Rio Hondo/Rio Penasco tributaries to the Pecos River.

The State Engineer has already taken proactive steps toward organizing teams within the agency to implement **Active Water Resource Management** in areas of critical concern across the state. Other steps include: designation of basin managers; developing and implementing schedules for creating water master guidelines; establishing a realistic budget for metering costs, guidelines, and field implementation and enforcement; developing a plan for communication with the public; hiring water masters for each area of critical concern; providing training for water masters; and setting realistic short-term and long-term objectives.

In 2003, the state legislature enacted a statute, which specifically recognizes that New Mexico's need for water rights administration is urgent, that compliance with interstate compacts is imperative, and that the State Engineer can administer water rights before the completion of adjudications. This requires the State Engineer to adopt rules for water administration and promote expedited marketing and leasing of water in areas affected by priority administration.

Proposed **Active Water Resource Management** provisions would allow for expedited transfers and replacement plans, which are necessary components if there is to be workable priority administration. They provide a process to allow junior water right owners curtailed by priority administration to be able to quickly get access to a supply of water from willing sellers. The safety and welfare of the public require that drinking water not be cut off without recourse. Expedited transfers do not apply within acequias or community ditches. The expedited transfer provisions won't take water from senior water rights holders, it will enhance their ability to benefit from the higher monetary value of those rights, should they choose, either on a temporary lease basis or a sale.

The Interstate Stream Commission is charged with protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

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