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Water Settlement Agreement Reached Between NM State Engineer and Farmers in Southern New Mexico

(SANTA FE, New Mexico) – An Agreement in Principle was reached today between the State of New Mexico, Southern Rio Grande Diversified Crop Farmers Association (SRGDCFA), New Mexico Pecan Growers Association (NMPG), and the Elephant Butte Irrigation District (EBID) to resolve longstanding disputes over water in the Lower Rio Grande.

The settlement resolves several important issues within the Lower Rio Grande Stream System Adjudication. Parties have agreed to submit to the adjudication court terms consistent with the following conditions, among others:

The State will adjudicate a surface water right for all 90,640 acres within EBID. Pursuant to this agreement, EBID members shall take full delivery of their surface water allotment. The non-State parties to the settlement understand and accept that the New Mexico State Engineer has an obligation to supervise the apportionment of groundwater in the Lower Rio Grande, including the groundwater rights covered by this settlement. To meet his obligation, the State Engineer will, as necessary, implement priority administration in the Lower Rio Grande in accordance with the law. The non-State parties and EBID will work in good faith with the State Engineer and others to develop a regulatory framework for priority administration and/or alternative administration with the objective of reaching and supporting a consensus on the details of the administrative systems.

“We have reached an agreement that is fair to all parties involved,” said State Engineer John D’Antonio. “Both surface and groundwater are covered by the settlement. This will help us to better administer the water in this area in times of drought and variable supply as well as in times of plenty.”

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This Agreement in Principle will be incorporated into a final settlement. Upon approval of a final settlement agreement by the Court, that final agreement will supersede an agreement reached by the State with pecan growers in 2008.

For more details, a copy of the Agreement on Settlement in Principle will soon be posted on the Office of the State Engineer's website, on the home page, under "Hot Topics" at www.ose.state.nm.us

The Office of the State Engineer is charged with the 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.

The nine-member Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts as well as investigating, conserving and protecting the waters of the State, in addition to water planning.

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