



For immediate release:

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Water Settlement Final Judgment Issued for NM State Engineer and Farmers in Southern New Mexico

(SANTA FE, New Mexico) – Judge Jerald Valentine issued a Final Judgment on Monday, August 22 on a water settlement agreement 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. This action solidifies an Agreement in Principle, which was reached between the parties on June 8.

The Final Judgment resolves several important issues concerning the amount of water available to irrigators within the Lower Rio Grande Stream System Adjudication.

Under the judgment, farmers with rights to surface water only will be adjudicated a right to a farm delivery amount not to exceed 3.024 acre-feet per acre per year. Farmers with rights to surface water and groundwater combined or groundwater only rights will be adjudicated a right to a farm delivery not to exceed 4.5 acre-feet per acre under the judgment. Farmers with combined surface water and groundwater rights as well as groundwater only rights who choose to prove rights to a larger amount need to file notice. 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.

“This settlement agreement will allow for the continued viability of the agriculture sector in the Lower Rio Grande, which has been a strong economic driver in the region,” said State Engineer John D’Antonio.

(MORE)

Those farmers with combined surface and groundwater rights and of groundwater-only rights who wish to prove rights to farm delivery greater than 4.5 acre-feet per acre per year must file a Notice of Intent (NOI) with the Office of the State Engineer by December 31, 2011. An NOI form will be posted on the State Engineer's website by September 2. The form is to provide the adjudication case number, the subfile number, and the well number(s).

Evidence of beneficial use supporting a farm delivery in excess of 4.5 acre – feet per year must be submitted to the State's Lower Rio Grande Adjudication Bureau no later than June 30, 2012. Evidence may include: metering data records, acreage values, and affidavits of water use on the land.

The Court's final judgment supersedes the agreement reached by the State with pecan growers in 2008.

For more details, a copy of the Final Judgment is posted on the State Engineer's website, on the home page, under "Hot Topics" at www.ose.state.nm.us

For more information, please contact Frank Reckard at 505-827-6150.

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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