



FREQUENTLY ASKED QUESTIONS

New Mexico Interstate Stream Commission Lower Rio Grande 2022-2023 Groundwater Conservation Pilot Program

The New Mexico Interstate Stream Commission (NMISC) is accepting grant applications from members of the agricultural community interested in participating in the 2020-2023 Groundwater Conservation Pilot Program for the Lower Rio Grande. **The application deadline has been extended and will be accepted again from October 4th to October 22nd, 2021.** This extension follows the application period for 2022-2023 that ran between August 9th and August 23rd, 2021. Applications that are approved for the Groundwater Conservation Pilot Program will be awarded grant funds to temporarily stop the use of groundwater so that impact to regional aquifers can be assessed.

1. What is the purpose of the Groundwater Conservation Pilot Program?

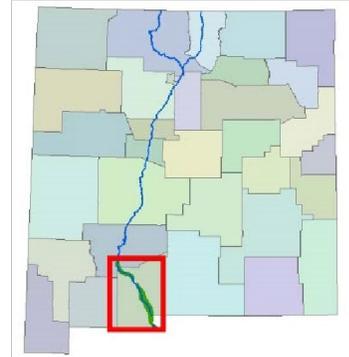
The purpose of this Program is to initiate groundwater conservation actions that will ensure New Mexico has a sustainable groundwater supply not only today, but for future generations of New Mexicans. The Program will provide grants to the agricultural community to conserve groundwater by not irrigating for an 18-month period. Grants will be awarded through a Grant Agreement.

2. Why is the Program being implemented?

The State Legislature appropriated \$7 million in 2020 to the NMISC to develop and fund a Water Management Pilot Project for the Lower Rio Grande for fiscal years 2020 through 2023.

3. What area and aquifers are covered by the Program?

The Program is located in the Rio Grande valley from Elephant Butte Dam to the Texas border. The Program includes the areas irrigated within the Rincon and Mesilla valleys in Doña Ana and Sierra Counties and their underlying aquifers.



4. When did the Program start?

The Program first provided grants to compensate irrigators for temporarily conserving groundwater during the 2021 growing season. During the 2021 growing season, there were 24 final grant agreements encompassing 1,272 acres for a total of \$865,000. Currently, 29 applications are under review from the August 2021 application period encompassing a total of 2,055 acres.

5. Who is eligible to apply for the Program?

Within the agricultural community, individuals, landowner/tenants, corporations, LLCs, partnerships or trusts may apply.

6. What lands are eligible to participate in the Program?

Groundwater irrigated parcel(s) are eligible for participation in the Program, **if**:

- The irrigated acreage within the parcel is at least 10 acres in size.
 - Partial parcels are acceptable, provided the 10-acre minimum groundwater irrigated acreage requirement is met.
 - Multiple parcels are allowed so long as the total contiguous groundwater irrigated acreage meets the 10-acre minimum requirement.
- The acreage has been irrigated with groundwater only, or a combination of groundwater and surface water, for at least four years out of the five years between 2016 and 2020.
- The water rights associated with the acreage is in good standing with the New Mexico Office of the State Engineer (NMOSE) Water Rights Division.

7. What can I do with my Elephant Butte Irrigation District (EBID) surface water allotment during the grant term?

Surface water cannot be used on Grant Agreement parcels to facilitate the consumptive use by a crop. However, contact EBID to indicate your interest in selling the water available to your account through EBID's administrative policies.

8. Prior to the end of the grant term, can I prep my participating parcels for cultivation that will be initiated after the grant period?

Yes. The only restriction is that groundwater or surface water cannot be applied to these parcels for prepping purposes such as cotton "pre-irrigation."

9. Will my participation in the Program affect other water rights or water right owners that “share” or use my well?

No. Only groundwater rights for parcels that are enrolled in the Program will be restricted.

10. Is this Program for multiple years or growing seasons?

This Program is for an 18-month period, beginning January 1, 2022 and ending June 30, 2023.

11. For how long must a grant recipient agree not to irrigate?

Grant recipients must agree not to irrigate for a period of 18 months.

12. What information do I need to provide to apply for a grant?

Basic information that will be needed to apply for a grant will include:

- Applicant name, mailing address, email address, phone number(s) and signature.
 - If the applicant is an entity (corporation, LLC, partnership or trust), include legal name of entity and name and title of person signing for the entity.
- Landowner name, mailing address, email address, phone number(s) and signature, if different than applicant name.
 - If the landowner is an entity, include legal name of entity and name and title of person signing for the entity.
- Doña Ana / Sierra County Account Number.
- Notice if application is for a partial portion of the legal parcel, and, if partial, the size of the partial portion.
- NMOSE Water Right File Number.
- Hydrographic Survey Subfile Number.
- Proposed enrollment acreage.

Documentation that will be needed to receive a grant award will include:

- **Deed** or **proof of ownership** (e.g. real-estate contract or installment sale contract) for the acreage seeking enrollment.
- **Lease**, if applicable (or other evidence of the Applicant’s right to use the acreage seeking enrollment and the water rights).
- **EBID Parcel Information Report**, if applicable.
- **Map** that clearly identifies the acreage seeking enrollment.
- **New Mexico Substitute W-9 Form**
- **Legal Documentation** that will be required is as follows:
 - Click [here](#) if applicant is an **Individual**
 - Click [here](#) if applicant is a **Corporation**
 - Click [here](#) if applicant is a **Limited Liability Company (LLC)**
 - Click [here](#) if applicant is a **Partnership**
 - Click [here](#) if applicant is a **Trust**
 - Additional items may be requested.

13. How much are the applicants paid for entering the Program?

Applicants may choose to apply for grants in the amount of \$1100/acre.

14. When will the successful Program applicants receive grant funding?

The participants will receive 25 percent of the total grant amount at the initiation of the Grant Agreement, 50 percent of the total grant amount nine months after the initiation of the Grant Agreement, and the final 25 percent of the grant amount at the end of the term of the Grant Agreement.

15. What methods will be used to monitor and verify compliance with the Grant Agreement?

The NMISC currently has a monitoring and verification program that includes monitoring the status of the parcel, as well as monitoring well meters. The monitoring and verification program requires multiple site visits to the parcels to ensure no groundwater has been used.

16. Can the groundwater wells entered into the Program be exercised every few months for the purpose of best management practices for good maintenance?

If a groundwater diversion is required for maintenance of a well(s), prior authorization shall be requested from and approved by NMISC and any diversion for maintenance shall be limited to 30 minutes, 3 times/year.

17. Are there any land management obligations required of participants, such as weed control, dust, soil erosion mitigation, etc?

The Grant Agreement is not considering any land management obligations. However, NMISC is working with the New Mexico Department of Agriculture to find ways to implement best management practices to minimize soil erosion.

18. What restrictions are there regarding the use of the lands (tillage and leveling, harvesting, grazing, irrigation system improvements)?

While parcels must not be irrigated, the parcels may be used for non-consumptive agricultural activities.

19. Who will be monitoring the groundwater levels, and how will they be monitored?

There is an extensive network of monitoring wells drilled in the area. Data from these wells are available from an online database maintained by EBID.

The U.S. Geological Survey (USGS) also collects groundwater level data for cross sections through the valley near Las Cruces, Mesquite and Canutillo. That data is managed by and available from the USGS National Water Information System.

20. How do I apply for a grant?

Please check the NMOSE's website at: <https://www.ose.state.nm.us/LRGPilot/> or look under "[Hot Topics](#)" for a link to instructions. NMISC hosted three remote Application Information Sessions in July and August 2021 for the Program to provide an overview of the application and answer questions. Recordings of these Sessions can be viewed on the NMOSE's website.

21. Is this Program in response to the interstate litigation filed by Texas against New Mexico?

No. The purpose of this Program is to evaluate actions that will help New Mexico maintain a sustainable groundwater supply for future generations of New Mexicans. The State of New Mexico and the Lower Rio Grande Water User's Group (which includes members from the agriculture community, New Mexico State University, municipal and industrial entities) have been working together to proactively develop realistic solutions to manage groundwater.

22. Who has participated in the planning process for this Program?

The State Engineer has been working with the Lower Rio Grande Water User's Group in the planning of this Program.

23. What are other steps that New Mexico can take to conserve groundwater in the Lower Rio Grande?

The Water Management Pilot Project may include a variety of actions to be examined and tested. Depending on funding by the legislature, activities such as fallowing, aquifer recharge, infrastructure improvement, and supply augmentation may be evaluated. Efforts also will include exploring best practices in water conservation governance and operations (with a focus on groundwater conservation), working to establish an entity to manage a longer-term program, and developing any draft legislation necessary to support such conservation in the Lower Rio Grande.

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.

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.