



FREQUENTLY ASKED QUESTIONS

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

The New Mexico Interstate Stream Commission (NMISC), in cooperation with New Mexico First, will be holding Application Information Sessions for an upcoming grant opportunity as part of its Groundwater Conservation Pilot Program (Program) in the Lower Rio Grande. Applications will be open November 9 – November 23, 2020. 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?

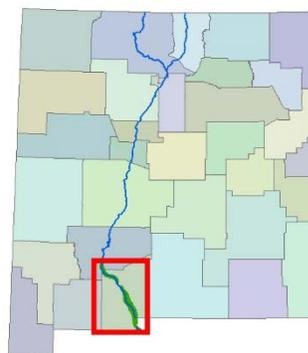
The purpose of this Program is to initiate groundwater conservation actions that will ensure that New Mexico has a sustainable groundwater supply not only today, but for future generations of New Mexicans. The Program will provide grants to the agriculture community to conserve groundwater by not irrigating for a 12-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. The first phase of the Water Management Pilot Project will be this Groundwater Conservation Pilot Program.

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 does the Program start?

Grant applications will be accepted between November 9 and November 23, 2020. Go to the New Mexico First web site at www.nmfirst.org for more information on the grant application process. New Mexico First will host three remote Application Information Sessions for the Program to provide an overview of the application and answer questions. Dates and times the Application Information Sessions are:

- Thursday, November 12, 10:30-11:30 AM
- Thursday, November 12, 5:30-6:30 PM
- Tuesday, November 17, 1:00-2:00 PM

5. Who is eligible to participate in the Program?

Within the agriculture community, two types of participants can apply. First are landowners with irrigated parcels and second are landowner/tenants with irrigated parcels.

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

To be eligible for the grant Program, a parcel must be at least 10 acres in size (partial parcels are acceptable) and must have groundwater rights. The parcel must have been irrigated with groundwater only or groundwater and surface water at least four out of the past five years and must satisfy other due diligence contingencies determined by the NMISC.

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 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?

Not at this time. This Program is only for a single 12-month period.

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

Grant recipients must agree not to irrigate for a period of 12 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.
- New Mexico Office of the State Engineer Water Right File Number.
- Hydrographic Survey Subfile Number.
- Proposed enrollment acreage.
- Proposed price tier per acre.

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.
- **Legal Documentation** of entity’s organization (for applicant), if applicant is an entity.
- **Legal Documentation** of entity’s organization (for landowner), if landowner is an entity and is not the applicant.
- **Map** that clearly identifies the acreage seeking enrollment.

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 following five price tiers: \$400/acre, \$500/acre, \$600/acre, \$700/acre or \$800/acre. Applications in the tiers with a lower price per acre will be prioritized over those with a higher proposed price per acre.

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

The participants will receive 75 percent of the total grant amount before the groundwater conservation commences. This will be broken down to 25 percent at signing of the Grant Agreement and 50 percent at the beginning of the cessation of groundwater pumping. The final 25 percent of the grant will be received 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 is currently developing a monitoring and verification approach that will include monitoring the status of the parcel, as well as monitoring well meters. This will likely include 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?

The NMISC is looking at the appropriate way to implement this measure.

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

Given the short-term nature of the Program, 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 New Mexico First web site at www.nmfirst.org for instructions.

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 closely 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 rotational 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.

New Mexico First builds consensus on critical issues facing our state and communities and leads positive policy change through deliberative town halls, forums, and nonpartisan work on education, the economy, healthcare, natural resources and good governance. New Mexico First is a 501(c)(3).