



**Comments from New Mexico State Water Plan Public Meeting:  
Chama  
Community Center  
299 4<sup>th</sup> Street  
Monday, August 18, 2003; 7:00 – 9:00 p.m.**

Following is a summary of the questions, comments and issues raised from the facilitated State Water Plan public listening session in Chama, New Mexico. This was the 18<sup>th</sup> of 29 public meetings scheduled to gather public input on the initial phase of the State Water Plan.

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**Introduction:**

Estevan Lopez, Director of the Interstate Stream Commission, welcomed 30 people who attended the meeting from Chama and surrounding communities. He said the Interstate Stream Commission wants to hear from residents regarding their values around the management and stewardship of water. New Mexico is growing and needs to plan, and needs ideas on how to administer water and arrange funding for projects.

Mary Helen Follingstad, Regional Water Program Manager of the Interstate Stream Commission presented an overview of the State Water Plan and selected technical information to set the context for the meetings. The public meetings are "listening meetings," since the purpose is to hear what is of concern to New Mexico communities. The Interstate Stream Commission has organized 29 meetings, four of them on Indian tribal lands. The Interstate Stream Commission and the Office of the State Engineer identified five major topic areas that should be the primary areas of discussion during the

public meetings, all seeking to determine what the public's values are regarding them. The discussion also sought public input on mechanisms that would be possible to address the topic areas and the public's values about them. The public was invited to contribute thoughts and ideas on five areas for discussion:

- Stewardship
- Balancing Supply and Demand
- Drought
- Water Administration
- Funding

### **Stewardship:**

- Water rights should be in place before development is approved
- Albuquerque is draining the entire state – just like what happened in Arizona and California; and all the poor communities will be destroyed; there should be a moratorium on development
- We have too many trees in a desert state; studies need to be done on the amount of water that exists, and we need better forest management
- The farming and ranching economies are the backbone of our communities
- Water is the only thing keeping rural communities viable; we should not focus all the attention on the growing areas at the expense of the rural communities; water should be spread evenly, or the cycle of boom and bust will continue; we need to maintain our rural communities
- Whenever water rights are transferred out of an acequia, it affects the entire system; transferees become parciantes, and they should have to continue to pay for the upkeep and protection of the acequias
- I see no coordination between the federal agencies (US Army Corps of Engineers, Forest Service, etc.) and water planning; we need coordination between federal lands and state lands; this is way too short a period of time to do a water plan; it's a haphazard approach; you need entities to give a significant amount of input, and plans in the past have left out the acequias, especially when making compacts
- We need to deal with overgrowth in forests and along the streambeds; agencies don't seem to be doing anything about this problem

- We are running the rivers dry; human need has to come first; what is going to be done about the runaway development, and the dramatic increase in demand?
- Lake Tahoe has big water problems because of pollution and development; we keep hearing the same story over and over; we need to learn from these examples, and curb development before the water runs out
- These meetings aren't happening in the areas that DO have water – and there is a lot of focus on these areas; when will we start focusing on the areas that DON'T have water; areas that refuse to curb development?
- To practice good stewardship and make water viable, we need storage for our acequias; we only get what runs off or sits in the reservoirs for other places; we have no storage; I know this causes a problem with the compacts, but we were not at the table when the compacts were drafted; are we bound by that? The Middle Rio Grande Conservancy District gets to farm for 8 months; here, we are not doing huge farming; we get to farm for about 3 months; the acequia water should not be grouped with big agriculturalists
- Biggest hindrance we have for watershed management is federal law; the process of getting funds, and complying with the paper work, is timely and cumbersome; (Cebolla has been trying to finish a project for months.); we need a local, streamlined process for thinning and controlling brush; things that we know how to do; the state could take over this process, or they could help change the difficulty of going through NEPA
- Sustainable water is the goal, and we need to wrestle with the dichotomy between economic development and growth; we need ways to sustain the economic development of people who are already here; this goes way beyond the Office of the State Engineer; we need to work with the economic development community and the environmental community
- It's important to curb development – especially in the watershed areas

### **Balancing Supply and Demand:**

- Look at two recent examples – the power shortages in California and now the outage back East; the demand for electricity was growing but nothing was being developed to deal with that demand; we have the same situation with water; we need to increase supply by salvaging the run off water when it is available, and we also need to look at some of the other alternatives, such as salt water
- We need to coordinate with the federal government and utilize the brainpower of our National Laboratories; there is abundant brackish water available, and we

need technology to speed up the process of using that kind of water; we need to make the use of the salt water cost effective

- We should have our own small, emergency reservoir; the evaporation factor should also be dealt with; reservoirs should be in the higher elevations
- We need to recycle water – tribes and municipalities should use gray water on golf courses, city parks and recreation
- We have benefited in this area from San Juan Chama water; now we should begin to look at importation from other states that have fresh water, to alleviate the pressure on us from compacts; we could possibly begin transferring through pipelines, using existing rights-of-way from interstate highways to move the water
- The Bureau of Reclamation has been conducting cloud seeding studies for 30 years; we should make use of that 30 years of data; we need to seed clouds in the winter here, study this possibility further
- We have done away with the beaver ponds, and this is a natural and efficient way to store water. We would not have water if it weren't for the beavers; we have been moving the critters, but they are actually very beneficial
- Illegal impoundments under the guise of a stock pond are affecting the downstream user; the permitting process is so easy; anyone can get a permit; what happens is that the junior right user is legally taking the water from the senior water right holder; this permitting process needs to change; this is also true of domestic wells
- There needs to be something done about gravel mining; there is a series of lakes at Chama—or big holes that create ponds filled with water, and that water could be used elsewhere; these holes should be backfilled
- The Highway Department is doing this near Ojo Caliente, even though they don't have a right to do so
- Supply and demand has to do with conservation; and conservation starts with education; people won't conserve in New Mexico until we put a very high price on water; water cannot be cheap; there should be a commensurate value on water; this will encourage people to conserve
- We need a REAL assessment of the actual supply of water; it should be measured during drought, so that during wet years you can develop a reservoir; operations should be based on drought, not non-surplus

- There need to be incentives to conserve; the present policy of ‘use or lose’ does not do this
- Water rights are private property by law; but if this continues, water will run uphill to money; the cities with money can buy the water rights; if we keep this system, it will probably result in dramatic culture changes in New Mexico; if the state wants to change water rights rules, then it will have to acquire water rights by condemnation, and the owners will have to be compensated
- It’s ironic that our water rights cannot be transferred below the Ottowi Bridge
- We don’t have a baseline of how much water we use, how much stays here, how much goes out; we are like a watershed when we irrigate; delaying the runoff in spring; we should use as much as possible because it is not lost; it recharges the aquifer

### **Drought:**

- If municipalities need water for a year or two during drought, there should be a system where people here forego their crops, and get compensated by municipalities; the system should be decided or negotiated with the acequias; people can rent or lease their rights for drought purposes
- Use some of the money being spent on the Middle East to prepare for drought
- State Engineer should give classes on how to golf in the sand; golf courses and city parks are excessive users, and we need to make them aware of this
- Borrow the silvery minnow and put it here, in Heron Lake
- We need a special provision for this area; when the South suffers a drought, they don’t even feel it; up here we suffer with no reserve supply; and we suffer immediately; we need to make storage facilities available for this locality (north of Abiquiui)
- The responsibility for dealing with drought should be spread evenly among everyone on a given stream system; in Albuquerque, Las Cruces, other areas, the farmers are drilling supplemental wells; here we feel the drought more intensely; the policies should be fair to everyone
- People below Heron and El Vado had the foresight to build and pay for storage, and they continue to pay for it
- This area doesn’t have the political clout to get that sort of project

- Maybe we need a statewide “highest and best use of water” policy; determine who are the current users and apply a formula; this would require coordination between federal, state, and local communities that take into consideration the lack of foresight, drought inequalities, etc.; the current compacts didn’t take into account the local communities
- Any such consideration (previous bullet) should be all-inclusive; that is, we need to look at all impacts – community, tourism, agricultural production, etc.; other values need to be assigned to our water rights besides just straight production; acequias are the basis of our culture here; you can’t just factor in the immediate monetary value of water; other values besides money apply

### **Water Administration:**

- The existing treaties (compacts) have not protected the indigenous and other native people; we should consider the needs and requirements of the descendants on these lands, then complete a water plan
- Adjudication process should be non-adversarial; many of these disputes could be settled administratively rather than through litigation; the money being spent on disputes around small amounts of water aren’t justified get the attorneys out of the picture and make the process more friendly
- Part of problem is that water rights are quantified as a firm number; given that supply is variable, water rights should be divided as a percentage of available snow pack and run-off supply
- Traditionally, that’s been taken care of by Mayordomo allotments, by priority and local repartamiento (sharing)
- We need programs to laser-level our lands for more irrigation efficiency; also ditch lining, make ditches more efficient
- We need to deal with our forests—clean them up and reduce the number of brush and trees
- We need to take care of the source: we have to have a healthy watershed before worrying about conveyance and efficiency
- We need to educate private landowners about protection of the watershed; educate them about not selling and being so greedy; the cities also need to be educated
- How to educate? Schools, parents, town meetings, colleges

- Comments by city folk about wasted water for agriculture are inappropriate and reflect a lack of education
- Cities must understand that there isn't any water available for appropriation
- Developers should be held liable after creating huge water guzzling developments
- Developers and realtors need an education process about water issues; they also need to be required to disclose information about drought and water issues to buyers and potential buyers; we need laws to force realtors and developers to enforce water availability
- "Shoulds" aren't enough – we need "musts"; we are spinning our wheels; the State water Plan will be written by people in Santa Fe and Albuquerque.
- There should be a moratorium on building in big cities
- Following water rights transfers is very confusing; lots of water rights can't be traced; maybe only a limited number of transfers should be allowed; otherwise, the transfers are used to multiply water rights
- Eliminate transfers out of basin and allow municipalities to rent or lease water rights from a bank, with money from such rental or lease being used for water projects that benefit the source basin
- The Office of the State Engineer and the Interstate Stream Commission need a hefty budget increase to get additional personnel for enforcement of water laws.
- Water administration should not be exclusively in Santa Fe; it should be in the hands of the local people; the administration of water should be distributed to other communities; here we have no control – we are like a yo-yo
- In the higher elevations, we have a disadvantage; Interstate Stream Commission and State Engineer's Office staff are not from an agricultural background; there is a lot of guesswork in interpreting the aerial photography; things don't show up well; it's a big struggle for us to prove our historical rights, or the amount of water that is rightfully ours; the process is so adversarial; why does the state not protect us instead of putting us on the opposite side? The adjudication process is unfair; it should be friendlier
- It seems that the State Engineer's opinion is more important than the person who has been there for generations; we should not be judged by office personnel
- Survey should be done in spring, when there is plenty of water, to demonstrate that you irrigate

- Metering will give you an accurate figure of how much water people are using; then you will know who is wasting, who is overusing; and those people overusing should pay for it; there needs to be a practical way to penalize for overuse; this is especially true of the acequias; even small users need to justify their use
- The State Plan should honor international treaties and the United States Constitution; we need equal protection of the laws; recognize the treaties (i.e. the Treaty of Guadalupe Hidalgo), and the historical rights of the acequias

### **Funding:**

- Big cities should pay the real price of water
- Large developers should be required to put down a bond for their future water needs, so that the water can be maintained
- Developers should pay the cost of developing the reservoir or other storage, too
- We need a user water tax; this would fund administrative expenses, and would raise conservation initiatives and awareness of where the water goes
- The State is using severance taxes for oil and mining; a portion of the permanent fund for economic development should go to water; that's money that's already there; if we want economic development, we need help with this water situation
- There should not be a user tax on agricultural water; the cost of water would make farming prohibitive
- There is already a mechanism in place for use of the severance tax; 8 percent of the severance tax is allocated for the Water Trust Board to disperse; but there is \$500 million in requests, for only \$8 million that is available
- Watch out for the 1000 Friends' proposal: they have just such a user-fee proposal to propose; we have to be careful about these, but we do need a mechanism to generate revenue
- Use a portion of the New Mexico lottery for water issues; don't spend it all on education
- Or use the lottery money to educate people about water!



## **Other Comments/Questions:**

*Question:* Who is doing watershed management?

*Answer:* The Forest Service either does it, or should be doing it. Also, State Forestry; Natural Resources Conservation Service, and individuals.

*Question:* Is any one doing anything about cities that are approving a lot of development without any water?

*Answer:* Local government has jurisdiction over development. The Office of the State Engineer only has review authority.

*Question:* Is there a committee or organization that to coordinate these entities, federal agencies, etc?

*Answer:* What coordination we have is hit and miss, like coordination of reservoir operations or compliance with the Endangered Species Act. It is very difficult, but we have been trying to insert ourselves (the ISC). We are going to focus during this round of planning on policies, but the planning process will continue. Note how long it has taken to get the regional water plans completed. We have to get something done first, and then work on refining it.

*Question:* Has Intel been required to acquire all the water rights needed to offset their depletions?

*Answer:* State Engineer has discontinued allowing promise of water to offset completions in the future. If someone like Intel or a municipality wants in, they have to have full water rights in hand.

- If you concrete-line every ditch, you change the ecology dramatically; the riparian areas will disappear; there will be a loss of trees and it will look like Phoenix; then you have lost the culture and the beauty – maybe ditches should only be lined when there's erosion
- There must be provisions for recharging the aquifers; domestic wells can dry out if the acequias stop running
- There is a symbiotic relationship between surface water and ground water; if you pump too much, you dry up a river
- An impact analysis should be done on anything that is proposed for funding to be sure there are no adverse effects on ground and surface water
- This analysis should be relative to the scale of the project; you don't want small jobs to take forever
- Water could be brought out here from a Midwest pipeline and pumped into the aquifers and reservoirs

- Why can't we have a legal say in what other places around the state are doing with regard to water, when what they're doing is affecting us, and our water? We should be able to vote on water proposals