



2009 State Water Plan Update Public Outreach

Region: Lower Pecos Valley
Roswell Civic Center
Roswell, NM
April 28, 2009

Summary of Discussion

Facilitator/Recorder: Janet Wolfe

Welcome and Introductions

Estevan López, Director of the Interstate Stream Commission, welcomed the group of about 45 to this public forum sponsored jointly by the Office of the State Engineer and the Interstate Stream Commission (OSE/ISC). He introduced agency staff and contractors:

Gretel Follingstad, State Water Planner with the Interstate Stream Commission
Greg Lewis, ISC Lower Pecos Valley Basin Manager
Josh Mann, ISC Legal Counsel
Kristin Greene, ISC Hydrologist
Maureen Haney, Communications Specialist
Tom Morrison, Hydrologist

Presentation

Follingstad presented an overview of the New Mexico's state and regional water planning process to date, including data on population, water supply and demands, and an overview of the Southwest New Mexico Regional Water Plan.

Questions and Comments on Presentation

Janet Wolfe, contracted facilitator, took questions and comments from the audience on the presentation and other related water issues.

Question: How close is the OSE is to completing the adjudication of the Middle Rio Grande region?

Answer: It is in process, but will likely take a very long time to complete.

Comment: A participant noted the importance of a recent salt cedar eradication project on the Pecos River. (Pecos River Basin Water Salvage Project is a Reclamation funded project to control salt cedar growth from the Sumner Dam area to the New Mexico-Texas state line.) The participant expressed concern and disappointment that this project (\$150,000/year) was no longer being funded. The Salt Cedar is causing dewatering for McMillan Delta.

Comment: A participant asked about the importance placed by the OSE on the public welfare statements developed for each water planning region as part of the regional water planning process. Are they a proforma piece or a key component? The participant wanted to emphasize that the region had indicated in their public welfare statement their opposition to out-of-basin transfers. A representative from OSE indicated that filing a protest to a water rights transfer accomplishes the same thing by making the state aware of the region's wishes.

Comment: A participant referenced the graph from Follingstad's presentation regarding status of compact deliveries to Texas and noted that the state has a record level credit 92 acre-feet of water.

Comment: A participant expressed concern that the climate variability slides seemed like "scare tactics" by displaying a graph in the presentation that compared 15 years of data vs. 5 years showing that the more recent 5-year period had been dryer and warmer.

Answer: López and Follingstad explained that the objective of the data conveyed in the graphs was not to demonstrate long-term climate change or use scare tactics, but instead to demonstrate the types of short-term variability that we need to be prepared for and encourage planning for such events.

Comment: A participant expressed concern over the fact that farmers feel little incentive to conserve water. The participant felt that farmers are "penalized" for conserving due to laws related to water rights forfeitures and abandonment. If a farmer does not put his water to beneficial use, he may lose his right to use the water.

Answer: It was explained that legislation passed in 1965 requires the OSE to notify a water rights holder that the right is subject to forfeiture. After the OSE has provided notice, the water user has one year to put the water to beneficial use. However, if the nonuse continues after the OSE has provided notice, the water right is forfeited (NMSA 72-5-28, 72-12-8).

Comment: A participant expressed concern about the Endangered Species Act and the need to prevent surface water shortfalls for endangered species act compliance.

Comment: A participant expressed concern over agricultural water movement and water being "administered away."

Comment: A participant expressed concern over the use of the term "enhanced administration" in the presentation, meant an increased level of state control over the region's water resources.

Answer: It was explained that this terminology was taken directly from the Lower Pecos Valley Regional Water Plan, where it was listed as a water management strategy by the local participants in the regional water planning process.

Comment: A participant expressed concern that the carriage loss allowance granted by state law (an additional two-acre inches of water per year per acre-foot of an established water right to compensate for carriage loss between the point of appropriation and the point of beneficial use) might be taken away due to lining of irrigation ditches.

Question: A participant asked whether the data presented on the demand gap in acre-feet per year was accurate, since it did not seem to correspond directly with the populations increase estimated and average per capita use.

Answer: It was explained that the demand gap was developed as part of the regional water planning process by local participants using the best available hydrologic data and population projections developed by University of New Mexico's Bureau of Business and Economic Research (BBER). It was also explained that the demand in acre-feet was developed taking into account other potential water uses (e.g., industrial, commercial, agricultural), rather than simply a per capita usage.

Comment: A participant expressed a desire for more measurement and metering of wells in the Lower Pecos Valley. The participant was concerned about some water users not being appropriately metered and using more water than their water rights allowed. The participant was particularly concerned about lack of restriction in the Ruidoso area.

Responses to the Four Focus Questions

The group considered the four focus questions for public input on the State Water Plan Update.

1. What should your region and the state as a whole do to assure water for a growing population?

- Importance of protecting agriculture in New Mexico and the need to prevent our water resources from being transferred to other uses.
- Prevent indiscriminate drilling to preserve our water resources. Better control over well drilling. Metering keeps the basin in balance.
- Participants emphasized and applauded local efforts by both agricultural and municipal water users that are employing water conservation. They also emphasized the need to keep conservation efforts going.
- Aquifer storage and recovery: A participant suggested aquifer storage and recovery as a possible need to conserve water and replenish our aquifer in parts of the state where it is feasible.
- Surface water should be better protected. The importance of watershed management practices and non-point source pollution measures to protect our surface water supplies needs to be more emphasized and supported.
- Commercial/industrial water supplies: A participant suggested that we must appropriately plan to ensure a water supply for economic growth and business interests.

- No out-of-basin transfers: One participant expressed concern about out-of-basin water transfers, and he was adamantly opposed. It was suggested to regulate growth and not pipe water to where the growth is.

2. ***What water conservation strategies would help meet increased constraints (population growth, climate variability) on water in your region and the state as a whole?***

- No out-of-basin transfers: A participant stressed the point that we should not allow water to be moved just so that other areas of the state can grow. Instead, the local water should support growth in the region.
- Watershed management/tree thinning: It was suggested that watershed management and maintenance strategies, including tree removal and controlled burns, can have a positive impact both on water quality and quantity.
- Give farmers incentives for conservation: A participant expressed that irrigators do not benefit by conserving water. The participant suggested a credit for reducing pumped water.
- A participant suggested initiating credits for wildlife enhancement on private property.
- Hold water users accountable: A participant expressed that all water users need to be accountable. More information is needed on measuring and metering by acequia associations in particular. It was also suggested that tribes needed to be held accountable for water use.
- Discussion on whether effective metering was being conducted by the Elephant Butte Irrigation District (EBID) as well as the high water use by pecan farmers in the Lower Rio Grande. The participant expressed the need for a “level the playing field.”
- Ski area snow making: A participant suggested that snow making was not an efficient use of water and should be restricted because it has large impacts on the riparian system.

3. ***Have you observed climate variability (e.g. drought, flooding, severe storms) in your region? What should be done to prepare for these extreme circumstances in your region and the state as a whole?***

- Evidence that the region is getting drier: It was noted that 2003 was the driest year on record.

- Surface water variability: It was suggested that the region should be prepared for periods of low or no surface water flow.
- Accountability of water use is highly necessary for good planning: All water users need to be accountable, actions of municipalities, farmers, etc. are all critical in addressing variable water supplies.
- Concern about overwatering: One participant suggested we need an ordinance against green lawns, as a lot of water is wasted due to overwatering. Watering sensibly during periods of drought can help to minimize the impact.
- Assuring sound local flood control: This was suggested as being very important for avoiding wasting water.

4. *What water projects are needed in your region? How should these projects be prioritized for funding?*

- The Pecos Settlement Agreement on the well field is ready to go. Finalizing implementation of all of the provisions of the Pecos Settlement should be the highest priority project for the region. It is anticipated that it will be signed soon.
- Dam on Peñasco: A participant suggested that a dam on the Peñasco is needed.
- Prioritize watershed management as large water utility project: Tree thinning allows precipitation to reach the ground and infiltrate.
- Implementation of a domestic well metering program: It was suggested that new well owners cover the cost of metering.
- Non-point source pollution: A participant was concerned about recent New Mexico Environment Department (NMED) regulations dealing with Clean Water Act compliance and non-point source pollution in the state.
- Low-flow provisions for rivers: Minimum flows for environmental health were suggested. Municipalities tend to be bad neighbors because they suck the rivers dry.
- No out-of-basin transfers: A program or law preventing transfer of water out of the basin was suggested.
- Growth management initiatives for local restrictions linking new development and land planning to available water supplies would also be beneficial. The New Mexico Subdivision Act was suggested to regulate the size of subdivisions based on number of wells and water rights.

Additional comments:

One participant remarked, in closing, that it is a luxury that the region has water and attributed that to the success of the Pecos Settlement. It was also remarked that the conservation efforts made by local irrigators have been remarkable.

The Strategic Water Reserve is a mechanism in place that allows water rights holders to protect their rights while the water is used for conservation benefit.

López thanked the participants for attending and contributing to the State Water Plan Update. Follingstad encouraged the group to comment on the state water planning process, via email or by visiting the OSE/ISC website.

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