



## **2009 State Water Plan Update Public Outreach**

**Region: Taos**  
**Civic Center, Rio Grande Hall**  
**Taos, NM**  
**June 4, 2009**

### **Summary of Discussion**

Facilitator/Recorder: Rosemary Romero

### **Welcome and Introductions**

Angela Bordegaray, State Water Planner with the Interstate Stream Commission welcomed the group of about 35 to this public forum sponsored jointly by the Office of the State Engineer and the Interstate Stream Commission (OSE/ISC). She introduced agency staff and contractors:

Estevan López, Interstate Stream Commission Director  
Karin Stangl, Planning and Communications Director  
Julie Maas, Communications Specialist  
Elizabeth Zeiler, ISC Planner/GIS Analyst, Rio Grande Bureau  
Mary Young, Upper Rio Grande Staff Manager, OSE District 6 (Santa Fe)  
Kerri Sandoval, Water Rights Specialist, OSE District 6 (Santa Fe)  
Chris Shaw, ISC Attorney  
Martha Franks, OSE Legal Counsel (contracted)  
Rosemary Romero, Facilitator/Recorder (contracted)

The meeting was attended by a diverse group of stakeholders, including elected and appointed local officials (Taos County Commissioner Dan Barrone and Water Trust Board member Trudy Healy), a representative of US Representative Ben Lujan, and many Taos Regional Water Plan Steering Committee members, including representatives from Taos County, the Town of Taos, the Taos Valley Acequia Association, Amigos Bravos, the Taos Soil and Water Conservation District, El Prado Water and Sanitation District, and Rio Grande Restoration.

### **Welcome**

Estevan López, ISC Director, welcomed participants to the meeting. He noted that 20 meetings have been held throughout the state. He mentioned that the Taos Region was the last regional water plan to be accepted by the ISC.

### **Presentation**

Bordegaray presented an overview of the New Mexico's state and regional water planning process including data on population, water supply and demands, and an overview of the Taos Regional Water Plan. Accepted by the ISC in 2008, the Taos Regional Water Plan is on the OSE/ISC website: [http://www.ose.state.nm.us/isc\\_regional\\_plans7.html](http://www.ose.state.nm.us/isc_regional_plans7.html).

The Taos region is bounded on the north by Colorado, on the west by Rio Arriba County, on the south by the Rio Embudo ridge, and on the east by Colfax and Mora Counties. A few facts about the region:

- About 90 percent of water use in Taos is supplied by surface water
- Irrigated agriculture is the largest water user in the region, and is almost entirely supplied by surface water
- The region has more than 300 acequias.

### **Questions and Comments on Presentation**

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

Question: One participant noted that the population projection did not take into account part-time residents and tourists. He further noted that the Taos region is a tourist destination and these two categories of users could influence the population projections and water use.

Answer: Staff responded that, in terms of under-counting or over-counting seasonal populations, the United States Census Bureau has acknowledged that a potential for inaccuracy for resort towns exists. Staff added that population numbers are not the most direct or accurate way to estimate water use because water use is not necessarily uniform across a geographic region.

Question: Another participant asked if there was any mandate from the ISC or other agencies for implementation of regional plans.

Answer: López responded that there is not a mandate, but implementation of a regional plan influences the strategic plan for the State Water Plan.

Comment: One participant noted that it is important to include other agencies in regional plan implementation. For example, the state's Energy, Minerals, and Natural Resources Department (EMNRD) State Forestry Division, and the New Mexico Environment Department (NMED), and other local, state and federal agencies could support implementation through funding, staff resources, or coordination with their agency's goals. It was further noted that local governments also play an important role and are a significant partner in implementation.

Question: Another participant asked if the regional water plan template “Regional Water Planning Handbook” (<http://www.ose.state.nm.us/doing-business/water-plan/rwp-handbook.html>) was used in the state water planning effort.

Answer: Staff noted that the template was used in creating the State Water Plan and is still used for regional water planning.

Comment: Others noted it would be important to integrate the regional plans into the state plan and coordinate components such as water budgets. In addition, a Rio Grande “upstream/downstream” group, which combines the three upper basin water planning regions, Jemez y Sangre, Middle Rio Grande, Socorro-Sierra, has been working on integration through the development of a template. One of the challenges for the group will be to reach agreement on standardization of data and implementation of projects.

Response: López commented that the group’s experiences and lessons already indicate that instead of the state updating the State Water Plan too often, it should work on refining the current version with support from the regions. Trudy Healy, a member of the Water Trust Board ([http://www.ose.state.nm.us/more\\_info\\_water\\_trust\\_board.html](http://www.ose.state.nm.us/more_info_water_trust_board.html)), noted that one of the strategies for the board is to focus on integration into the State Water Plan.

Question: One participant asked how water rights were determined.

Answer: Martha Franks, OSE legal consultant, responded that wet water belongs to the state, but use of the water belongs to the individual as a property right.

Question: Another participant asked if the “navigable waters” designated by the United States Environmental Protection Agency (EPA) under the Clean Water Restoration Act would affect water rights.

Answer: It was noted that the designation is focused on pollution and will not affect water rights. Misinformation has been generated to confuse communities about the importance of this designation. Brian Shields, from Amigos Bravos, asked participants to seek further information about this designation. Chris Shaw, ISC attorney, clarified that since the state has not developed its own plan, we are under EPA jurisdiction.

### **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?***

- One participant expressed the preference for a 100-year planning horizon instead of the 40-year plan that was presented for the region in the presentation. He noted that adjudications are one example of a lengthy process, so a longer planning period should consider that.

**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?***

- One participant that the development of statewide land use plans would help to better address conservation. In addition, it might be helpful to link water plans to other plans such as mining and watershed plans and other land-use regulations such as subdivision laws.
- Another participant added that to better conserve and protect water, loopholes in subdivision regulations should be closed.
- Staff noted that adjudications have been challenging over the last several years, and the OSE will continue to work to finish all current adjudications before starting any new ones. Consideration of tribal interests must also be integrated into conservation strategies, especially with the recent settlement agreements. Martha Franks, OSE legal consultant, stated that adjudication in the northern basin is almost complete. She added that the Taos Settlement has been introduced in the US Congress. For information on the Abeyta Settlement, please go to [http://www.ose.state.nm.us/legal\\_ose\\_proposed\\_settlements\\_taos.html](http://www.ose.state.nm.us/legal_ose_proposed_settlements_taos.html).
- Participants discussed what is commonly called “use it, or lose it,” the dilemma between beneficial use and conservation, which ends up promoting communities not to conserve for fear of losing their water rights in the future. One participant noted that some flexibility in this application would be helpful to address issues of recreation or ecological need. Others indicated that water banking might be the strategy for holding water for a variety of uses without losing the right. Franks, added that the “use it, or lose it” perspective administered by the state requires notice and a year or so to implement with notice. Flexibility does exist at the state level, but is difficult to implement for adjudicated water.
- One participant suggested that the state should flesh out a conservation plan that regions could add to, so that there is more cohesion.
- In order to address a water plan from a state perspective, the state water plan should take into account a “whole system” perspective and include protection of headwaters and protection of all waterways rather than treating them as just a pipeline for getting water downstream.

- A participant pointed out that the state law calling for conservation plans deals with “how to protect conserved water.” Whereas, the so-called “conservation statute” deals with non-forfeiture of water rights.

**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?***

- The group discussed how best to incorporate ecological issues into an integrated State Water Plan. It was noted that watersheds and riparian areas are at great risk due to fire and unhealthy conditions. Integration of plans that address forest health is an important aspect of water planning.
- Participants discussed the impacts of one of the aspects of the Abeyta Settlement that requires mitigation wells. Some felt that mitigation wells could lead to aquifer mining. One of the parties to the Abeyta Settlement responded that the Taos Valley Acequia Association had drafted this component in order to offset and protect water use. He further noted that use of mitigation wells would need to be monitored to make sure this is working as it was intended. He added that there is a mechanism to address situations where it is not working.
- Another participant pointed out that municipal wells seem to be responsible for depleting acequias when there is a drop in the water tables due to drought and usage.
- Participants called for accountability and sustainability in managing water rights and identified the administrative challenge of keeping up with the paperwork surrounding water rights, and the lack of funding.
- Other participants noted that water rights need to be better defined. Water itself belongs to the public, the *use* of water is what individuals own (as a property right).

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

- A statewide problem that needs to be addressed is water quality. Projects highlighted in the regional water plan include addressing

contamination from septic systems through infrastructure. Questa is a good example of a community that has been addressing water quality through various projects and funding.

- Participants suggested that it would be helpful to have a working session or meeting with the “Special Master” for the area before an administrative process is initiated.
- The University of New Mexico (UNM) is currently helping to administer the implementation of the water plan and is working to develop a fully functioning public information office that would include housing other data such as aquifer mapping. This was one of the strategies included in the regional water plan and is beginning to gain momentum through a governance committee. The governance committee was formed with watersheds in mind.
- One participant mentioned that research and information is important and should also be funded.
- Implementation of the Watershed Restoration Action Strategies (WRAS) should be a priority.
- Implementation of the wildland fire protection plans was suggested.
- One participant suggested creating options for in-stream flows and developing partnerships to further this goal.
- Development of an agricultural plan, similar to what Rio Arriba County did to protect their lands through their agricultural zoning ordinance, is important.
- Another participant suggested developing water storage possibilities for future use.
- Educating community members, municipalities, and acequias about water rights and the importance of water for long-term health is crucial. Accountability should be built in at a variety of levels.
- Participants noted that the development of infrastructure should help protect communities.
- A participant suggested protecting irrigated lands through water banking.

- Implementation of the Taos County Comprehensive Plan was suggested. A participant noted that the Taos plan identified irrigable lands as highest value.
- Conservation easements were noted as a strategy in the regional water plan to protect lands and water.
- One participant recommended developing a variety of strategies, which would help to ensure the long-term viability of natural systems and recharge.
- Another participant suggested developing regional cooperative wastewater systems.

**Long-term goals:** Participants reaffirmed the commitment to further the goal of protecting water for Taos County through self-sufficiency and implementation of the water plan. Partnerships will be a key factor to further this goal and several partnerships have already come to fruition. For example, the Taos Soil and Water Conservation District has grants for cost sharing of actions and the UNM Taos branch has developed the water institute to be the repository for information and data. The Forest Service's Collaborative Forest Restoration Program (CRFP) grants have helped to reduce the fuel loads on federal and tribal land as well as implementation of NMED WRASes.

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