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Winter 2003

Water Wise Community Brief

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Public Comment Sought on Proposed Water Rights Settlement between New Mexico and the Navajo Nation for the San Juan Basin

A proposed settlement agreement between the Navajo Nation and the State of New Mexico was made public on December 5, which potentially could resolve the claims of the Navajo Nation for the use of waters of the San Juan River Basin in northwestern New Mexico.

Officials of the Navajo Nation, the State of New Mexico, and the federal government have not approved the proposed settlement agreement. They will be reviewing it during the upcoming months. The New Mexico Congressional delegation will also be reviewing the settlement agreement.

Public meetings will be scheduled in December and January to solicit public input. The proposed settlement agreement is intended to adjudicate the Navajo Nation's water rights and provide associated water development projects for the benefit of the Navajo Nation in exchange for a release

of claims to water that could have potentially displaced existing non-Navajo water users in the basin.

"This is an equitable settlement. A key to the settlement will be construction of the Navajo-Gallup Water Supply Project, which will serve well over 200,000 people, both within the Navajo Nation and the City of Gallup," said Navajo Nation Executive Director of the Division of Natural Resources Arvin Trujillo. "This project and other settlement water projects have been considered and discussed by San Juan Basin residents for decades. The implementation of these projects will benefit the Navajo Nation, the San Juan Basin, and the State of New Mexico."

"This proposed settlement agreement would determine what water rights the Navajo Nation owns and in what amount in the San Juan Basin in New Mexico," said State Engineer John D'Antonio. "It draws

to a close water rights claims concerning the Navajo Nation, it protects existing uses of water, it allows for future growth into the middle of this century, and it does so within the amount of water apportioned to New Mexico by Colorado River Compacts."

Continuing negotiations could result in execution of a settlement agreement by officials of the Navajo Nation and the State of New Mexico as well as introduction of a settlement act to go before Congress by March 1, 2004. Execution of the settlement agreement and the settlement contract by the U.S. Secretary of the Interior would be expected to occur upon passage of the settlement act into law. The Navajo Nation Department of Water Resources and the Interstate Stream Commission will take comments on the documents until January 15, 2004.

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2004 State Legislative Preview

The 2004 New Mexico State Legislative Session is just around the corner. This year, at least 29 bills that affect water in our state will be of interest to the Office of the State Engineer.

The agency will be requesting funding for additional resources and personnel to complete the backlog of adjudications around New Mexico. Adjudications determine who owns what water rights and in what



amount. Roughly 20 percent of the state has been completely adjudicated. At this

time, the state is actively adjudicating water rights for 40 percent of the state, and additional funding will expedite their completion. Timelines for completion of specific tasks are currently being prepared to build accountability into the request for more funding.

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Progress Made on the WATERS Program

Anyone with access to the Internet will soon be able to obtain complete information about water use and water rights in the state through the computer imaging and database system called WATERS, the Water Administration Technical Engineering Resource System. While only certain parts of the state are finished right now, the entire state's records should be entered within the next two years.



WATERS group in Albuquerque: (front row, left to right) Sylvia Lucero, Mustapha Girei, Lois Turnage, Gracia Stoehr; Roy Cruz, Marisol Oakley, and Rick DeSimone. (back row, left to right) Diane Starnes, Justin Phillips, Joanne Kofe, Robert Thompson, and Richard Deubel.

The Office of the State Engineer created WATERS to make the agency's water rights records more readily accessible to staff and the public. The system provides a historical record of each water right claim in New Mexico, court orders and decrees, hydrographic survey results, water right applications pending before the State Engineer, and electronic images of water right documents. Using WATERS, anyone can obtain information concerning water use, including data about domestic wells, irrigation, commercial and other water rights, location of rights, and owners of rights, as

well as details of well construction. In particular, users can find out how much water is in use under permits

in a water basin, track changes in water use patterns, bring together regional data on water use, and compile and analyze data to build water use models. WATERS is also being linked to a geographic information system that will create maps of water rights and resources.

The State Engineer has placed a high priority on completion of the database, primarily the task of analyzing, abstracting, and imaging the some 300,000 water right files at the Office of the

"The entire project may take over a decade to complete, but emphasis is being placed on areas where federal issues are involved or which have high economic or cultural impact," said Project Manager Rick DeSimone.

"When completed, this will fulfill one of the Governor's initiatives to automate the agency and to implement the vision of active water management," said State Engineer John D'Antonio. "Also, it will enable the state to manage its water both in times of plenty, and in times of drought. The program's success requires adequate resources to accomplish this monumental initiative."

Currently, 41 people are working on the implementation of WATERS throughout the state. Completion is slated for 2012, but WATERS is already providing water planners, researchers, administrators, and the general public with state-of-the-art access to water-use information. This year, WATERS managers deployed imaging capability to all Water Rights Division districts, allowing water right applications to be entered as they come in. The process streamlines research and improves enforcement, making water application tracking easier. By archiving 100-year-old water right records, it also helps to preserve a vital aspect of New Mexico's history.

"In addition to linking data from the Office of the State Engineer,

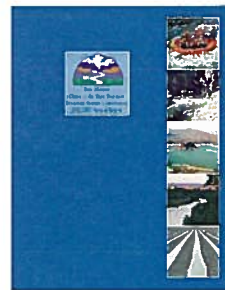
when fully implemented, WATERS will be linked to other important water-related databases managed by the U.S. Geological Survey and others," said DeSimone. "Any end users will have instant access to information resources both within and outside of the agency to fully research any water resources question."

Next year's goals include development of a project-based management format to abstract high-priority water basins, integration of efforts with the Hydrographic Survey Division, deployment of additional tools to the district offices, and recruitment of additional personnel. 💧

To access WATERS from the Office of the State Engineer's website, click on "Water Information" on the home page. Then, click on the "WATERS User Login/Registration" hyperlink at the top of the page.

Note: All users are asked to register using their e-mail address as their user identification.

Annual Report



The 2002-2003 Annual Report will be back from the printer in January. The report highlights progress made by the Office of the State Engineer during the past fiscal year.

Agency programs and employees have made significant strides on many fronts during this year of transition, which are detailed in the report.

To obtain copies, contact Public Information Officer Karin Stangl at (505) 827-6139. 💧



Silvery Minnow Refugium Wins National Award

An Albuquerque facility, which provides a sanctuary for the Rio Grande silvery minnow to spawn and grow, received a national award from the Association of Conservation Engineers (ACE).

The design contractors of the facility, FishPro, a division of HDR Inc., were presented with the first place ACE Award of Excellence at the annual conference in Charleston, South Carolina on November 19, 2003.

The Albuquerque facility, called a refugium, was built to help recover the Rio Grande silvery minnow, which was listed as an endangered species in 1994 and has declined in numbers since that time. When the refugium-spawned fish are mature enough to survive on their own, they are introduced into the river. The refugium was one of five projects from across the nation to be judged by a panel of ACE engineers from three states.

"This facility is the first of its kind ever constructed," said FishPro Vice President Ken Ferjancic.



photo courtesy of FishPro Inc.

The refugium facility is located at the Albuquerque Biopark.

"The idea of this facility is to simulate the middle Rio Grande habitat of the minnow. This award not only signifies the hard work and diligence that was put into the project, but it draws positive attention to efforts to ensure the minnow's survival."

"The refugium provides a semi-natural setting as well as research opportunities to better understand the life history of the minnow," said Interstate Stream Commission Rio Grande Basin Manager Rolf Schmidt-Petersen.

"This is an example of what can result when government agencies and private contractors pull together in a cooperative effort to

find innovative solutions to endangered species issues facing our state," said State Engineer John D'Antonio. "This success reflects the commitment of the State Engineer and the Interstate Stream Commission to preservation of species."

The facility was designed by FishPro under contract to the New Mexico Interstate Stream Commission. It was constructed by the City of Albuquerque.

Funding was provided by the Interstate Stream Commission, with partial reimbursement by the U.S. Bureau of Reclamation through the Middle Rio Grande Endangered Species Act Collaborative Program. Additional funding was provided by the National Fish and Wildlife Foundation. The City of Albuquerque Biological Park provided land for the facility and staff to manage and operate it. So far, the price tag is more than \$2.5 million.

The refugium consists of an outdoor pond, a 3,000-square-foot hatchery, and indoor holding tanks. ♠

Habitat Home Is Built by Volunteers

Six industrious women employed by the Office of the State Engineer volunteered their time the weekend of October 25 and 26 to build a Habitat for Humanity home for a deserving Santa Fe family.

The group installed kitchen cabinets, built a closet for a heater, hung doors, and completed carpentry work.

"We were just one of hundreds of teams that has worked on the house," said team leader Rebecca King, who works for the Interstate Stream Commission's Pecos Basin Group.

Other team members included: Grace Haggerty, a hydrologist with the Interstate Stream Commission's Middle Rio Grande Basin Team; Rosabelle Valdez, a paralegal for



photos by Rebecca King

The Habitat for Humanity's Womens Build Team (left to right): Construction Manager Pam Allen and her two children, Rebecca King, Diana Hardy, Dagmar Llewellyn, Julia Armstrong, and Grace Haggerty

the Interstate Stream Commission; Diana Hardy, a system analyst in the Information Technology Systems Bureau; Julia Armstrong, an attorney with the Litigation and Adjudication Program; and Dagmar Llewellyn, a



Rebecca King (left), and Rosabelle Valdez (right), mount cabinets for Emma Sandoval's new home.

hydrology consultant to the Interstate Stream Commission.

Emma Sandoval, a native of Mexico, will be moving into the newly built home with her four children once it is completed, which should be some time in December.

"It is a very rewarding experience because I know what is happening with my donation of time," said King. "I know all the women were thrilled that they had the opportunity to participate, and some said they would love to do it again." ♠

State Water Plan To Be Approved

New Mexico's first comprehensive state water plan is scheduled for approval by the Interstate Stream Commission on December 17, 2003.

The Water Trust Board and the State Legislative Interim Water and Natural Resources Committee reviewed the plan in November.

This first year, the state water plan will provide a policy framework for the Office of the State Engineer and the Interstate Stream Commission to manage water issues and prioritize funding needs around the state in coming years. It is a work in progress and will continue to be refined over time.

Governor Richardson mandated that a comprehensive state water plan be completed by December 2003. Public input was gathered from public meetings in 29 communities around the state, from July to September 2003. ♠

(Legislature -- continued from page 1)

The Office of the State Engineer will be supporting legislation allowing the State Engineer to deny domestic well permits in areas that could cause potential impairment, especially in the areas that could affect interstate stream compact deliveries, or in areas of limited water availability.

Other legislation receiving agency support would provide funding for water banking, water courts, and conservation measures.

The agency also will be following closely a bill proposed by PNM, the Public Service Company of New Mexico, proposing that produced water from power plants be considered a waste product that could be recycled to provide water for power plant cooling. The utility is proposing spending \$30-40 million on a pipeline to provide 3,000 acre-feet of water for that purpose. ♠

(Public Comment on Proposed Settlement -- continued from page 1)

The proposed settlement agreement and supporting documents are available for public review at the Office of the State Engineer's website at: www.ose.state.nm.us

The first public meeting will be held December 15, 2003 at the Farmington Community Center from 6:00 to 8:00 p.m.

Another public meeting will be held on January 5, 2004 at the Navajo Nation Shiprock Chapter House from 6:00 to 8:00 p.m.

For more information on the public meetings, contact William Toribio at (505) 827-6185. ♠

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