



**Comments from New Mexico State Water Plan Public Meeting:
Carlsbad
Pecos River Village Conference Center
711 Muscatel Avenue
Thursday, September 11, 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 Albuquerque, New Mexico. This was the 29th of 29 public meetings scheduled to gather public input on the initial phase of the State Water Plan.

Introduction:

Planning and Communications Division Director Rhea Graham and Interstate Stream Commissioner Jim Wilcox welcomed over 30 people who attended the public meeting from areas in and around Carlsbad. State Water Planner Tim Murrell 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, and four meetings are on 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 five areas for discussion are:

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

Stewardship:

- Water in New Mexico is governed by prior appropriation, and that needs to be said up front
- Part of stewardship should include the maximum beneficial use of water i.e. I was coming out of Furrs today, and there was a guy washing the cement parking lot at a car wash.
- I think one of the things that concerns me is that in municipal areas water has a dollar value but until the water crisis hits there is not much concern about the value of water.
- We cannot conserve ourselves into plenty of water. One thing that people is that we think there is plenty but we cannot just save, save, save, we have a finite resource.
- I would like to congratulate the City of Carlsbad that they have finally have put an emergency water plan into action. Colorado does it, Washington does it regardless of the fact that they have water; this needs to be an on-going education process over time.
- I think we need to have a personal involvement in that we can each take responsibility for informing people and others that we need to conserve.
- We have many scientific reports about how to improve our aquifers and water systems; for instance we need to start high in the mountains and improve our watersheds. They is some pretty good science out there and we don't need to reinvent the wheel.
- In the oil field they are using drinking water quality for the drilling rigs, and once they use that water it is gone; the state needs to look at those uses because one of these days we may need that water. We are talking about economics. When they do water floods you don't know what the impact of the water flood is going to be.
- We need a good definition of conservation. The word conservation is used in so many different ways and we need to all be on the same page when talking about conservation.
- I'll give you my two-cents worth...the biggest handicap in conservation and stewardship is the government.
- Back on the oil patch...you need an alternate source of water so that oil companies don't get to keeping drilling new wells.
- The farmers are getting older and they are using less water; they are not getting replaced; we don't want to lose the value of the agricultural community
- With oil and gas we know that there have been proposals...we need to have them consider the recycling and the cleaning of the water.

- Politics interfere;
- We need to learn to compromise

Balancing Supply and Demand

- Economy will guide the value of the use of water; we need to look at the ancillary benefits of agriculture. Agriculture water may be worth only \$42 an acre foot but the value may in fact be greater if you consider the total value.
- We're in this mess because our political institution refused to adhere to our constitution. We should adhere to the law.
- They have to obey the law! The best use goes to the highest value.
- We do have to listen to each other and eventually we need to compromise; unless we all work together we won't have anything balanced. Sacrifice and succeed together.
- There are no isolated issues whether they are economic, political, environmental, community → they are all linked and it is a finite resource.
- We've got to focus on watershed health and riparian health...so we can do something about supply.
- Decisions are made about the endangered species but at the same time they should come up with a method to get the water they need...they should consider other options to get the water. It cannot be just one way of getting the water for the fish.
- Another thing we are going to have to look at are the domestic wells in the state...they are unregulated. NM needs to get a handle on this problem.
- I just want to add...we need to consider the human value in there with the fish; human values need to figure in around all ESA issues.
- Domestic wells, sometimes have an impact on the supply and demand if you are pumping and there is not the surface water you should limit the pumps...make it equitable for surface and groundwater users.
- Surface water users have a debit card; the ground water users have a credit card. The balance is 0 and the interest is due on the account.
- Treat water like we do other extractive industries. Right now if they can afford the electric bill they just pump. Water is essentially free for the taking.
- It is an equity issue – people should have to pay for the cost of water.
- Up in Minnesota they have something like a surcharge; i.e. a nickel a gallon and you look at what it would cost you. You need to be careful about the equity issue. Such a surcharge would bankrupt farmers.
- Something that came out in the paper is that Ft. Sumner doesn't have the right to store the water in CID; so they just use it rather than lose it. They need to get storage rights in Ft. Sumner.
- Watershed management needs to be in line w/the State and Federal government; they own 75% of the state and they should manage it like an asset. We need to do something about this for supply and demand.
- Essentially you can't conserve an unknown; until we know our rights we don't know what we are conserving because the flow is essentially what we have.

- CID has x-number feet of water rights...there is no continuity between how you count your water for diversion and acre feet. Flow measures vary from one District to another.

Drought

- One of the decisions is that you need to look at your most productive land, your crop and decide where you put your money. Look at long-term impact of drought and weigh the costs and value of one crop v. another.
- The decision-maker will need to put the water to the most beneficial use. For instance if it came to the choice between potash and farms, it would have to go to the potash mines; if it was between the potash industry and people then of course the water rights would have to go to the people...so a free market would move this money around.
- I agree and disagree. It's one thing to shoot at the farmers but everyone forgets where our food and clothing comes from. If we do not have enough water for our crops then why do we still have green lawns, golf courses etc.
- It looks to me like we still have to go back to prior appropriation. It's still the way we need to administer our water. It's constitutional. It will still come down to the most economic value because if you need senior rights then you should go out and buy them.
- The only consistent thing in the Pecos River Valley is the farmer. The only consistent economic contribution in this part of the country is agriculture. Everything else, like oil and mining, go up and down.
- There's a movement in the west to take agriculture away from the farmer; we need to think about food security and not let foreigners be our source for food. We've used food as a weapon and I am sure that other countries could do the same thing. We shouldn't forget that food supply is at the heart of our country.
- We should also consider education; we need to educate our kids on where the water comes from and why it is so important to us. We need to have a good education system so that we can prepare for a drought. Conserve water during the rainy days so that we would have water for a drought.
- For the Carlsbad Basin, during this drought the State Engineer should go around and measure the well depth in every section or so, so that we have more current and accurate information at the moment.
- Educate the weatherman that a rainy day is a good day.
- We shouldn't forget that we are between ice ages; they are 10K to 50K years apart and I think we are on the downside and it can get a lot worse before it gets better. We ought to be prepared for worse times.
- Water runs uphill to money. We are going to have to start some sort of fund to import water from some other region. There has to be ways to start a fund for water users. Generate some funds to get other water in here. We have all sorts of projects, and ideas but we don't have the money to institute any of the ideas.

Water Administration

- Lead by example the government should use and re-use water.

- Pressuring farmers to sacrifice when the example has not been set, doesn't lead to a good role model
- It goes back to education – get it to the kids, so that they can educate the parents; the teachers that you remember are role models
- Treat water as a commodity; there has to be a mechanism for the farmer to sell his water at the prices it goes for in cities, for industries
- It would go to the willing payer, but the owner of the water rights would be protected by prior appropriation principles.
- It has to be tied to quality; some agricultural water isn't suitable for potable use, yet we are using potable water for use on yards
- Impossible and very expensive to adjudicate water; need a more common-sense approach that values the land owners' data; there needs to be a balance
- You have to have adjudication before you administer the water
- Adjudications are way too picky; spending too much time going down to the "nth" degree; millions of dollars spent for no use at all; expensive surveys are wrong; in Texas v. New Mexico they said that Carlsbad Irrigation had 25,000 acre-feet; yet the State said they didn't; yet in the settlement Carlsbad Irrigation District got that amount; it could have been settled if the assessment roles of the District were used in the first place; the Office of the State Engineer is not effective when it comes to adjudications; they get an "F"
- Look at water as we look at oil and gas on public lands; as an extractive resource that is assessed a royalty; it's a finite resource and an asset
- Administration of water rights has been slowed down because adjudications take so long; the Attorney General got passed a law that allows administration to proceed without full adjudications, we have a new law in place to allow administration by priorities without an adjudication in place
- I don't think the structure of the Office of the State Engineer has the ability to make these decisions; we need Water Courts to make these decisions effectively and quickly; the Office of the State Engineer focuses too much on the details
- Judge Frost had to hire a water rights lawyer to help him on the Fort Sumner Irrigation District case; therefore, judges familiar with water law could expedite the decision making on water rights
- Humans are more important than fish
- The compacts were done before the Endangered Species Act; there are more issues now, and Texas should have to share in the challenge of dealing with the Endangered Species Act
- Make a law that the feds would have to sue Texas as well as New Mexico

Funding:

- If we get funds from the federal government, and these funds provide one drop of water; one-half of that goes to Texas (under the Pecos River Compact)
- Don't go to farmers, they don't have any money
- You can give farmers incentives, to help with conservation and the use-it or lose-it rule is a problem
- We are already on welfare as farmers; but we are subsidizing the consumers

- The market place will eventually solve the funding problem, when water gets treated as a commodity; it will be whoever can pay for it
- Money is the crux of spiritual values, it becomes the core of who we are; until we each take responsibility for doing our part, there won't be enough money to fix everything; responsible stewards and not wasting taxpayer money battling for control of water; it gets down to each person's core values of what they believe in; when all the pieces are done, the success will come when everyone is contributing; this is the world we live in now, where everyone is passing the buck; if something needs to get done, go fix it
- Incentives to agriculture will go a long way
- Unfunded mandates, we need to find some way for money to be provided to meet that mandate imposed by the government or the courts
- Because of the revenue agriculture receives and the government manipulation to keep prices down; the ones who should pay for desalination (higher cost water) should be industries who can afford to buy expensive water, but this is hard to put into place in a free market system
- Maybe we could focus and coordinate state and federal regulatory agencies by encouraging clean up of produced water and other sources of water, rather than having them operate independently of a solution; we create too many barriers to solutions; they should be facilitating solutions rather than approaching it as their 5% of the problem and creating barriers
- Encourage partnerships – if a community needs something made more efficient, they should pay for it; here we can't use state money for putting in a more efficient irrigation system because it violates the anti-donation clause; but there could be funding collaborations among the users

Other Comments/Questions:

- My oil company employs about 300 people in Artesia; a lot of people including the federal government and independent industries are putting a lot of money into cleaning up produced water, including to a level where it can be used for other uses; oil and gas isn't all bad; House Bill 388 was passed as an incentive to put water back into the Pecos River, but no one has so far been able to take advantage of this incentive because the regulatory process is very expensive to overcome; the regulatory agencies are trying to slap our hands, which doesn't give us any incentive to try to re-inject water into the ground; House Bill 388 saddled the Office of the State Engineer with putting together the regulations to allow this; we now have a permit to allow us to dispose of produced water on top of the ground (irrigation quality water on top of the ground on private land); it would be a crying shame if that water can't be utilized due to regulatory constraints; we don't want to dump nasty quality water into the river and contaminate it; we are looking at putting water into the river at the quality that exists in the river; the new river quality standards of 212 total dissolved solids for wildlife, which is way above the natural quality, and it makes the cost of cleanup go up, so regulatory agencies who have a say-so other than the Interstate Stream Commission are being overlooked; we are looking a private industry – potash mines, oil and gas, and

others, we are spending private money to try to conserve and find alternate water sources, and we need assistance in overcoming these regulatory processes; a farmer isn't required to have an NPDES permit for the same type of discharge quality