



**Comments from New Mexico State Water Plan Public Meeting:
Farmington
Exhibit Hall Room, Civic Center
200 West Arrington Street
Wednesday, August 20, 2003; 7:00 – 9:00 p.m.**

Following is a summary of the questions, comments, and issues raised during the discussion that followed the formal presentation on the purpose and objectives of the facilitated listening sessions for the 2003 State Water Plan, at the public meeting in Farmington, New Mexico. This was the 19th of 29 scheduled public meetings on the State Water Plan.

Introduction:

Chairman Jim Dunlap and Director Estevan Lopez of the Interstate Stream Commission, along with William Toribio, Tribal Liaison for the Office of the State Engineer, welcomed over 60 people who attended the meeting from Farmington and surrounding areas. State Water Planner Tim Murrell gave an opening presentation highlighting the listening session. 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.

Tim 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. To date, members of the public have participated from 160 different New Mexico communities, based on

information voluntarily provided on the sign-in sheets. 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 five areas for discussion are:

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

Stewardship:

What are the important things to you in being a steward of water?

- Why can't somebody do something about the people controlling Navajo Dam? When the Animas is running great, they still run water out of Navajo Dam; I called the guy in charge and he said, "that's the law, and I have to do the law"
- The endangered species are endangering the human species; they should not be starving the people to death
- We have a limited source of water; we are a desert community; we aren't isolated, what impacts us impacts people down and up stream in the Colorado River
- I am concerned about the amount of water being released for this trash fish that New Mexico poisoned after the dam was built; the Bureau of Reclamation released over 5,000,000 acre-feet in excess of what is needed; if you go below elevation 5995, there is no effective water; almost 18 inches in depth is covering the entire San Juan County; we are blaming everything on the drought, but I have another take on that; we can't say that it is real stewardship of our water, releasing 29,000 acre-feet of water; so it's not really the drought – it's release of excess water to the fish that is causing water shortage problems; the peak and high flow rates are the major reason for the Navajo shortage today; the river was bank to bank between Bloomington and Farmington, and Mother Nature will take care of the channeling efforts, not biologists; the irrigators' representatives are voted down 8-3 every time on the biology committee; it needs to be looked at real closely; the Bureau of Reclamation doesn't own that water in the river, it is New Mexico's water; we need the Governor to account for stewardship of our water; the implementation team needs to be changed to save New Mexico's water; even our own local newspaper will not tell you how much additional water is released for the fish; I encourage everyone to get with your representatives to talk about

- stewardship of water, because we don't have it right now; Representative Pearce has a good plan that we should get behind and support
- I feel like the priority needs to come back to the humans; common sense tells us we have a certain amount of people living in this area; we need to teach children about conservation; water serves many ways for us to have food; the priorities should be the people; I used to haul water for a family, and I know what you need to do; you can still have pretty things, but there is a fine line between use and waste
 - I got my first copy of the water plan act tonight; I'm glad to see that it includes water quality; I encourage people to pay attention to water quality in addition to fishing
 - I'm new to New Mexico, from Washington state; I see a need for conservation; I see a lot of wasted water
 - The Treaty of Guadalupe Hidalgo has a lot of laws on water rights; I suggest that you go to Santa Fe and research it; and I (Steven McCarthy) can tell farmers and ranchers where to go to find out about Constitutional rights and privileges

Balancing Supply and Demand:

What if demand is bigger than supply in New Mexico, and we want to balance supply and demand, and we want to give guiding principles to decision-makers -- what are those principles and values?

- I'm not for no-growth, but we need to look at controls on growth in the rural areas; just outside the city limits; what are they doing with their water? Where are they getting their water? We just can't have uncontrolled growth
- One of the things I found out is that in trying to help the New Mexico economy, they invited Intel and other companies, but they failed to take into account how much water would be taken out of the Rio Grande; the damage that occurred then is still there, even though Intel and some others now use gray water; we need to take into account the best investment and its water needs
- We have to honor beneficial uses and have them prioritized in some way
- This is a State Water Plan, not a regional plan, so we have to keep water for us at the local community and industry, such as San Juan-Chama water that leaves this basin
- Meeting notice appeared in the paper only this morning; we need to change the decision makers and get politics out of it; we need to abolish or else completely revamp the Interstate Stream Commission and the Office of the State Engineer with skilled people; we need to look at where they are going and why; currently the Office of the State Engineer is saying that the 1948 adjudication is no longer valid, and water rights recognized as existing and valid no longer exist; to come up with a plan by the end of 2003 is one of the most stupid things that I have ever heard; it cannot be done by December 31; the regional plans have been going on for years; this public input is just for show

- A lot of businesses created in this valley that rely on water don't realize that agriculture, cities and industry are the real beneficial uses of water, and they hold the senior water rights; the Governor is addressing the needs of those people who boat and raft; the Governor should be cautious about making decisions about water without taking these real beneficial uses into account; the State needed to have meetings to inform businesses about the need to have valid water rights—how water rights are property rights; informing the public is a very good situation, and the state should hold more meetings to do that
- It looks to me that by asking this question of balancing supply and demand, you are trying to get people to evaluate the most important use of water; our leaders should be following that Constitution and law of prior appropriation; if you look at the last 100 years the State Engineer hasn't been able to administer the law; that is why they want to throw out the 1948 adjudication; they want to throw out the law and start over with a new plan; they are disregarding the constitution.
- What's scary to us is that the Echo Ditch decree was a law, and now they are trying to throw it out
- Water rights are a property right, and the decision makers need to remember that; if we start throwing out the ditch decree, at what point are they going to be throwing out the whole thing, and we don't have any more property rights?
- The people that make these decisions for the State of New Mexico need to realize that not everyone lives in Albuquerque
- A lot of decisions have been made in this state that do not follow the law; there is a law that says water can't be taken from a watershed more than 60 times, and this law was passed before the Chama diversion
- Is that law a national law? Colorado has got our water because they wouldn't take the water that is being diverted in the San Luis Basin out of there for New Mexico; the Closed Basin project should be used more efficiently to give us our San Juan Chama water back
- First there should be a hydrologic balance for each basin; New Mexico doesn't have a good record of administering water supply and demand; we need real-time measurements, and a policy of developed budgets to show how much supply and how much demand exists; in New Mexico we do that on a five-year average, yet other states can tell you exactly how much water they are using
- Force states around New Mexico to abide by compact restrictions; Colorado is currently using 1999, 2000, and 2001 water rights that are drying up 1950s water rights in New Mexico; we are ignored by the Office of the State Engineer in getting enforcement in Colorado
- Not debating the law, with each region concentrating on their basin and their interest, the State should be obligated to not transfer any water between regions until those plans are done, because the small user could get lost in the shuffle if there is not disclosure; the State should be obligated to do a NEPA-type process to disclose the amount of water that flows between regions

Drought:

If you were the decision maker, what would you do to prepare for a drought?

- If the city or an individual water user conserves, there is no method reward for conserving, or to store that water; you don't get anything back; it just flows on down the river; so, if you conserve and your right is a stream-flow right, you don't get it back; maybe something along the lines of water banking?
- New Mexico needs to financially reward people for conserving; if we conserve water during normal times and then use it for growth during normal times, then we won't have any means to save enough if there is a drought; reservoir storage is a conservation method for drought times; it could be aquifer storage, improved watersheds for greater yields; State of New Mexico needs to develop drought contingency plans in all basins, and those plans in the regional water plans aren't good enough
- In India they face a lot of drought all of the time, and they rely on storing rain from the monsoons; someone looking at their past habits discovered that they built temporary dams to catch water during the monsoon times, and that the water table stayed higher; in NM, relying on monsoons is not enough unless we plan for better catching and storing of that rainfall
- There is a lot of water coming out of the coal seam gas that is being pumped up, evaporated off; we have the technology to clean it up for fish water
- The only way to beat a drought is by reservoir storage, but the evaporation loss could be troublesome, Arizona uses aquifer storage to avoid that; big cities need a reservoir to cover two or three months of a drought; even the smaller cities need to store something for drought; the Governor needs to come up with funding; perhaps storage space could be shared in Navajo Lake, especially since they have no beneficial use for that water now; law in effect says that you can't have excess storage; the federal government must follow State law for storage projects; it's too expensive for the small users to build reservoirs
- There should be modifications to existing structures to increase the active pool, applied to all reservoirs where feasible
- This won't be popular, but get politics out of it and enforce the law; by priority administration at least people know who has it and what they have; doesn't give false sense of security that what there is will be shared; we aren't building reservoirs now because people think that there isn't a problem; forcing the issue by enforcing the law may cause the State legislature to fund the problem
- Beyond the concepts of structural alternatives, what you have is the law; if you go into a drought, the guy who wants it most can buy it from the guy who has the best right; by asking the question, you are trying to get people to agree that during a drought when cities and industry need water, they should get it; but they should buy it from agricultural users
- About 75% of water is used by agriculture, yet agriculture can't afford to do all of the conservation that they need; neither can the small cities; so the State should fund conservation measures for agriculture; they could facilitate saving some small percentage of that agricultural use
- When I spoke about conservation in stewardship, I meant general household use; it is already in a reservoir when it is stored for use by a town

- We need better education about conservation
- Have aggressive eradication of non-native trees and growth in our watersheds, specifically Russian olives and salt cedars – “vampires of the West”

Water Administration:

- Water does not recognize any kind of (political) boundary; we need to realize that we are simply in charge of watching it go by; we want a state water plan when we can't even get along with our neighboring states
- Regarding these regional water plans--we are bound to get into conflict with adjoining regions over the plans; is mediation/conflict resolution going to be a part of this?
- The Navajo nation needs to be at the table with this plan; this state has a great opportunity – where are the most irrigated lands in New Mexico? Here; Where are the greatest amount of power plants? Here; There is a tremendous opportunity here for the communities to get together; great opportunity for the State Water Plan to serve as a community building for the Navajo Nation and the communities of the Northwest New Mexico region; and you can find out how much water is flowing at locations on the Navajo Reservation – just go to our web-site: www.sanjuanflow.info
- All meetings with tribes and pueblos should be open-door (public) meetings; we should be sharing information with one another, and discussing the issues on all sides
- I believe that the State Engineer's office in Aztec needs to be enlarged to keep up with the needs in the San Juan basin
- The problem is that the Aztec office of the State Engineer was created in 1986; there has not been a lot of funding made available due to the lack of drought and true need for the resource; we need funding now; this would manage and prevent flair ups in water problems

Funding:

- We have three compacts that deal with this area (La Plata, Colorado River; Animas); I heard that we should be looking between the states; we're not sure how much water we use in those compacts; we have not fully developed the compacts; we still have a lot of water to develop with the projects that we have; we need to make sure that all the compacts are obliged by Colorado; the regional water plans need to address this compact compliance
- Funding can come from various sources—including federal, state and local—and should be influenced by the regional plans and the Water Trust Fund
- Conservation needs to be funded by the state and federal governments; the amount of water that a dirt ditch will eat up is considerable
- The state legislature needs to recognize that without money, we do not have growth; the extractive industries and oil and gas fields make great profits; water is renewable each year, which makes water more valuable than other resources; but

water gets nearly none of the money; the legislature needs to supply the state with the money that is needed

- Funding is available; politics and special interests are competing; without water we are not here; water is the source of all life in this area; as long as this resource is not managed, we will shrink up and die; historically the community becomes too big for the water; people will move away; we see this with the abandonment of the surrounding ruins (Salmon, Mesa Verde, Chaco Canyon); what made them leave? drought and lack of water resource management
- There was a statistic at one of these meetings that people spend \$700 a year on soda pop, and \$300 a year on water
- Often the poorest people pay the highest rates; folks that are hauling water are spending the most. I think that in many cases the water users are getting a bargain and they don't realize it

Other Comments and Questions:

Q: I don't really believe that it will be possible for a State Water Plan to be implemented in one year; although the Governor wants it; it seems to me that a lot of time and effort is being put into it; but I don't think that it is realistic

A: Without a doubt it is a very fast timeframe; if we look at the regional water plans, we only have 6 out of 16 regions with completed plans, yet we still don't have a State Water Plan; while the Governor's challenge is very aggressive, our first step is to focus on the policies that will guide us beyond this year; we don't want to throw out everything done to date; if we have gotten too tangled up in implementing the law; we need to address it; now we have a planning division within our agency; we have to refine as we go along; we can't continue to go along the way we are

Q: The closed-door sessions with the Office of the State Engineer, the San Juan folks and the Tribes – why were there two separate meetings between the communities of Farmington and Shiprock?

A: With respect to the State Water Plan and the meeting schedule; the meetings in both Shiprock and Farmington are simply to meet with the communities in as close to the locations to the rural centers as possible. The meetings with the tribes and pueblos have been with the purpose to educate them about the process, and that we are not quantifying their water rights. The tribes and pueblos are told that we are making broad policy statements, and the value of the meetings is for everyone to hear what each other thinks with regard to water. These are all open public meetings with the 29 meetings scheduled. The tribal and pueblo meetings are not closed meetings, either. The meetings to negotiate settlement agreements on water rights with the Navajos will need to remain private meetings due to the sensitivity of some of the issues.

Q: The longer I am here, the more confused I get. The Office of the State Engineer knows how much water is crossing the state line. Every water right in New Mexico that is legitimate is on record. So what is the problem here? The amount of water that is adjudicated and the supply that is available? What is left to plan?

A: I wish that we knew the priority of the State's adjudicated water rights. We only know 15% of the water rights of the state. We need to continue the adjudication process. We don't have nearly enough information that we need, to truly manage the State's water resources.

- Most of what we have been talking about is statewide; our area's (San Juan) compact share is 838,000 acre feet; we are only using half of this, yet the river is claimed to be fully appropriated by the Office of the State Engineer; we have some real problems – we have the Navajo Nation that could move in front of anyone else; we need to be afraid of the possibility that the Navajo Nation could own all of the water; when you look at all the uses, no one gets the water; the concepts of the environmentalists and the Navajos and the City of Albuquerque is that we are out of water; the Office of the State Engineer cannot control the Bureau of Reclamation – the Bureau drops the levels of the dam, the Office of the State Engineer does not know what he is doing, and the Interstate Stream Commission are not watching out for us at all; a lot of the stuff that you are talking about tonight is painting right over the issues
- The Office of the State Engineer has been administering the waters of the San Juan Basin; now he is saying that there may not be any Echo Ditch Decree; there may be challenges to this decree, and we need to follow what happens to the decree
- Speaking to the re-adjudication here and the Echo Ditch Decree, the Office of the State Engineer is continuing what has been done in the past, by working behind closed doors; the State Engineer does need to follow the law and make sure that all parties are part of the lawsuit; all parties were not entered; negotiations need to be open with regard to the Navajo nation water rights; the State Engineer should keep the state law and use his power to keep the federal government out of here; the SE should look out for ALL our water rights, and not show partiality
- People liked the San Juan River valley because of the green; we will lose this if we start to concrete the ditches; if we do this, we are no longer going to have the Bosque; over the years we have not actually had a drought – we have been wet! This is the average rainfall for this area; we have to recognize this and that we may not have this much water for awhile; 70% of the water here is owned by the farmer; if we needed to, we could find the water; it's a matter of managing the water that we have; if a farmer is put onto a sprinkling system, he loses his water right for that amount he saved – this is not right – to lose your water right for conservation; we need to revise the law with regards to this; we have gas fields that are pumping water all day and all night; we want to put up a pipeline, but the environmentalists will not let us; the Navajo people did an outstanding job on their proposal; they are cutting their water obligation to great numbers; everyone should have water in their home; they need to have the water they deserve