



2009 State Water Plan Update Public Outreach

Region: Lower Pecos Valley
New Mexico State University (Carlsbad Campus)
Carlsbad, NM
April 29, 2009

Summary of Discussion

Facilitator/Recorder: Janet Wolfe

Welcome and Introductions

Estevan López, Director of the Interstate Stream Commission, welcomed the group of about 25 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 New Mexico's state and regional water planning process, 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: Do the municipalities in the Lower Pecos Valley region have "full senior water rights?"
The concern is surrounding whether municipalities are prioritized above others to receive water during periods of drought and water shortage despite not having senior water rights.
Answer: OSE/ISC representatives expressed the need to research the precise status of regional municipalities' water rights to best answer the question. However, it is the responsibility of the municipalities to ensure they have water rights needed to supply water to their customers. It was mentioned that the Pecos Settlement reduces risk of needing to implement priority administration to all water users in the region.

Comment: A participant expressed concern that the New Mexico Water Code needs to be enforced to ensure delivery to those entitled (those having senior water rights) and to provide restraints on excessive water use. The participant expressed concern over the court's ruling in favor of cities, and that cities should be subject to the same rules as everyone else and should not be allowed to over pump. The individual asked that the state provide information on water rights vs. water use by municipalities in the region.

Comment: The graphs in the presentation dealing with climate variability don't show a long enough period (15 years of data compared with 5 years of data) to show a long-term climate trend.

Response: López explained that the objective of the graph was not to show a long-term trend, but rather to demonstrate climate volatility in recent years.

Comment: A participant expressed concern about a water rights transfer application (Ft. Sumner proposed transfer) that has been submitted to the OSE that would result in a transfer of water out of the Pecos Basin to the Santa Fe area. The participant was concerned about water rights appropriations such as this one impacting existing wells.

Response: López and other representatives from the OSE/ISC outlined the application process for a water rights transfer. They explained that the process is reviewed by the State Engineer, but that the State Engineer will conduct a formal evaluation before the transfer is approved. State representatives also explained that the ISC has filed a formal protest against the Ft. Sumner proposed transfer. The protest addresses the potential negative impacts the water transfer would have on endangered species habitats and other provisions of the Pecos Settlement.

Comment: The OSE needs to keep the system working. There should be no new depletions on rivers or aquifers. If the water rights are transferred the effects of the wells in the area should be monitored. The OSE should only allow the consumptive use portion of the water transferred to be used, not the diversion amount.

Response: If the water right is valid, there should not be an impairment issue.

Comment: A participant with junior water rights with a 1947 priority date has a wheat farm, and his well went dry after the Seven Rivers Wells started pumping March 2003. He felt his well went dry due to the Seven Rivers project.

Response: The ISC purchased the appropriate water rights for the Seven Rivers Well project, they are Roswell/Artesian water rights and that water was discontinued in those locations to pump the wells for the Seven Rivers project.

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?

- Water markets are a mechanism to allow water to be treated as a commodity. People should be able to buy and sell water through water rights banking. There should not be movement of water without the water right.

- Stricter control of water use: A participant suggested planning for population growth by exerting more control over issuance of domestic well permits. It was explained that the State Engineer is required, by statute, to approve permits for domestic wells in New Mexico. However, it was also mentioned that some local government entities, including Santa Fe County, have passed ordinances limiting or controlling domestic well drilling within their jurisdictions.
- Metering wells: A participant expressed that water use could be better controlled by consistent metering of wells and was concerned that not all wells in the area were being metered.
- Control growth through better regulations of subdivision developments around the state.
- A participant suggested that municipalities be required to hold senior water rights.
- Participants suggested the use of deep brackish water or produced water from oil field drilling as potential sources of new water in the region and statewide. It was suggested that more research be done to determine the economic feasibility of these resources.
- Conservation: Water conservation was another suggested strategy for addressing population growth in the region and around the state.

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?***

- Brackish water or “produced water” could be used as a means of lessening the stress on existing fresh water supplies.
- Xeriscape landscaping, using low-water-use plants to reduce water use outdoors should be required statewide.
- A participant expressed concern over the fact that farmers feel little incentive to conserve water 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. 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).

- Controlling invasive species such as Salt cedar (tamarisk) is an excellent way to conserve water. More funding should be available for programs that control or remove high-water-use vegetation.
- Tree thinning and forest health as well as other means of watershed management were suggested as water management strategy. One participant referenced an example of an area where a wildfire had resulted in an increase in runoff in that watershed.

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?***

- There was a water call about six years ago due to severe drought.
- Extreme variability in water supply was experienced in the Upper Pecos.
- No snowpack in Ruidoso anymore.
- Salinity in the Pecos River resulting from low in-stream flows.
- In 2003 some local wells suffered severe drawdown and almost dried.
- Regional interconnection of water systems and shortage sharing needs to be more fair in times of drought.
- Diversify portfolio of water resources and institute more conservation measures.
- Develop water in the Salt Basin.
- Require municipalities to develop effluent reuse systems.
- Energy/water nexus: Use Nuclear power/gas turbine water transmission to reduce water use for power generation.

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

- Request federal money to cleanup and restore watersheds to enhance natural water storage and ecosystem services
- Double Eagle Water Project will take \$2 million to complete, and it should be a regional priority.
- Public education on water conservation at home should be a first priority for the state to reduce municipal water use
- Pecos Settlement completion
- Projects to evaluate or implement use of produced water as a reserve
- Prioritize regional water planning, encourage regional water plan updates

Additional comments:

López thanked the participants for attending and contributing to the State Water Plan Update. Follingstad reminded the group that there are a variety of ways to comment on the state water planning process, including visiting the OSE/ISC website, the comment form or by email. She then thanked everyone for their comments and their commitment to helping make the State Water Plan as comprehensive and useful as possible.

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