

To promote the wise stewardship and ensure the availability of water resources for future generations of New Mexicans through support of community-based planning and creation of inclusive forums for education, communication, and development of common ground.

ISC Kicks Off Statewide Meetings in Union County

by John R. Brown, Executive Director, New Mexico Water Dialogue

On July 9, a delegation from the New Mexico Interstate Stream Commission flew into Clayton for a two-hour meeting with about 60 Union County (pop. 4,170) residents. This was the first of the 29 public meetings the ISC will conduct around the state during the next nine weeks seeking input on the state water plan (SWP). Dialogue President Conci Bokum and I drove up to listen, learn, and report on how it went.

In answering a question following his introduction, ISC Director Estevan Lopez described the first year's SWP as a "guiding policy document" that would provide a "policy framework" for the ISC and OSE. He noted that although it needs to be completed and adopted this year, statewide water planning will be an ongoing "iterative process." Planning and Communications Program director Rhea Graham stressed the ISC's intent at these meetings to "listen outside the box" to the diverse interests and values of citizens.

Estevan was clearly pleased with the turnout, which included District 67 State Rep. Brian Moore (a Clayton grocer), as well as a number of county commissioners and city council members. ISC Commissioner Julia Stafford also came over from Raton to observe. An advance visit the previous week had included interviews with the local newspaper and radio station, which boosted attendance. (Public Information Officer Karen Stangl said they would do this before each meeting.)

Because only two hours was allotted

to the meeting, staff were acutely aware of the need to balance providing information about the water planning process and the topics it should address with allowing adequate time for public input and discussion of the attendees' issues. Overall, they and the facilitator succeeded, though (because of a late start) the staff presentation portion of the agenda ran beyond its allotted time, and discussion of the final two topics on the agenda (see Box, p. 3) was shortened.

After a description of the planning process, participants were asked for their opinions on five topics. Under the first topic, "Stewardship," facilitator Ed Moreno asked that participants address what they valued about water and what actions they would recommend or take (even in the absence of a law) to protect those values. It turned out to be a useful way to get at "the common priorities, goals and objectives that will have a positive impact on the public welfare of the state," which is required by the state water plan legislation. Patterns that emerge from responses to this topic around the state should provide important data to inform the state plan. Ed recorded the essence of each person's comments on a flip chart, while planners Tim Murrell and Liz Zeiler took detailed notes on a laptop computer. The ISC plans to post participant input from each meeting on its State Water Plan website (<http://www.ose.state.nm.us/water-info/NMWaterPlanning/NMWP-index.html>) as quickly as possible.

CLAYTON—Continued on page 3

Inside



- 1.... ISC Kicks Off Statewide Meetings in Union County
- 2.... Letters to the Editor
- 3.... Statewide Meeting Agenda
- 4.... State Water Plan Public Meeting Locations
- 5.... Public Meeting Schedule – State Water Plan
- 6.... The Legislation—AN ACT RELATING TO WATER; PROVIDING FOR A COMPREHENSIVE STATE WATER PLAN.
- 8.... An Open Letter to Estevan Lopez, Director of the ISC
- 10....Recent New Mexico legislative initiatives relating to allocation of water
- 11....The Dia Log: Upcoming Events
- 12....Thank you to the many people who contributed to the State Water Plan legislation!

—Letters to the Editor—

The Dialogue

Summer 2003

Executive Editor: John R. Brown

Layout and production:
Kathleen Grassel

The Dialogue is a publication of the
New Mexico Water Dialogue

Funded in part by the General
Service Foundation and the
McCune Charitable Foundation

Send comments, letters, and
contributions to:
John R. Brown
New Mexico Water Dialogue
PO Box 1387
Corrales, New Mexico 87048
email:jrb@osogrande.com

Board of Directors

- Michael Benson, Fort Defiance
- Consuelo Bokum, Santa Fe
- Oscar Butler, Dona Ana
- Sally K. Canning, Capitan
- John Carangelo, La Joya
- Gina Dello Russo, Socorro
- Paula Garcia, Albuquerque
- Cynthia Gomez, Albuquerque
- Brian Greene, Mountainair
- Mike Hamman, Espanola
- Janet Jarratt, Los Lunas
- Dick Kreiner, Albuquerque
- Charles Lujan, San Juan
- Frances Martinez, Las Vegas
- Mary Mascarenas, Llano
- Ernest Mirabal, Santa Fe
- Kendyl Monroe, Seneca
- Elmer Salazar, Los Alamos
- Ben Sanchez, Mora
- Tracy Seidman Hephner, Wagon
Mound
- Tom Shelley, Tyrone
- Judy Stevens, Santa Fe
- Lee Tillman, Clovis
- Mark Werkmeister, Rio Rancho,
- Jean Witherspoon, Albuquerque

Copyright ©2003. All rights reserved.

I OFFER A DIFFERENT PERSPECTIVE TO AN assertion in the Winter 2003 Dialogue, based on my friendship with the late Dr. Don Spencer, one of the 20th century's greatest mathematicians.

An article, quoting a demographer, cited a growth rate of 1.8 percent for the previous ten years and called that "moderate."

But my friend, recipient of the National Medal of Science and mentor to *A Beautiful Mind's* John Nash, would call 1.8 percent a very high growth rate. We in the United States, with a history of rapid growth, are so accustomed to boom growth that we fail to view it in proper context or to recognize that we are no longer a vast frontier with unlimited space and resources, especially water.

Growth of 1.8 percent represents a DOUBLING time of 40 years or less, hardly moderate for any region but most particularly a region in a prolonged drought. The United States, meanwhile, the only growing developed nation, due mostly to high immigration, is growing at 1.0 percent or a doubling time of 60 years, with a high likelihood of nearly a BILLION Americans by 2100. In contrast, Europe is growing at 0.1 percent, a doubling time of over 600 years!

To seek water solutions without candid discussion of growth is the figurative equivalent of building a house without first discussing an approaching wildfire: doomed to disaster. We need to at least allow slowing or stopping growth onto the table for consideration and discussion.

KATHLEENE
PARKER
208 Sherwood
Blvd.
Los Alamos



TO THE NEW MEXICO WATER DIALOGUE Membership:

The Interstate Stream Commission and the Office of the State Engineer invite you to a series of public meetings held around the state regarding the State Water Plan. You will find a list of meeting dates and locations inside this newsletter. Times for the meetings will range in all locations from 7-9 p.m.

This past legislative session enacted State Water Plan legislation that Gov. Bill Richardson has directed the Interstate Stream Commission (ISC) to complete by the end of calendar year 2003. The legislation enables the formulation of a statewide policy and recommendation document to assist lawmakers as to management and resource allocation concerns and choices regarding the future of our finite water supply. A key part of this legislation is integrating public participation and public input throughout the planning process.

During the period of mid-July through mid-September, the ISC Planning Staff will be conducting a series of 29 public meetings around the state seeking input regarding the policy issues of the plan. We realize that the meetings are coming up and promise to do our best to notify everyone of the dates and times of these meetings as they come up.

If you should have any questions or require additional information, please contact Tim Murrell, State Water Planner, at (505) 827-4029 or by email at tmurrell@ose.state.nm.us. We look forward to our working together towards a sound state water policy that everyone can live with and prosper under.

TIM MURRELL
State Water Planner
Interstate Stream Commission

Statewide Meeting Agenda		
Time	Activity	Responsible
7 p.m.	Welcome, introductions, recognitions, logistics, refreshments, restrooms	ISC
7:05 p.m.	Introduction to the State Water Plan planning process	Rhea Graham
7:20 p.m.	Introduction of major topics Facilitated discussion of major topics <ul style="list-style-type: none"> • Stewardship • Balancing Supply and Demand • Drought • Water Administration • Funding Sources • Other topics 	Rhea Graham Facilitator
8:50 p.m.	Wrap-up — Review Process and Next Step	Facilitator/Staff
9:00 p.m.	Adjourn	

CLAYTON—Continued from page 1

The staff provided helpful background material in one- and two-page “fact sheets” with titles like “Why is conservation important to us...?” and “Can you tell me about domestic wells...?”. The information was basic and straightforward. Only one, titled “What is Active Water Resource Management?”, put forward a potentially controversial policy position, implicitly advocating greater use of water markets. Neither the staff nor participants made any specific reference to these sheets during the meeting, but they could be used in future meetings and will be posted on the ISC website.

At this first meeting, the issue of the relationship of regional and state water planning was only acknowledged in passing. Union County is part of the Eastern Plains water-planning region. That regional plan, one of the earliest to be developed (though it has not been accepted by the ISC) was mentioned

briefly. Surprisingly, however, no one commented on or even questioned its relevance to the County or to the Town of Clayton, and how it may affect or be affected by the state water plan.

In summary, from first exposure it appears that these meetings will be valuable forums for public input to the state water plan. I urge every reader to participate in the meeting nearest your home. (See the schedule on p. 5 of this issue.) Because of the tight two-hour format, I would suggest organizing your comments, in advance, around one or more of the agenda topics, and preparing very succinct arguments (a sentence or two) to explain or bolster your points. The ISC is also accepting written input, so you can use the form they provide or prepare a separate statement either before or after the meeting.

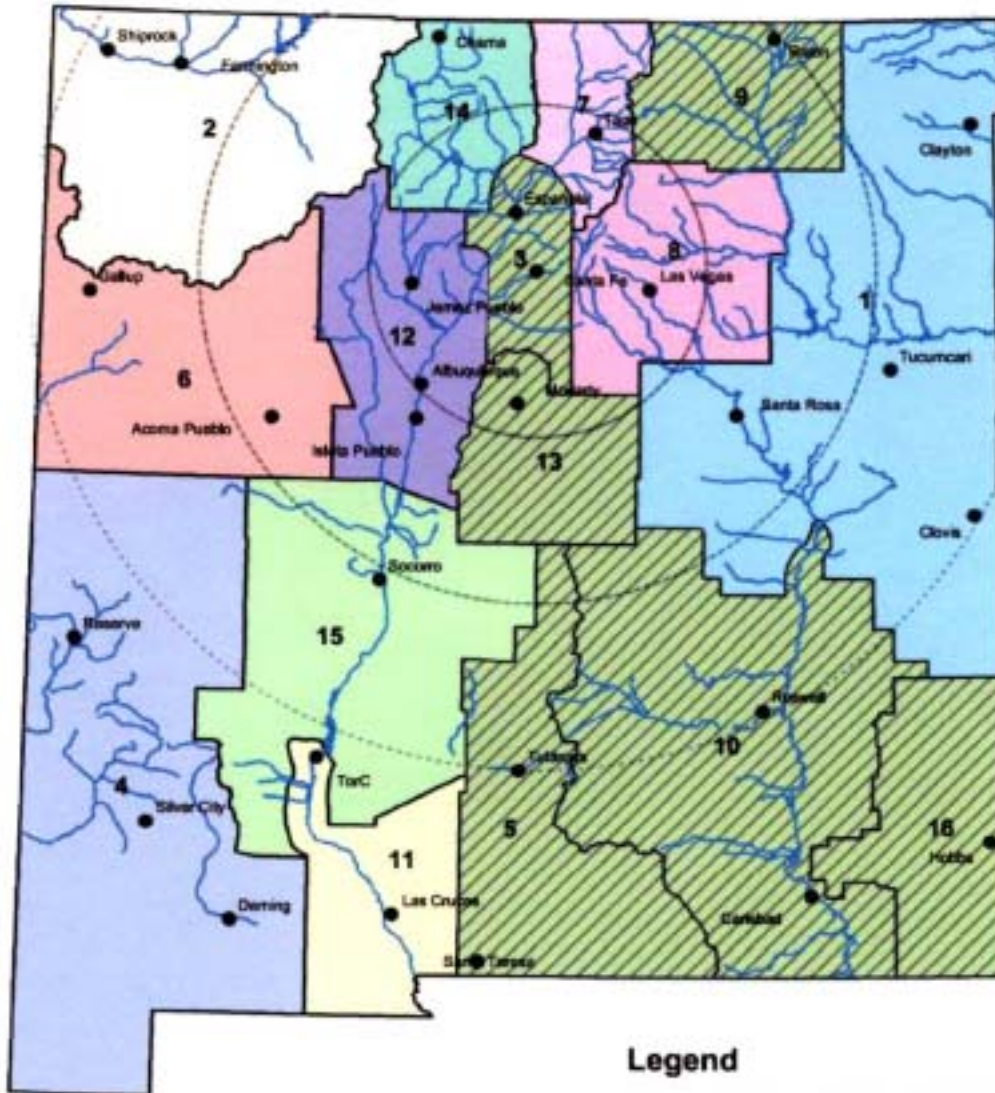
Next steps

The ISC staff’s dedication to doing these meetings well was obvious, and they constitute a good first step in what

must be an ongoing process of public involvement. A “Town Hall,” a three-day event planned for September 23-25 to be facilitated by New Mexico First, will provide an opportunity for a synthesis of the disparate results from the 29 listening meetings.

The format for the listening meetings did not provide an opportunity to consider the “pros and cons” of contrasting viewpoints, and there was little discussion of the points raised by participants beyond simply recording them, although on a couple of occasions, Estevan and Rhea were able to correct a factual misstatement about the law or state policy. We hope and expect that the meetings and the Town Hall are only the first steps in an ongoing deliberative process (continuing beyond the Year One plan) that provides for in-depth consideration of policy issues by diverse stakeholders, to enable participants to come to informed recommendations and decisions about the hard choices ahead of us.

State Water Plan Public Meeting Locations



Regional Planning Areas

1. North Eastern New Mexico
2. San Juan Basin and Navajo Nation
3. Jemez y Sangre
4. Southwest New Mexico
5. Tularosa Basin / Salt Basin
6. Northwest New Mexico
7. Taos
8. Mora / San Miguel
9. Colfax County
10. Lower Pecos Valley
11. Lower Rio Grande
12. Middle Rio Grande
13. Estancia Basin
14. Rio Arriba
15. Socorro / Sierra
16. Lea County

Legend

Buffer Distance from Santa Fe

--- 60 Mile Radii

Meeting Locations

● Public Meeting Locations

ISC Accepted Regional Plans



SAVE THIS DATE Sept. 23-25 for the grand finale ISC "Town Meeting" on the State Water Plan. More details to follow as the date approaches. Check the latest SWP schedule updates on the ISC website. There will soon be a link from the OSE/ISC home page directly to the SWP pages.

Public Meeting Schedule – State Water Plan
(All Times 7:00 pm - 9:00 pm)

	City	Day	Date	Venue	Address
1.	Clayton	W	7/9/03	Clayton Civic Center	114 North Front Street
2.	Raton	Th	7/10/03	Town Conference Center	901 South 3rd Street
3.	TorC	M	7/14/03	Town Civic Center	400 West 4th Street
4.	Espanola	W	7/16/03	County Chamber Room	1122 Industrial Park Road
5.	Tularosa	TH	7/17/03	Community Civic Center	1050 Book Out Road
6.	Jemez Pueblo	M	7/21/03	Walatowa Visitors Center	NM Highway 4
7.	Las Cruces	W	7/23/03	NM Farm and Ranch Heritage Museum	4100 Dripping Springs Road
8.	Anthony	Th	7/24/03	Gadsden High School Cafeteria	6301 NM Highway 28
9.	Socorro	M	7/28/03	City Hall	111 School of Mines
10.	Gallup	W	7/30/03	Convention Center, Indian Code Talker Room	103 West Highway 66
11.	Taos	TH	7/31/03	Bataan Hall Convention Center	121 Civic Plaza Drive
12.	Santa Rosa	M	8/4/03	High School Technology Room	717 3rd Street
13.	Clovis	W	8/6/03	North Annex of the Library	700 Main Street
14.	Tucumcari	TH	8/7/03	Convention Center Annex	1500 W. Historic Route 66
15.	Deming	T	8/12/03	Convention Center	2300 E. Pine Street
16.	Reserve	W	8/13/03	Catron County Court House	101 Main Street
17.	Silver City	TH	8/14/03	County Administration Center	1400 Highway 180 East
18.	Chama	M	8/18/03	Community Center	299 4th Street
19.	Farmington	W	8/20/03	Civic Center	200 W. Arrington Street
20.	Shiprock	Th	8/21/03	Chapter House Navajo Nation	Hwy. 64 north of Junction US 491 (Old Hwy 666)
21.	Albuquerque	M	8/25/03	UNM Science and Technology Park, Rotunda Room	801 University Blvd. SE
22.	Hobbs	W	8/27/03	Lea County Event Center	5101 Lovington Highway
23.	Acoma Pueblo	Th	8/28/03	Tribal Auditorium	I-40 -exit 102, 5-6 miles south towards Sky City Casino
24.	Las Vegas	T	9/2/03	City Council Chambers	1700 N. Grand Avenue
25.	Santa Fe	W	9/3/03	Morgan Hall, State Land Office Bldg	310 Old Santa Fe Trail
26.	Moriarty	Th	9/4/03	Civic Center	202 Broadway
27.	Isleta Pueblo	M	9/8/03	Old Palace Casino	Exit 215 off I-25, take Broadway. Across the street from golf course.
28.	Roswell	W	9/10/03	Chavez Co. Administration Bldg.	#1 St. Mary's Place
29.	Carlsbad	Th	9/11/03	Pecos River Village Conf. Center	711 Muscatel Avenue

—The Legislation—

AN ACT

RELATING TO WATER; PROVIDING FOR A COMPREHENSIVE STATE WATER PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 14 NMSA 1978 is enacted to read:

"STATE WATER PLAN—PURPOSE—CONTENTS.

A. It is the intent of the legislature that the interstate stream commission, in collaboration with the office of the state engineer and the water trust board, prepare and implement a comprehensive state water plan.

B. The state water plan shall be a strategic management tool for the purposes of:

- (1) promoting stewardship of the state's water resources;
- (2) protecting and maintaining water rights and their priority status;
- (3) protecting the diverse customs, culture, environment and economic stability of the state;
- (4) protecting both the water supply and water quality;
- (5) promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans;
- (6) meeting the state's interstate compact obligations;
- (7) providing a basis for prioritizing infrastructure investment; and
- (8) providing statewide continuity of policy and management relative to our water resources.

C. The interstate stream commission in collaboration with the office of the state engineer, and in consultation with other government agencies as appropriate, shall develop a comprehensive, coordinated state water plan that shall:

- (1) identify and reflect the common priorities, goals and objectives that will have a positive impact on the public welfare of the state;
- (2) establish a clear vision and policy direction for active management of the state's waters;
- (3) include an inventory of the quantity and quality of the state's water resources, population projections and other water resource demands under a range of conditions;
- (4) include water budgets for the state and for all major river basins and aquifer systems in the state;
- (5) develop water conservation strategies and policies to maximize beneficial use, including reuse and recycling by conjunctive management of water resources and by doing so to promote non-forfeiture of water rights;
- (6) include a drought management plan designed to address drought emergencies, promote strategies for prevention of drought-related emergencies in the future and coordinate drought planning statewide;
- (7) recognize the relationship between water availability and land-use decisions;
- (8) promote river riparian and watershed restoration that focuses on protecting the water supply, improving water quality and complying with federal Endangered Species Act of 1973 mandates;
- (9) consider water rights transfer policies that balance the need to protect the customs, culture, environment and economic health and stability of the state's diverse communities while providing for timely and efficient transfers of water between uses to meet both short-term shortages and long-term economic development needs;
- (10) promote strategies and mechanisms for achieving coordination with all levels of government;
- (11) integrate regional water plans into the state water plan as appropriate and consistent with state water plan policies and strategies;
- (12) integrate plans of water supply purveyors, including those of local governments, privately owned public utilities, associations, cooperatives, irrigation districts and acequias as appropriate and consistent with state water plan policies and strategies, as those plans are completed and submitted to the office of the state engineer;
- (13) identify water-related infrastructure and management investment needs and opportunities to leverage federal and other funding; and

(14) promote collaboration with and strategic focusing of the research and development of the state's national laboratories and research institutions to address the state's water challenges and to bring to the state demonstration projects in desalination, conservation, watershed restoration, weather modification and other technological approaches to enhancing water supply and management.

D. Recognizing that complete water rights adjudication, measurement, well inventories and adequate databases are essential elements of an effective water management plan, and further recognizing that completion of these work elements will require substantial time and resources until such time as these elements are complete, the state water plan shall include work plans and strategies for:

(1) completion of water rights adjudications, with required supporting documentation, including hydrographic surveys, aquifer mapping and aerial mapping of irrigated land;

(2) creation and completion of a comprehensive database and an electronically accessible information system on the state's water resources and water rights, including file abstraction and imaging of paper files as well as information on pending adjudications;

(3) measuring of surface and ground water uses in the state as necessary for management of the state's water resources; and

(4) taking inventory of existing water wells and determining appropriate disposition of unused wells.

E. The interstate stream commission and the office of the state engineer shall consult directly with the governments of Indian nations, tribes and pueblos to formulate a statement of policy and process to guide:

(1) coordination or integration of the water plans of Indian nations, tribes and pueblos located wholly or partially within New Mexico with the state water plan; and

(2) final adjudication or settlement of all water rights claims by Indian nations, tribes and pueblos located wholly or partially within New Mexico.

F. The interstate stream commission shall ensure that public participation and public input are integrated throughout the planning process. The interstate stream commission shall convene water planners and stakeholders from diverse constituencies to advise it and the office of the state engineer on the state water plan, including statewide policies, priorities, goals and objectives for the plan, issues of statewide concern and strategies for implementation of the plan. The interstate stream commission shall also ensure that representatives of the stakeholder groups affected by various plan components will participate in the development of those plan components. Members of the interstate stream commission and water trust board shall be notified of and are welcome to participate in all aspects of the planning process.

G. After public review and comment, the state water plan developed in conformance with this section is subject to adoption by the interstate stream commission. Following its adoption, the state water plan shall be presented to the interim legislative committee that studies water and natural resources.

H. The state water plan shall be periodically reviewed, updated and amended in response to changing conditions. At a minimum a review shall be undertaken every five years.

I. Nothing in the state water plan shall be construed to permit the granting or the condemnation of water rights.

J. Nothing in the state water plan shall be construed to determine, abridge or affect the water rights of Indian nations, tribes or pueblos."

Section 2. A new section of the Water Project Finance Act is enacted to read:

"IMPLEMENTATION OF STATE WATER PLAN.

A. The board, in conformance with the state water plan and pursuant to the provisions of the Water Project Finance Act, shall prioritize the planning and financing of water projects required to implement the plan.

B. The board shall identify opportunities to leverage federal and other funding.

C. The board shall utilize the resources of its member agencies and entities whenever possible in implementing the state water plan."

An Open Letter to Estevan Lopez, Director of the ISC

[The following letter was sent to ISC Director Lopez on June 11, 2003. Though the Board's specific recommendations about topics were not adopted in planning the ISC's public meetings, our recommendations 2 and 3 did find their way into the meetings' structure. How the ISC intends to handle issues relating to the regional water plans in the state plan is still unclear. The Dialogue stands ready to convene a meeting of regional water planners, with or without ISC participation, if desired. We hope this letter will be helpful as readers and their organizations consider how they may participate effectively with ISC water planners in SWP development this year and in the future.—Ed.]

Dear Mr. Lopez:

On Thursday, June 5, the New Mexico Water Dialogue's Board of Directors met to consider effective implementation of the state water planning legislation. The intent of this letter is to summarize the Board's thoughts and to offer our assistance.

Unlike issue-based organizations, the Dialogue is principally concerned about the process to ensure public involvement. If all voices are heard, if all stakeholders have equal access to good information, and if everyone can listen respectfully to others across the value gaps that divide us, we are likely to find common ground on many issues. Policies that reflect shared values are more likely to be seen as legitimate and to be sustained over the long term, fulfilling a major purpose of the State Water Plan (SWP): to provide "statewide continuity of policy and management relative to our water resources."

Although we also have suggestions about policy content, our concerns about process lead us to make the following recommendations about the immediate steps ISC staff has proposed to generate public involvement.

1. The requirement to "integrate" public involvement "throughout" the process needs to start at the beginning of the planning process. We well understand the time and resource constraints under which the ISC is operating and the importance of not letting the process spin out of control. You are required to have in place by the end of 2003 the first iteration of a credible plan that can guide action. It is our understanding that members of your staff are preparing an outline that specifies policy issues or topics the plan will consider, and that fact sheets or "straw man" proposals on these issues are also in preparation. We believe that it would be unwise for staff to frame some of these issues without public involvement.

Some groups know that this preparatory work is going on and that their ideas are welcome. Others are unaware of the fact. The Dialogue Board urges the ISC to reach out more broadly in advance of its public meeting schedule to invite contributions to help in framing the issues the plan will address.

2. We assume that the 30 proposed meetings would be two to three hours long, and that they would involve both providing information and listening to the concerns of those attending. They would provide an opportunity to establish and build credibility for the plan. Their usefulness will depend on how well they are publicized, structured, and facilitated, and whether it is clear from accessible transcriptions of meeting notes that the people's voices have been heard. Our Board suggests that meetings be facilitated, that transcribed notes be posted on the ISC website, that further comments and feedback be invited following each meeting so that those who were unable to attend also have an opportunity to be heard, and that the SWP legislation be available on the ISC website.

3. A significant aim of the SWP is to identify "common priorities, goals and objectives" that will advance the public welfare. We suggest that 30 to 45 minutes of each meeting be used to solicit suggestions from participants on what everyone thinks should be common priorities and goals that will have a "positive impact on the public welfare of the state." After the meetings, a group should review all of the comments, determine where there seems to be common ground, and develop a draft statement that reflects that agreement. That statement can then be reviewed by the public at subsequent events and may evolve into a public welfare policy statement that can be incorporated into the SWP.

4. Regional citizen-planners as well as elected officials in each water-planning region understand and support water planning. We believe that 16 of the 30 proposed meetings should be held in each of the regions and include the general public as well as those who participated in the regional water planning effort. Concerns about the status of regional water plans and how they will be "integrated" into the SWP should be addressed in each of these meetings.

5. The Dialogue Board believes that the remainder of the 30 meetings is likely to be more productive if they are organized around specific policy issues, many of which were identified in the SWP legislation, rather than being "omnibus" forums. (All of them, however, regardless of topic, should provide time for members of the public to express their ideas and concerns on any water-related issue.) The Dialogue Board recommends the following candidates for topics around which the some of the remaining 14 public forums might be organized.

- **Reallocation of water.** This includes principles and criteria to govern the transfer of water rights and the move-

ment of water to new places and purposes of use. The subject involves the voluntary transfer of rights through market-like arrangements, negotiations, leases of physical water on short- and long-term contracts, and water banking arrangements. (*Involuntary* reallocations necessitated by compact requirements, federal actions, water shortages, or other circumstances, fall under other headings and might be seen as separate meeting topics.) Because of the magnitude and contentiousness of this issue, we would suggest that five meetings (one in each quadrant of the state and one in the Middle Rio Grande) be held on this set of issues.

- **Environment.** How should the OSE/ISC's plans for "active water resource management" incorporate concerns for environmental protection?

- **Conservation.** What structure of incentives and accountability for conservation and stewardship of the water resource should the SWP propose?

- **Watershed management.** How can the SWP promote coordinated efforts and partnerships among federal and state agencies responsible for watershed management to protect and improve watersheds as an aspect of active water resource management? (This meeting should involve managers of relevant agencies.)

- **Native American communities.** Recognizing the importance of good neighbor relations between Indian and non-Indian communities, particularly in water-short times, how can the SWP be used to integrate or coordinate with Pueblo and other Indian nation interests? (General public meetings on this topic should not be viewed as substitutes for government-to-government negotiation on water issues, including resolution of Indian water rights.)

- **Recreation.** How should active water resource management take account of recreational interests and other non-consumptive uses?

- **Drought management.** What additional steps should the SWP recommend for response to drought emergencies and for preventing future emergencies?

Proposal: The Dialogue Board realizes that the 16 regional meetings suggested above are likely to bring potential conflicts among regions and between regions and the state to the surface, but that these meetings cannot adequately serve as arenas for resolving those conflicts. The Dialogue therefore offers to work with the ISC to facilitate the development of a framework of principles, criteria, and rules for negotiating and resolving inter-regional and region-state conflicts. This effort would build upon the work already accomplished during a workshop convened by the Dialogue last October, which brought together 35 regional water

planners, including public officials, from all parts of New Mexico, to begin a conversation on that subject.

We envision convening a one- to two-day meeting, involving regional water planners, ISC staff (plus any

commission members who might choose to participate), Dialogue members and any others particularly interested in this issue. The goal would be to produce a framework and principles that would include an understanding of the "standing" of the regional water plans (RWP), an overall policy statement about the State's intent with regard to being guided in its decisions by RWP recommendations, and the defining conditions under which an overriding state interest might "trump" regional plans. It would also address principles and criteria for how region-to-region conflicts over voluntary and involuntary reallocations of water would be handled.

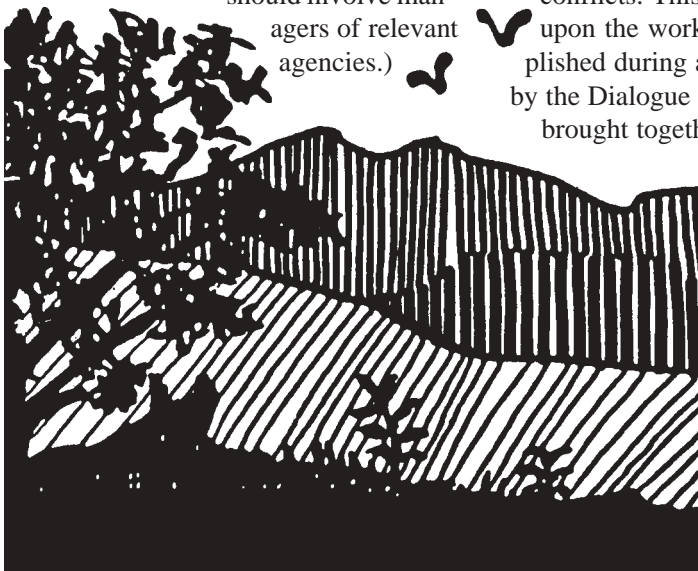
The Dialogue Board believes that holding such a meeting is critical to obtaining regional "buy-in" to the State Water Plan. We would be happy to co-host the meeting with the ISC, but are prepared to convene it without the ISC's participation if you are uncomfortable doing so. We hope that the value of such a meeting will be apparent and that the ISC will both endorse and participate in it.

Finally, we are planning to publish an issue of our newsletter, *Dialogue*, in late July, to discuss the State Water Plan and the process for developing it. *Dialogue* reaches over 2,100 individuals and an additional 300 organizations throughout New Mexico. We would be pleased to include in this issue a schedule of the public meetings and their topics as well as a column from you or the State Engineer regarding the planning process.

We hope that you will find these ideas and suggestions helpful, and are committed, as we know you are, to developing a durable and sustainable State Water Plan that reflects the vision and values of all New Mexicans.

Sincerely,

John R. Brown
Executive Director,
NM Water Dialogue



Recent New Mexico legislative initiatives relating to allocation of water

The State Water Plan legislation requires "consideration of water rights transfer policies."

Four new laws enacted by the New Mexico legislature in 2003 address water transfers. These statutes indicate how differently the marketing of water rights is viewed in the state, and suggest the difficulty of developing comprehensive statewide policy in dealing with these issues. All of them also impose limitations or requirements on the authority of the State Engineer.

1. Ch. 135¹ prohibits the State Engineer from approving an application to transfer a water right out of an acequia or community ditch if the acequia has enacted a bylaw to that effect and acequia commissioners have determined that the change would be detrimental to the acequia. The commissioners' decision can be appealed to district court. This law limits the "private property" water rights of individual *parciantes*, by strengthening the authority of its elected commission to deny transfers that could harm the acequia. It restores some of the power once vested in acequia communities to assure local control over their water resources.

2. Ch. 132 allows acequias to establish local water banks to temporarily reallocate water "to augment the water

supplies available for the places of use served by the acequia or community ditch." The law recognizes the customary water sharing arrangements of acequias by providing that no application to the State Engineer is needed and that banked water rights are not subject to loss for non-use. Though titled "water banking authority for acequias," it requires that reallocations of water take place within the acequia community, serving community interests, while making an acequia water bank and its operations not subject to approval by the State Engineer.

3. Ch. 369 applies principally to Elephant Butte Irrigation District. It establishes a process for water right holders in the district to make 40-year leases of water to municipalities and other public and semi-public entities that form "special water users associations." It allows transfers of leased water outside district boundaries for municipal use in Dona Ana County and to meet compact delivery requirements to Texas. It restricts the State Engineer's power to establishing criteria for lease applications, and limits his review to applicants' compliance with those rules, rather than reviewing each lease on its own terms.

The district board has final approval authority for applications it finds in the interest of the district. Only irrigation dis-

trict members have "standing" to object to a lease, and the grounds for objection and appeal are limited to compliance with the rules. By providing for long-term leases of water allotted under a right through a quasi-market mechanism, it enables transacting parties to accomplish semi-permanent transfers while allowing a water right holder (the district itself or a member) to benefit financially from the lessee's use of the right. Limits on protests and appeals shrink the basis for considering third-party effects, reducing costs of transacting the lease arrangement. Because it must approve any lease, the district holds a monopoly position. The law promotes "efficient" reallocation, but not "free market" competition.

4. Ch. 63 requires the State Engineer to adopt rules to administer and enforce priority rights in stream basins where water rights adjudication has not been completed "to stem overuse." He must also issue rules to promote expedited marketing and leasing of water in areas affected by priority administration. (These rules do not apply to acequias or to water rights on an acequia.) Of the four bills noted in this article, only this one explicitly endorses making water right transfers easier through marketing.

¹Laws of New Mexico 2003.

The Dialogue depends on individual contributions to publish the newsletter. A suggested contribution is \$15, with larger contributions most welcome.

If you find the Dialogue valuable, let us know with your tax-deductible contribution. Send this form with a check to:

The Dialogue
John R. Brown, Executive Director
New Mexico Water Dialogue
PO Box 1387
Corrales, New Mexico 87048

Or email jrb@osogrande.com with your ideas and suggestions.

Keep your Dialogue coming!

Name _____

Affiliation _____

Address _____

City, State, ZIP _____

Amount enclosed: \$ _____

The Dia Log: Upcoming Events

Water 2025 Regional Conference
 Preventing Crises and Conflict in the West
 August 12, 2003
 Albuquerque, New Mexico
 Sheraton Albuquerque Uptown Hotel

Sponsored by the U.S. Department of the Interior,
 Bureau of Reclamation

Keynote Speaker: U.S. Senator Pete Domenici

Panelists:

- John D'Antonio - New Mexico State Engineer
- Subhas Shah - Middle Rio Grande Conservancy District
- Letty Belin - Land and Water Fund of the Rockies
- Pueblo Tribal Representative - To be announced
- John Stomp - City of Albuquerque
- Edd Fifer - El Paso County Water Improvement District #1

Free

For more information and to register, go to <http://www.usbr.gov/water2025/nm/registration.cfm>

Xeriscape Conference Planning Update

Water: Our Future...Our Legacy

During the two-day conference, Oct. 17 and 18, seminars and workshops will be presented on a wide variety of topics pertaining to the environment, landscape water use and resource conservation. On Friday the keynote address will be by **Dr. Peter Gleick**, President of the Pacific Institute and author of "The World's Water 2002-2003." **Amy Vickers**, author of the "Handbook of Water – Use and Conservation," will keynote the Saturday session.

Seminar topics include global water use, sustainable planning, landscape ecology, effects of climatology, water harvesting and irrigation policies. Presenters include **Dr. Kathryn Gleason, Tom Swetnam, Mike Kernodle, Doug Bennett, Judith Phillips, Tom Ellis, Mary Irish and Gina Dello Russo.**

Concurrent with our full two-day program is the Xeriscape Fair and Trade Show.

Register on-line with a secure system at <http://www.xeriscapenm.com> or via snail mail by sending your registration form and fee to: Xeriscape Council, PO Box 14311, Albuquerque, NM 87191.

The \$100 fee includes program materials, lunch both days and the Xeriscape Fair and Trade Show.

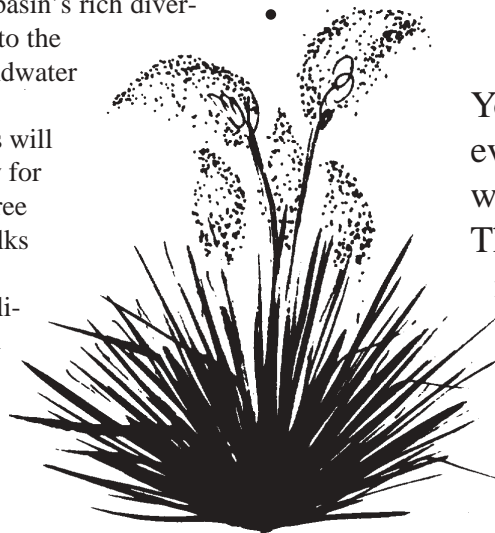
Día del Río, Saturday, October 18, 2003

The 9th Annual Día del Río will occur throughout the basin on Saturday, October 18, 2003.

Día del Río is a citizen-led event organized by the Rio Grande/Río Bravo Basin Coalition. Día del Río is both a call to action and a celebration of the basin's rich diversity. Día del Río draws public attention to the critical state of the basin's rivers, groundwater and wildlife.

Each of the participating communities will implement at least one volunteer activity for Día del Río. Activities will range from tree planting and trash clean-ups to public talks and presentations.

The Rio Grande/Río Bravo Basin Coalition is a non-governmental, nonpartisan organization made up of citizen-based working groups in the basin. For information, call Beatriz Vera 915-532-0399.



Your organization may post events online at www.nmwaterconnections.org. The Dialogue will include submissions in upcoming issues.

—Letter from the President—

Thank you to the many people who contributed
to the State Water Plan legislation!

by Consuelo Bokum, President of the New Mexico Water Dialogue

On April 3, 2003, Governor Richardson signed legislation sponsored by Sen. Dede Feldman and Rep. Mimi Stewart “providing for a comprehensive state water plan.” (Full text is on pages 6-7.)

Section B of the legislation provides the motivation for the State Water Plan. It provides that the plan is to be a strategic management tool for “promoting stewardship of the state’s water resources; protecting and maintaining water rights and their priority status; protecting the diverse customs, culture, environment and economic stability of the state; protecting both the water supply and water quality; promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans; meeting the state’s interstate stream compact obligations; providing a basis for prioritizing infrastructure investment; and providing statewide continuing of policy and management relative to our water resources.”

The Dialogue would like to thank the many people who worked on this legislation.

- (1) Everyone who attended Dialogue meetings as long ago as 1993. Much of the language from a group that worked on a “preamble for a state water plan” appears in Section B of the legislation, quoted above.
- (2) Dialogue board members, all of the folks who attended annual statewide Dialogue meetings, and regional water planners who attended a workshop in the fall of 2002. A draft of the legislation evolved from and was discussed and amended by all of those people before being introduced in January 2003.
- (3) Rep. Stewart and Sen. Feldman who carried the bill and worked hard to make sure any amendments improved rather than weakened the bill.
- (4) Estevan Lopez, director of the Interstate Stream Commission, and Bill Hume, Governor’s office, who both worked long and hard to get a strong bill through the session.

The legislation provides a viable format for the State Water Plan and the Dialogue is proud to have contributed to the process. Thank you everyone!

The New Mexico Water Dialogue
PO Box 1387
Corrales, New Mexico 87048

Non-Profit Organization
U.S. POSTAGE PAID
Albuquerque, NM
PERMIT NO. #1893