



## Published by the New Mexico Water Dialogue

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.

*Save the Date: JANUARY 12, 2017*  
*New Mexico Water Dialogue 23rd Annual Statewide Meeting*

# Toward a More Relevant State Water Plan

**T**he issue of ensuring a reliable water supply for New Mexico has been the focus of water planning for more than 30 years. In 2003, the legislature enacted provisions for “a comprehensive state water plan.” A skeletal state water plan was adopted that same year. Finally this year, the Interstate Stream Commission began the process of working toward a comprehensive state water plan. It is not clear what that means, but it will be substantially different than the one adopted in 2003.

There are clearly issues that affect the entire state and require uniform statewide policies to improve water management. Those issues, such as adjudications, federal mandates and use of saline and brackish waters, need to be identified.

Other approaches are needed that vary in response to the many different climates, cultures and economies of

this diverse state. Many of these are addressed in regional water plans. For two separate time periods – from the 1987 to 2008 and from 2013 to 2016 – the state divided itself into 16 distinct regional planning areas that will have completed two sets of planning documents by early 2017. Other issues must be left to local communities and organizations to resolve.

And finally, there are issues that will require collaboration and coordination between the state, regions, and local governments. These include water transfers, drought and flood management, watershed management, aquifer storage and recovery, among others.

Join the Dialogue in a discussion of where we have come since 1987 when the legislature required regional water plans and what challenges the state, regions and local communities face that need to be addressed in a revised state water plan.

## Please Help Us by Receiving Your Newsletter Electronically

**T**he New Mexico Water Dialogue relies entirely on memberships and the occasional larger donation to finance its work. The Dialogue has no staff and relies on its board of directors and a few wonderful people to pull together the annual meeting and occasional more focused meetings when dialogue is helpful, and to work on the bi-yearly newsletter. We keep the fees for the annual meeting as low as possible to cover costs and do not charge for the newsletter.

BUT, we need your help. We need to reduce our costs. PLEASE email John Brown at [john.r.brown2@gmail.com](mailto:john.r.brown2@gmail.com) and request that you receive your newsletter electronically only and not by paper copy which must be printed and mailed requiring postage.

THANK YOU.





Fall 2016

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## Report from the President

by Jason John

NM Water Dialogue President, Board of Directors

**T**he theme of the upcoming Annual Meeting in January 2017 is "Toward a More Relevant State Water Plan."

The state legislature is in the process of strategizing on how to approach the shortfall in funding. It is imperative that the State continue to fund water planning as a priority to ensure the continued progression to access to sustainable, reliable and safe water for New Mexico communities.

Many communities are dealing with water quality problems and infrastructure deficiencies. Over the past year northwest New Mexico has had to endure the physical, psychological, and political aftermath of the Gold King Mine spill which shed light on the deficiencies in communication between agencies and the realistic challenges to protecting water quality. In addition, many utilities struggle to maintain existing systems. Without supplemental funding from the state or federal agencies many New Mexicans will have to shoulder the cost of financing these issues through increased water user rates.



The regional water plans touch upon these topics and are being updated and approved by the Interstate Stream Commission. With the shortfall in state funding the legislature and Governor will be seeking a more structured approach to funding water projects.

It is important that researchers, citizens and communities provide input into the current updates to the regional water plans as they will influence future decisions by legislatures to fund water infrastructure and create a more relevant state water plan.

**T**he board thanks Dennis Inman and Dutch Salmon for adding wisdom and perspective to our deliberations and welcomes new board members Dael Goodman, Virginia Necochea and Bruce Thomson.

## NM Interstate Stream Commission Regional and State Water Planning Program

Over the past year, the Interstate Stream Commission (ISC) has received and reviewed all 16 completed regional water plan drafts and returned them to the regions to complete, with technical and facilitation assistance over the course of 2016.

The final process includes ISC acceptance of each plan based on the following criteria:

- Includes updated data on available and projected water supply and demand
- Identifies strategies to address water needs, highlighting projects, policies or programs of greatest interest to a region's stakeholders
- Includes a description of how the public was involved in the planning process
- Contains all chapters outlined in the 2013 Updated Regional Water Planning Handbook ([http://www.ose.state.nm.us/Planning/RWP/PDF/Revised%20RWP%20Handbook%20ISC\\_Dec\\_2013\\_Final.pdf](http://www.ose.state.nm.us/Planning/RWP/PDF/Revised%20RWP%20Handbook%20ISC_Dec_2013_Final.pdf))

A major milestone was reached by the New Mexico ISC Regional Water Planning Program on July 21, 2016 when Commissioners accepted final revised regional water plans for the Colfax and Taos regions. In August, the Mora-San Miguel-Guadalupe and Rio Chama regions presented their plans to the ISC which accepted both. The Northeast New Mexico and San Juan Basin regional water plans were accepted on September 21.

*Note: Each draft plan will be posted on the OSE/ISC website ([www.ose.state.nm.us](http://www.ose.state.nm.us)) within 10 days of the ISC meeting at which it is scheduled to be presented. Final plans will be posted within 72 hrs of the meeting.*

ISC staff, consultants and representatives from the regional steering committees worked together to develop the final plans. The comment process was carefully handled by ISC planners and staff through consultant facilitators and the regional steering committees. All verbal and written comments were reviewed using a consistent process designed to determine if, and how, they would be addressed.

ISC Director Deborah Dixon and the planning program team continue to work towards continuous improvement of the water planning process. Major enhancements to date include the involvement of acequias and smaller water systems in developing proposed water management and policy

solutions. The inclusion of projects, programs and policies within regions from many different entities, including mutual domestic water consumer associations, irrigation districts, tribes and watershed groups, is reflected in the plans' sections on strategies for implementation. Two significantly improved features are information and communication. Through ISC supported regional steering committees, a major amount of information was disseminated about the complex interplay of water management, law and policy, allowing everyone to see the "bigger picture" and focus attention on specific measures to help solve problems and develop solutions both now and in the future.

The regional water plans are part of the soon to be updated State Water Plan. All regional water plans, in addition to more information about the water planning program, are posted on the OSE/ISC website: <http://www.ose.state.nm.us/Planning/index.php>

The remaining 10 regional water plans are substantially complete or in final development stages and will be considered for Commission acceptance by February of 2017 at a rate of two per month. The tentative schedule for the remaining presentations to the Commission is as follows:

Region	Presentation Date	Location of ISC Meeting
Tularosa	10/20	Truth or Consequences
Socorro Sierra	10/20	Truth or Consequences
Jemez y Sangre	11/17	Santa Fe
Estancia	11/17	Santa Fe
Lower Pecos	12/12	Roswell
Lea County	12/12	Roswell
Northwest	1/19	Santa Fe
Middle Rio Grande	1/19	Santa Fe
Southwest	2/16	TBD
Lower Rio Grande	2/16	TBD



## Is planning the answer to water problems in Southwest NM?

By Dennis Inman, Geologist

**T**he problems that we face in this part of the state are:

1. A highly variable supply of precipitation, both with rain and snow amounts.

2. An incomplete knowledge of how much groundwater is available for development.

3. The supply of both surface and subsurface water seems to be inadequate for the projected future demands.

4. The high demand areas are skewed to the areas of the most population, thus leaving the less populated areas under represented in the planning process.

5. The planning process is also skewed towards shovel ready development projects and not conservation of existing resources or the wise use of those resources to the mutual benefit of all of us in the southwest planning area.

6. When it comes to development projects the driving force should be a positive cost benefit ratios and not just nice to do projects or those projects that are perceived as necessary to meet some settlement objective, such as the Arizona Water Settlement Act, which the ISC (Interstate Stream Commission) uses to justify the Gila Dam project.

So is planning going to meet the needs of the Southwest planning areas? I have mixed feelings about how well this process is going to meet the above problems. The planning process has identified several goals or project

objectives that on the surface seem to be well meaning for the common good, but we do not have a say in which projects or objectives are to be funded. We can only make recommendations and the ISC and Water Trust Board selects what does or does not get funded.

I am not sure that we in Catron County will receive any real consideration that will benefit our needs. We may get some riparian enhancement funding, but that is a priority for the whole planning area so we would only get a small share of any funding. The acequias (ditch associations) are being taken care at this point if they are properly organized as defined by the state. The county has already had the organized acequias meet to address their needs and to help those that are not properly organized to get that way.

I do not think that the Plains of San Augustin will get the funding it needs to fully understand how it will be treated when faced with major demands for producing water for other areas outside of this county. This watershed supports the flows in the Gila and San Francisco watersheds, yet it has not gotten the State's backing for studies that would lead to a better understanding of how it should be managed.

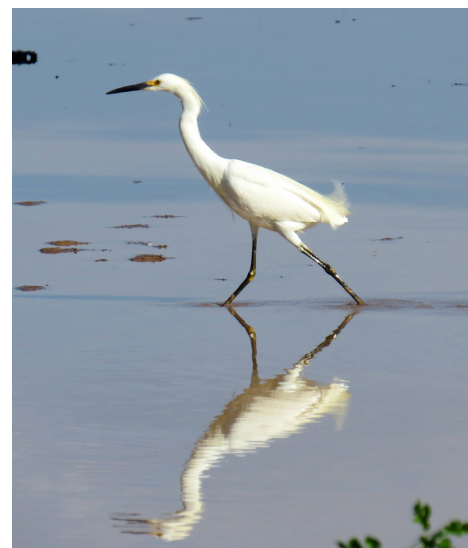
I am just not hopeful that this process is going to be beneficial to Catron County.

## More Donations of Water Coming for the Rio Grande

**A**bout a year ago, Sandia Pueblo partnered with Audubon New Mexico and agreed to donate 100 acre-feet of water to enhance stream flow and riparian health in the Rio Grande (see the Spring 2016 issue of the Dialogue). During this past year, Isleta, Santa Ana and Cochiti pueblos each added 100 acre-feet of water and the Club at Las Campanas, located in Santa Fe, added an additional 399 acre-feet of water to the initial donation from Sandia Pueblo.

Audubon New Mexico expects that these donations will *increase the flow in the river for a 35-mile stretch for nearly 24 days.*

Since the initial major die-off of the Silvery Minnow in the 1980s, managing water in this part of the Rio Grande has been contentious to say the least. The New Mexico Water Dialogue celebrates these gifts that demonstrate that communication, relationships, and shared vision are keys to innovative policy and better stewardship of water.



# Mostly a Mirage: The Promise and Disappointment of the Recent Regional Water Plan Revision Process in New Mexico

*By Simeon Herskovitz, Advocates for Community and Environment*

Under the direction of the New Mexico Interstate Stream Commission and outside consultants hired by the ISC, New Mexico's 16 water planning regions recently completed the process of revising their regional water plans. As readers may know, many people who have been active in the regional water planning process since the first round of plans were produced were dissatisfied and frustrated with what amounted to a strictly constrained and rushed process of revising their regional water plans.

While the ISC planning staff deserve credit for having completed the process, the fact of the matter is that many of the people who have invested significant long-term effort in trying to develop sound, robust, thorough water plans to inform water resource allocation and management decisions at the local and state levels found the approach that they were forced to accept to be cursory, narrowly focused, and ultimately unsatisfactory.

## The Original Vision:

In 2013 former ISC Director Estevan López worked to persuade the Legislature to appropriate funds for the process of revising regional water plans. When the Legislature agreed to appropriate \$400,000 that year, the expectation was that the \$400,000 appropriated in 2013 would be the first in a series of annual installments. The vision people involved in regional water planning had was for the regions to sequentially engage in a meaningful, thoughtful process of revising their water plans. The idea was for a few regions to use the budgeted amount

from each year those funds were to be available for the purpose of remedying deficiencies and refining practical aspects of their regional water plans in a holistic manner. Subsequently, a committee of the ISC met and decided to use the 2013 funding to develop a "common technical platform"; i.e., common supply-and-demand data for the entire state, the writing of several other portions of each regional water plan, and completion of all the regional water plans in 2015, a deadline that was extended several times.

## Fiscally Constrained Implementation:

As a result, the people in the 16 planning regions who wanted to improve their water plans, and the ISC's planning staff, were forced to try to revise all the regional water plans with just that limited amount of funding. In response to this constraint, staff pressed residents of the regions to focus on a very narrow process of adding a list of prioritized projects and policies for grant funding purposes within a truncated time period. The regions were pressured into completing this process in little more than a year and with only about a half dozen meetings in each region.

Because the time period and the budget allocated for this revision process were so limited, the process did not allow committed regional water planners to remedy significant deficiencies or substantively address important priorities in their original regional water plans. While planners in the regions appreciated the fact that the planning staff were working to get regional water plan updates done on a shoestring budget, many were left feeling that the

process was rushed simply in order for the ISC to be able to check off the proverbial box of having completed the regional updates and proceed to do the same with regard to updating the State Water Plan.

## A Less Than Optimal Outcome:

Many local steering committee members and stakeholders voiced dissatisfaction with the rushed pace and extremely limited scope of what was allowed for in this abridged approach to revising the regional water plans. Both the rushed nature of the revision process and the widely felt alienation led to a much lower level of participation by longtime activists and leaders on water issues in some regions. Those who did participate seemed to accept the limitations of the process as it was presented to them by the ISC, and sought to adapt their participation to the narrow short-term grant-oriented utilitarian purpose that was allowed. Nonetheless, the fact that some participants made what use they could of this abbreviated process should not be misinterpreted as an indication that most people concerned with water planning believe so impoverished an approach adequately addressed the full range of issues and priorities that they want addressed in their regional water plans. While some utilitarian benefit may be derived from the recent revised regional water plans in terms of obtaining funding for discrete water-related projects, the fundamental need for deeper and more holistic water planning remains unmet.

## Fussin', Fightin', ...and Cooperatin'

Review of Fleck, John. 2016. *Water is for Fighting Over: and Other Myths about Water in the West*. Island Press, \$30 (hardcover). Reviewed by John Brown.

*The water problems of the world need not be only a cause of tension; they can also be a catalyst for cooperation .... If we work together, a secure and sustainable water future can be ours.*

– KOFI ANNAN, FEBRUARY 2002

We've all heard versions of the prediction to the effect that "the wars of the 21<sup>st</sup> century will be fought over water." In this brief, well-documented, and readable volume John Fleck sets out to tell stories that discredit that prediction as well as the adage (which he dubs a "myth") that "whiskey's fer drinkin'; water's fer fightin'." (That's the way I first heard it.)

Fleck is hardly the first person to make the argument that it doesn't have to be that way. The existence of the New Mexico Water Dialogue is predicated on the assumption that humans can learn about each other and develop a shared understanding about scarce water resources through respectful dialogue.

Fleck's argument is grounded in a hopeful assessment of human nature derived in part, I'd wager, from his upbringing, but also from studying the work of Indiana University political scientist Elinor Ostrom. She called us humans "fallible learners." We don't always get it right, but faced with severe stress or potential destruction of a common-pool resource we must share to survive, we are often capable of finding ways to cooperate, and are not condemned to play out a "tragedy of the commons." We can craft rules and take collective action to put our learning into practice.

The resource at issue in this book is the stocks and flows of water originating in the Colorado River Basin. Fleck shows us how the Colorado Compact has (mostly) functioned as an alloca-

tion rule among the states, despite its gross over estimate of the river's average annual flow. But he also demonstrates how senior appropriators, river managers, and other stakeholders with less formal power have often come together in regional and local situations to wrestle with – and sometimes resolve – serious place-specific issues.

In Fleck's view the solutions depend on "active participation by experts in the unique geographies where the water [has] to be managed." As such, you cannot generalize about their content. But, he asserts, you can do so about the process of getting there. It begins with "cheap talk"! (p. 93) (He borrowed the term from Ostrom, but it has its origin in game theory. Cheap talk is communication between players that does not directly affect the payoffs of a game.) In real life, creating informal settings where providing and receiving information is "costless" to the actors is essential in laying the foundation for collective action. Face-to-face conversations enable participants to build trust through developing a shared understanding of the resource and recognizing shared values with respect to protecting it.

That it's hard work to craft institutions for place-based governance comes through in the situations he discusses. What is less clear, though the author takes the question seriously, is who gets to be at the table (or on the river, or in the hotel bar!) in the informal gatherings that precede the establishment of (and often function alongside) official bodies operating under formal rules. Thus, the "network" that wields informal power in reconciling agencies' and states' needs with those of the Colorado River Basin as a whole consists not only of federal and state officials and experts, but also "a handful of outsiders...who

have learned the lingo and earned the trust to participate in the discussions." Informal relationships "among people who represent different communities and interests, yet understand one another's needs and share common values" provide the grease to enable formal structures to operate smoothly. (p. 155)

And operate they must, since resource dilemmas are never permanently solved. In this epoch of anthropogenic climate change even temporary fixes can require frequent "tweaking" of operating rules, affecting many lives and interests. Who gets to participate? Who's left out? Fleck devotes a chapter to this issue, recognizing exclusion – whether intentional or through negligence – of Native Americans, notably, but a litany of other communities within and outside the basin whose lives and livelihoods have been damaged by the collective choices of those "admitted into the inner sanctum of Colorado River Basin policy debates." (p. 174)

One last observation. This book demonstrates how people can work together to address problems and govern a common-pool resource to avoid collapse. Yet there's scarcely a mention of "planning"! Why? It's because, Fleck believes (personal communication), that planning is properly a function of governing, and not a stand-alone activity. State and regional water planning to date stands largely decoupled from the actual processes of governing New Mexico's water resources. To be of benefit, it must provide tools for better water governance at scales where resource dilemmas exist. Paying attention to the design of the institutional arrangements for making that happen is important to its future relevance. That's my "takeaway" message from this important book.

New Mexico Water Dialogue  
23rd Annual Meeting  
January 12, 2017  
8:00 am to 4:30 pm  
Indian Pueblo Cultural Center  
2401 12th St. NW, Albuquerque, NM 87104

## TOWARD A MORE RELEVANT STATE WATER PLAN

The simplest way to register for the 23rd Annual Statewide Meeting is to go online to <http://nmwaterdialogue.org> and click on the "Register Now" button. Credit cards can be used online only. Registration includes lunch catered by the Indian Pueblo Cultural Center and morning and afternoon beverages and snacks. By registering early, you help us plan for these items. For those who register online, we offer discounts. (A limited number of scholarships and travel stipends are available to students and others for whom paying the registration fee would cause financial hardship. Contact Joaquin Baca at 505 377-7549 or [joaquin\\_baca@fws.gov](mailto:joaquin_baca@fws.gov) for more information.) If registering online is a problem, you may fill out this form and mail it with a check to NMWD, c/o Joaquin Baca, 100 Gold Ave. SW #408, Albuquerque, NM 87102. The fee after January 6, 2017, is \$60 and must be paid at the door on the day of the meeting.

### Registration Form (Please print legibly)

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☐ REGISTER for the Dialogue's 23rd Annual Statewide Meeting

\_\_\_\_\_ member(s): \$45 until 12/16/16; \$50 until 1/6/17

\_\_\_\_\_ non-member(s): \$50 until 12/16/16; \$55 until 1/6/17

Amount included: \$ \_\_\_\_\_

☐ BECOME A MEMBER of the NM Water Dialogue (Register for the meeting as a member!).

\_\_\_\_\_ Individual(s) @ \$20

\_\_\_\_\_ Individual(s) representing a public agency or non-profit organization @\$35

\_\_\_\_\_ Individual(s) representing a private, for-profit firm @\$50

\_\_\_\_\_ Governmental or non-profit organization (for up to 5 people) \$100

\_\_\_\_\_ Private, for-profit enterprise/organization (for up to 5 people) \$150

Amount included: \$ \_\_\_\_\_

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☐ Payment if being mailed separately (must arrive by the date indicated above)

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## New Mexico Water Dialogue 23rd Annual Statewide Meeting

### TOWARD A MORE RELEVANT STATE WATER PLAN

January 12, 2017

8:00 am - 4:30 pm

Indian Pueblo Cultural Center, Albuquerque, New Mexico  
2401 12th St. NW, Albuquerque, NM 87104

#### DRAFT AGENDA

- |               |  |
|---------------|--|
| 8:00 – 8:30   | Registration   |
| 8:30 – 9:45   | Where We Are and What the Future Holds   |
|               | Keynote Speakers:  |
|               | John Fleck, Director of the Water Resources Program at UNM and author<br>of <i>Water is For Fighting Over: and Other Myths About Water in the West</i> |
|               | Jennifer Faler, Area Manager, Bureau of Reclamation  |
| 9:45 – 10:00  | Break  |
| 10:00 – 11:30 | Panel: Components of Good State Water Plans  |
| 11:30 – 11:45 | Introduction to Breakout Session – Lucy Moore  |
| 11:45 – 12:45 | Lunch  |
| 12:45 – 2:30  | Breakout Session: The Future State Water Plan: Your Ideas  |
| 2:30 – 2:45   | Break  |
| 2:45 – 3:45   | A Dialogue with the Interstate Stream Commission- Deborah Dixon, Director  |
| 3:45 – 4:30   | Closing Remarks  |

Please check [www.nmwaterdialogue.org](http://www.nmwaterdialogue.org) for additions and changes to the agenda and to register.