

Reflections: The NM Water Dialogue Celebrates 20 Years

The Regional Water Planning Dialogue was organized in 1992 “to support the regional water planning process in New Mexico.” The initial impetus was a court order that New Mexico had failed to make adequate deliveries of water to Texas under the Pecos Interstate Stream Compact, and two statutes passed in response by the legislature that created the framework for regional water planning. The state had been caught off guard when the court made its decision, and for many years people around the state scrambled to figure out how to protect

the state from further failures.

Water had generally been taken for granted by most people in the state. Initially, the Dialogue and water planners focused on learning a lot of factual information about water, discussing the many contentious issues that came up, and figuring out how to complete regional water plans. The first three regional water plans were completed in 1999 and the last was completed in 2008 about 20 years after the regional water planning statutes were enacted. Water planning has succeeded in many areas. Completion of water projects and increased water conservation have given some communities the resilience they needed to get through 2011, although agricultural communities that relied on surface water were hit hard.

After four years, the Dialogue dropped ‘regional’ and ‘planning’ from its title to reflect that it needed a name that reflected “a general concern for water in all its guises, the length and breadth of New Mexico” but noted that the organization’s premise had not changed: “Great good can come of simply communicating.” The Dialogue had succeeded at something important: the participants had nurtured a “surprising amount of understanding, cooperation and partnership between diverse water interests of the state.”

From the beginning, many people were concerned not only about regional water planning, but also worried about how the regions would be impacted by the state’s activities and planning. As early as 1993, the Dialogue began discussing “straw men” for a state water planning process. In 2003, 10 years after the Dialogue was founded, it drafted

proposed legislation creating the framework for a State Water Plan, which was passed that year. Gov. Richardson directed the Office of the State Engineer and Interstate Stream Commission to complete the first version of a State Water Plan by the end of 2003. OSE and ISC have been working on an updated plan for the last few years.

The period from the mid-1970s to the mid-1990s was unusually wet; it was also a period of population growth. A series of drier years began around 1996 just as most regional water plans were being drafted. The state has never returned to the consistently wetter years, even while not every year has been dry. As a consequence, dependence on limited groundwater supplies increased significantly and could become insufficient to meet demand. Cities continue to need more water to meet population growth. Climate change, a topic not talked about in the early 1990s, became front page news. The ongoing recession has reduced – and in some cases – eliminated funding for important water projects and initiatives related to long-term water security. A severe drought this year resulted in devastating fires and then flooding when heavy rains came late in the summer.

If severe—or even moderate—drought continues, communities that suffered this year will only suffer more, while communities that made it through this year are likely to suffer as well. The lesson seems to be that we need to continue planning and adapting. The end goal is to develop sufficient resiliency so that the state has a chance to prosper rather than wilt from lack of water.

John D’Antonio moves to US Army Corps of Engineers

In early October, State Engineer John D’Antonio resigned after eight years. He became New Mexico’s state engineer in 2003, the same year that the legislature passed an act authorizing the State Water Plan. In response to a deadline imposed by former Gov. Richardson, he and Interstate Stream Commission Director Estevan Lopez completed the first version of the SWP and have been working on an update under the current administration. His tenure has seen a number of accomplishments in addition to the SWP including the settlement with the Navajo Nation, completion of a number of adjudications, 21st century information systems, and improved public access. The New Mexico Water Dialogue is appreciative of his accomplishments and his active participation in Dialogue annual meetings.

DIALOGUE

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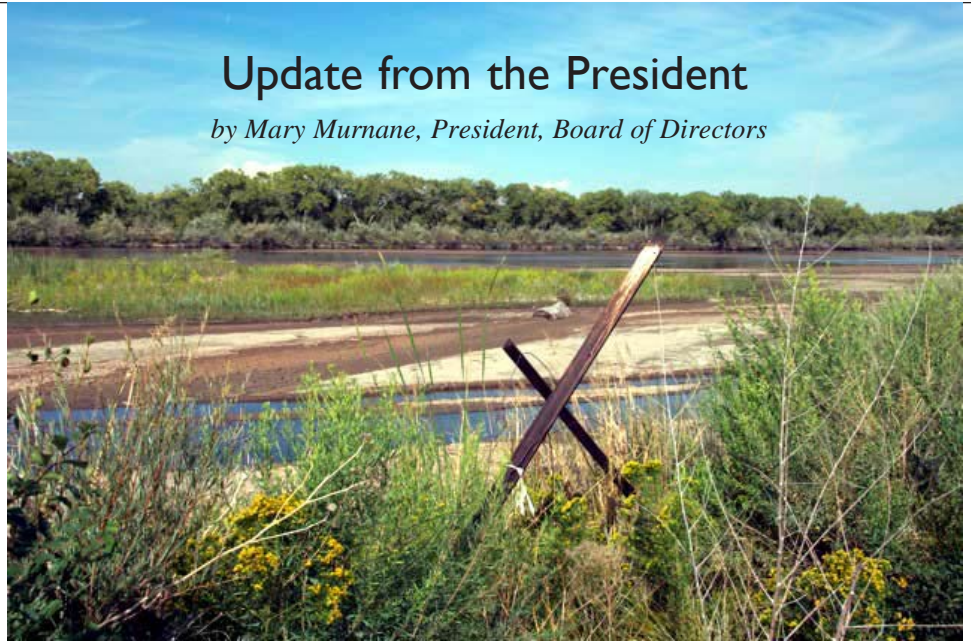
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Update from the President

by Mary Murnane, President, Board of Directors



What a troubling summer it has been for so much of New Mexico! The monsoons did not come to our rescue in late spring as hoped, and rainfall across the state was 52 percent of average through the end of August. (NOAA, US Drought Monitor, Sept 13, 2011). This year has been the driest year of record for the state, ever. At the same time, temperatures were above normal this year, so the impacts of inadequate precipitation were even more pronounced. The southeastern and southwestern parts of the state have been especially hard hit, with “exceptional” drought conditions. Seventy-two percent of the state has been in extreme to exceptional drought as measured through the early part of September (NOAA, US Drought Monitor, Sept 13, 2011).

In addition to the hot and dry weather, our state suffered from severe fires this summer. This resulted in flash flooding and ashy, muddy runoff into our rivers and streams because there was no vegetation to slow and absorb water. Land that desperately needed this moisture was incapable of absorbing it.

What has been noticeable about the weather and precipitation this summer is that although the entire state suffered from higher temperatures and lower precipitation overall, the impacts of these conditions were not necessarily as uniform. The Colorado River basin areas had

above normal reservoir levels due to extensive snowfall in Colorado. Irrigators in this area and surface water users benefited from Colorado runoff, while in the southeastern part of the state, ranchers sold off cattle because they could not afford to feed them and local vegetation could not support them. Groundwater levels in parts of the Sandia and Manzano mountains dropped four feet between April and July of this year. At the same time, some farmers in the northeast who dry-land farm did not plant this year because of grim forecasts, and yet their specific area did have sufficient rainfall, thus they could have planted and harvested successfully.

Water Dialogue board members come from across the state, and share information about our respective areas. The weather this past year has been a subject of discussion of late, as has the topic of climate change. In addition, New Mexicans acknowledge that at the time when regional water plans were being completed, there was little planning for climate change, or even a prolonged drought. The last 10 years have shown that this is yet another consideration in water management. With this consideration has come the question of how New Mexico will be impacted by climate change, how specific regions will be impacted, and how New Mexico will respond to the predicted effects of climate change. Join us in January for this ongoing Dialogue.

—Reports from the Regions—

Dealing with drought in the Southern Rio Grande Region

by Gary Esslinger, EBID

The Southern Rio Grande region, like the rest of New Mexico, is experiencing a severe drought. The drought has had several adverse effects, including lack of water in Elephant Butte Reservoir and drawdown on the local aquifer. In general, there are more than a few conflicts revolving around water supply in the region, and the fear that the drought may be the “new normal,” not abnormal, has exacerbated those conflicts.

One such conflict revolves around regional economic growth. With economic growth comes the requirement for water. However, when there is no additional water to appropriate, the water must come from an existing water user. In the Lower Rio Grande, and especially during a drought, not many water users are willing to give up their valuable supply. Even when they are willing to give up all or a portion of their water, there are often many road blocks that may prevent or delay use of the water by another water user. For example, Gov. Martinez was recently in Sunland Park to promote the new Intermodal project, which is envisioned as a massive trading hub for the Southwest. The construction of the Intermodal will require a lot of water, but at this time there is uncertainty surrounding where the water will come from. In addition, once a water supply is identified, it is unclear whether laws and regulations regarding transfers of water uses will be flexible enough, while still protecting senior users, to meet the construction deadlines imposed by the funding sources.

Another conflict is one among many players including, but potentially not limited to, the State of New Mexico (through the Office of the Attorney General), the Bureau of Reclamation (Reclamation), Elephant Butte Irrigation District (EBID), and El Paso County

Water Improvement District No. 1 (EP1). On August 8, 2011, Attorney General Gary King filed a lawsuit challenging certain activities by Reclamation. The lawsuit first alleges that Reclamation unilaterally released from the reservoir Rio Grande Compact credit water for use in Texas—a violation of the Rio Grande Compact according to the complaint. The complaint also alleges various deficiencies regarding the Operating Agreement entered into among Reclamation, EBID, and EP1, which divides Rio Grande Project water between the two project users EBID and EP1. The Attorney General is seeking to relieve EBID of its obligations under the Operating Agreement because he believes EBID has given away too much of its valuable water supply to Texas, a position EBID disputes. The conflict surrounding NM credit water and division of water between the two irrigation districts is, again, only exacerbated by the ongoing drought.

Even though water conflicts may seem insurmountable at times, sometimes they can be resolved, which is what happened this summer in the local stream adjudication. The issue being litigated was the farm delivery requirement (FDR) and crop irrigation requirement (CIR) for farmers in the valley, essentially the amount of water farmers are entitled to receive and use. On the third day of trial, the four main parties, the State of New Mexico, EBID, and two growers groups—the NM Pecan Growers and the Southern Rio Grande Diversified Crop Farmers Asso-

ciation—settled their differences through a “settlement in principle” that eventually led to a complete settlement and Final Judgment. They agreed upon FDR is 4.5 acre-feet per acre, with CIR set at 4.0 acre-feet per acre for agriculture and 2.6 acre-feet per acre for future transfers out of agriculture. The OSE also agreed to recognize EBID’s long standing policy allowing movement of groundwater within the EBID system and stacking of water rights by Members and the City of Las Cruces. This recognition will ensure that EBID’s ability to be flexible with management of the resource will continue into the future, recognizing that flexibility is important in maintaining a competitive advantage in the agricultural industry, especially during drought. Overall, the Final Judgment is a victory for conjunctive management as it encourages use of surface water in years when there is plenty, and allows for flexibility in groundwater use in years of less surface supply.

While other conflicts surrounding water are inevitably looming on the horizon, the primary challenge that the Lower Rio Grande region must overcome is the drought.



Status Report: The Navajo Gallup Water Supply Project

by Michael Benson, Water Management Division, Navajo Nation

John W. Leeper, Ph.D, the Navajo Nation’s engineer overseeing the Navajo Gallup Water Supply Project (NGWSP), says, “It’s going gangbusters!” when asked about the project status. Thanks to Sen. Jeff Bingaman, Congress appropriated \$180 million for the project. These funds will be spent over the next three years. An additional \$24 million is in the President’s 2012 budget. A festive groundbreaking is planned in 2012 in the Twin Lakes Chapter of the Navajo Nation for the federally funded portion of the project.

The massive federal funding follows \$20 million, which the State of New Mexico has committed to the pipeline on the eastern edge of the reservation and \$12 million to an interchange to Navajo Chapters through the City of Gallup. The State has negotiated a cost share agreement with the US Bureau of Reclamation (USBoR) to get credit toward its \$50 million obligation to fund the San Juan River Water Rights Settlement

A very important result of New Mexico’s initiative is that Navajo Chapters with critical water supply needs can be supplied with groundwater while waiting for the San Juan River water.



The state-funded interchange through the City of Gallup will facilitate delivery of groundwater to Manuelito west of Gallup and Churchrock and Iyanibito east of Gallup by 2013. San Juan River water delivery begins prior to 2024.

On the eastern edge of the Nation, the state-funded Eastern Navajo Water Pipeline will deliver groundwater from the northern Chapters of Nageezi and Huerfano to the southern water-starved Chapters, Ojo, Encino, Torreon, Pueblo Pintado and Whitehorse Lake. By Christmas of this year, the state-funded pipeline between Ojo Encino and Whitehorse Lake will begin delivering Ojo Encino well water. By 2014, Huerfano well water will be flowing to all the Chapters. San Juan River water will reach all the Chapters prior to 2024. USDA has granted the Nation \$10 million for this pipeline.

The state hopes that its Eastern Navajo Water Pipeline will be incorporated

into the federal BoR’s “Cutter Lateral” through the negotiations to obtain credit toward the state’s Settlement obligation. The NGWSP consists of two large pipelines. The bigger pipeline will run from the San Juan River near Nenahnezad along Highway 491 to Twin Lakes, and from there, laterals to Gallup, Crownpoint and Window Rock. The smaller NGWSP pipeline follows a route along the eastern edge of the Navajo Nation.

The Nation and the USBoR recently completed a Memorandum of Understanding which provides the flexibility to make necessary design changes to facilitate delivery of San Juan River water to existing NTUA systems. This pre-empts Navajo and non-Navajo critics who speculated that the large pipelines would bypass Navajo communities to reach Gallup and Window Rock. The Nation has worked closely with the US Indian Health Service and the Navajo Tribal Utility Authority to anticipate the delivery of San Juan River water and in the process devised interim means to move groundwater to places where it is needed.



The New Mexico Water Dialogue

18th Annual Statewide Meeting
 January 12, 2012
 Indian Pueblo Cultural Center
 2401 12th Street NW, Albuquerque

Changing Waters: Adaptation and Resilience

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, and we offer substantial discounts. The simplest way to register for the 18th 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.) Alternatively, you may fill out this form and mail it with a check or Purchase Order to NMWD, c/o John Brown, PO Box 1387, Corrales, NM 87048. The registration fee after January 9th is \$45 and will need to be paid at the door the day of the meeting.

Early Registration Form

Name(s) _____

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I/we want to:

- Register for the 18th Annual Statewide Meeting
 - ___ member(s) @ \$30 until Dec. 15; \$35 until Jan. 9, 2012.
 - ___ non-member(s) @ \$35 until Dec. 15; \$40 until Jan. 9, 2012 Amount included: \$ _____.

- Become a member of the NM Water Dialogue (includes 1-year subscription to *Dialogue*).
 - ___ Individual \$20;
 - ___ Representative of non-profit organization \$40
 - ___ Representative of government agency \$75
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- Make a tax-deductible contribution to the Dialogue. Amount included: \$ _____.

- Payment options: A check is enclosed. Total amount: \$ _____.
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 - I (We) will pay (\$40 for members; \$45 for non-members) at the door.

If you wish to receive Dialogue electronically, check here: (Include email address above.)

Changing Waters: Adaptation and Resilience

DRAFT AGENDA

- 8AM – 8:30AM Registration
- 8:30AM – 9AM Introductions/Opening Remarks
- 9:00AM – 11AM **Panel: Future Challenges**
- 11AM – 11:15AM Break
- 11:15AM – 12PM **Keynote Speaker: The Honorable Matthew J. Reynolds:**
“How We Can Prepare for the Great Drought of the 21st Century”
- 12PM – 1PM Lunch
- 1PM – 2:45PM **Panel: Adaptation & Resilience**
- 2:45PM – 3PM Break
- 3PM – 4PM **NM Office of the State Engineer/Interstate Stream Commission**
Moderated by John Fleck, science reporter, *Albuquerque Journal*
- 4PM – 4:30PM Closing Remarks: Future Steps
Board nominations

Please check www.nmwaterdialogue.org for changes to the agenda.

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