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Editorial: Fifty Years of Mismanagement with no Lessons Learned

By Kay Matthews

The mother of all New Mexico water rights adjudications has yet to begin. Determining water rights in the Middle Rio Grande Basin may well prove to be longer and more contentious than both the Aamodt (over 40 years) and the Abeyta (close to 20). So why hasn't the Office of the State Engineer (OSE) made this adjudication a priority and requested money from the state legislature to fund it? According to Frank Titus, a longtime New Mexico hydrologist who has worked for the USGS, New Mexico Tech, served as an advisor for former State Engineer Tom Turney, and is a charter member of the Water Assembly, "I suggest it's because the concept of adjudicating the Middle Rio Grande ranges from worrisome, to threatening, to terrifying for individuals who understand its potential ramifications. This includes personnel of the OSE and many legislators."

Titus, in an Op-Ed series sponsored by the Water Assembly (the non-profit group that is trying to implement the Middle Rio Grande Regional Water Plan), reveals some of the reasons why so many folks are "terrified." Fifty years of indiscriminate pumping of the aquifer to facilitate urban growth and large farm irrigation is now affecting the surface water flows necessary to meet our Rio Grande Compact requirements. According to Titus, "[I]t was easy to delude ourselves with the pretense that impacts on river flows were far off in the future, hence not a worry. While New Mexico was the first state to recognize in its water laws that groundwater and surface water in a large river basin are likely two interconnected parts of the same hydrologic system, we never managed to fit the junior rights the state engineer grants for groundwater use into the older, priority timeframe of surface water rights."

The OSE devised a system called "dedications," whereby it granted groundwater permits on a promise to retire surface water rights when the effects of groundwater development actually reach the river. It isn't clear how many surface water rights in Socorro and Valencia counties, where most of the agricultural is, will have to be retired to satisfy dedications. Additionally, senior, surface water rights in the Middle Rio Grande Basin, from both counties, are being transferred to wells in urban areas for continued development, drying up farmland and creating a water market that will make the adjudication process even more complicated than it already is (see McCarran Amendment, page 8).

At the annual meeting of the New Mexico Water Dialogue in 2007, Peggy Johnson, hydrologist and representative of the Socorro/Sierra Regional Water Plan, had this to say. "There is a very strong water market right now, pulling water north to urban areas upstream, and it is driving the separation of land and water resources The only way we are going to preserve our agricultural resources-and they're just as important in the big picture as the water resource-we have to be able to preserve our soils and our productive

agricultural lands and make those areas continue to produce food, and produce it locally. . . . Our agricultural lands, our soils, our fertile bottomlands are what feed us, and if you take that and abandon it, it is an environmental, it is a hydrologic, it is an economic, it is a social catastrophe."

The rationale for all these water transfers from agricultural land is that we have to supply domestic water to urban areas that continue to grow and drive our economy. Another regional water plan representative (Southwest New Mexico), Dutch Salmon (former Interstate Stream Commissioner and current State Game & Fish Commissioner) had this to say about growth at the Water Dialogue meeting: "I think the main problem is that we view growth kind of like the weather-it's something that you can't stop; it's just something you react to when it gets here. And yet there are countries in the world today that do not grow. There are 30 or 40 countries that are or at near zero population growth, and they're not poor countries for the most part, they're among the most well-off countries in the world. We don't need growth for prosperity, and since we don't need growth for prosperity, I'm not sure why we need it. Eventually we're going to have to confront it, or all our conservation practices and all our water development schemes are going to come to naught."

So how are those of us at the grassroots level, who are trying to manage our resources realistically and equitably, ever going to wrest control from the bureaucrats and lawyers who continue down these unsustainable paths? Now that all the regional water plans have been approved (except the Taos plan, whose tortuous path to approval we've been following closely in La Jicarita), are they going to sit on shelves gathering dust while the powers that be continue with their own agendas? In an Op-Ed piece in the Journal North, Frank Splendoria, a representative of the Mora-San Miguel-Guadalupe Regional Water Plan, quotes Ralph Waldo Emerson: "[G]ood thoughts are no better than good dreams, unless they are executed." In his editorial Splendoria emphasizes that without Local Implementation Plans the state's current water planning process is doomed to fail. When steering committee members of the Taos Regional Water Plan went before the Interstate Stream Commission to try to gain approval for the plan's Implementation Program to educate the public and review proposed water transfer applications, the response from State Engineer John D'Antonio was, nothing is going to change the way the way OSE handles water transfer applications, so it doesn't ultimately matter if you include any kind of implementation program in your water plan.

Bills have been introduced into the state legislature calling for more money to support regional waterplanning: \$345,000 in the House and \$1.5 million in the Senate. But unless that money is earmarked for implementation and monitoring, it will no doubt be dollars flushed down the drain, while plans continue to sit on the shelf, gathering dust, and we continue to underwrite development, dry up farmland, and increase the likelihood of defaulting on our compact obligations

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