

Commentary: It's time to develop a plan that secures water's destiny in New Mexico

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Tuesday, November 20, 2007

Management of New Mexico's water resources, especially those of the Rio Grande, is disorderly, and the way we are doing it is increasingly dangerous for our state.

It's dangerous, because it leads directly toward a time when we can't meet our water commitments. If we get close to that, it's likely: a) we will have a constitutional crisis; b) we may have to take property rights from many unwilling owners; and c) we will pay a high cost — very high.

The state's fundamental water management problem is that we have purposely managed this resource as if it can provide for continually increasing demand, even though it basically is a fixed supply. Quite obviously, it can't.

We have done this by manipulating water rights. What began in the days of the Old West as simple, rigid rules governing surface-water rights and delivery of wet water to water-right owners under a priority system, has evolved into a set of arcane rules supposedly affecting both ground water and surface water — but which have been applied selectively by various New Mexico state engineers, based on political economics and their individual interpretations of geography, hydrology and legality. In the early 1900s, improved technology made it practical to drill high-yield water wells in some of our state's major river valleys and to produce large volumes of ground water for municipal use or irrigation, thereby adding depletion of this water to depletion from continuing to irrigate with surface water. In our river-connected aquifers, nearly every gallon of ground water pumped eventually reduces river flow by a gallon, but wells far from the river have a substantial time lag. Therefore, it 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 ground water 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 ground water use into the older priority time frame of surface-water rights.

Maintaining river flow is essential for delivery of compact water. So a system called "dedications" was devised, whereby the Office of the State Engineer grants a ground water permit based on a promise to retire surface water rights when the effects of ground water development actually reach the river.

Thus, in theory, flow-losses in the river will be fully offset, but the ground water user doesn't have to buy surface water rights until later.

The problem is that it is far from clear what the ultimate total of dedications will be. That is: It isn't clear how many surface water rights in Socorro and Valencia counties, the main irrigated areas, must ultimately be retired to satisfy existing — ignoring, for the moment, future — dedications. That's because, though the Rio Grande ground water basin is now more than 50 years old, there is no central tabulation of water rights, their priorities, their transfers or those encumbrances created by dedications.

The state engineer about a decade ago began creating a computerized database called "WATERS" — Water Administration Technical Engineering Resource System. A marvelous idea, it was to be the state's up-to-date, publicly searchable database of water rights. It got started OK, but the Middle Rio Grande Basin and some other important areas of active ground water use have never gotten close to being completely recorded and up to date.

Such information is critically important. Without ready access to these kinds of data, neither effective water-banking, nor control over unconscionable double- and triple-dipping, nor even adjudication of water rights in the Middle Rio Grande will be possible.

The only reliable process for validating middle Rio Grande water rights is adjudication. Every water-knowledgeable person knows this. So why isn't the state engineer focusing on compiling available water-rights ownership as its top priority, in preparation for adjudication? Why are state engineer personnel not vigorously emphasizing this need and requesting funding for it, above all other requests to the New Mexico Legislature? Why are some key personnel arguing that such compilation should be put off until adjudication itself starts, thereby delaying it and markedly complicating the court-based operations of adjudication?

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 Office of the State Engineer and many legislators.

Nevertheless, it is time to find out where we currently stand. It is also time to begin creating a Rio Grande Water Plan that assures development will occur in an equitable, orderly way.

Proper planning also should allow for preservation of characteristics that we value in the state's greatest river valley. If we fail to create a careful and comprehensive plan, we risk a variety of uncomfortable discoveries.

For example, if dedications continue, their accumulation may commit more irrigated acreage to being retired than there are willing sellers. Do we then acquire water rights by condemnation? And, by the way, do we really want to do away with farming and turn the valley brown, if we don't have to?

There are alternatives to drying up farms, but they require gutsy planning. Here are examples:

- Aggressive conversion of the dense salt cedar jungle to open bosque forest, or even low-water-use farms, below Bosque del Apache National Wildlife Refuge, would markedly reduce depletion by evapotranspiration. I don't accept that the issue of the willow flycatcher can't be addressed innovatively.
- Never allowing Elephant Butte Reservoir to expand into its upper basin, thereby reducing lake evaporation, is another possibility. We might negotiate approval by our Rio Grande Compact partners — Texas and Colorado — of new upstream storage reservoirs where evaporation is less than at Elephant Butte.
- Being able to fill Abiquiu Reservoir to its basin capacity would also help.

There are other alternatives.

We are not out of options, but none are cheap — nor is completing the WATERS database cheap. They would be politically more feasible if it were clear to the Legislature and citizenry that there will be even higher dollar and environmental costs if we fail to address future problems and fail to create a bold Rio Grande water plan.

The water plan needs to be in place and guiding our operations long before we begin failing to meet compact deliveries. It must go well beyond the narrow limits of economics for all parties to recognize it as equitable.

The vision that guides its content should, I think, partly be defined by openly asking the citizenry what characteristics they want preserved for future New Mexicans. Past opinion polls about water have already shown some near-universal statewide preferences.

Sherm Wengerd, deceased University of New Mexico professor and a character of the first order in Western geology, once remarked to me, "When you've got a bear by the tail, you go where the bear goes."

Isn't it time to let go of our bear's tail, kick butt and, with foresight and good sense, develop a plan that secures our water destiny, is equitable and preserves cultural and environmental things we New Mexicans value?

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