Land Letter
THE NATURAL RESOURCES WEEKLY REPORT

3. WATER: Gov. Richardson declares 2007 'Year of Water' in New Mexico (01/25/2007)

April Reese, *Land Letter* **Western reporter**

New Mexico -- the nation's third-driest state -- could see more water deliveries to rural areas, new steps toward settling long-standing American Indian water rights settlements and healthier riparian ecosystems under a new package of water initiatives recently unveiled by Gov. Bill Richardson (D).

Richardson, who announced last week that he plans to run for president in 2008, has declared 2007 the "Year of Water." The $100 million package -- one of the most ambitious among arid Western states -- places a heavy emphasis on funding new infrastructure and settling American Indian water rights claims.

The initiatives, some of which have already been floated in the new legislative session that began last week, include: $12 million toward tribal water rights settlements; $10 million for a state-wide leak detection and repair project; $15.3 million for extending water pipelines to tribal and non-tribal communities in the Navajo area in the northwestern part of the state, where many residents do not have access to safe drinking water; and $5 million to help build a water pipeline from an existing reservoir to serve residents across eastern New Mexico.

The initiative also calls for investing $2.2 million in assessing potential water supplies in the Salt Basin beneath Otero Mesa, which some water experts believe could help meet the needs of the southern part of the state.

In an unprecedented move, Richardson is also asking the Legislature to set aside $7.5 million for river ecosystem restoration in areas throughout the state. Furthermore, the package includes $5 million dollars to acquire or lease more water rights for the Strategic Water Reserve, created by the Legislature two years ago to help the state meet compact obligations and protect instream flows for endangered species such as the silvery minnow.

The reserve allows the state to purchase or lease water rights from willing sellers to create a publicly held "pool" of rights that could then be tapped to help the state meet those needs, which the state has had difficulty doing in the past. Most of the water rights for the reserve would likely come from farmers and ranchers, who hold 80 percent of New Mexico's water rights.

Fred Nathan, director of Think New Mexico, a think tank that first proposed the idea of a water reserve, said he was glad to see the additional funding for the project in the governor's water package -- even though no one is really sure how much money will be needed to meet compact obligations and endangered species

The Pecos River in New Mexico will receive attention during the state's 'Year of Water.' Photo courtesy New Mexico Environment Department.

demands in the future. "To be candid, we'd need a crystal ball to know how much money would be needed to address those two issues in the coming years," he said. "But we feel the $5 million that's been already been appropriated [in previous years] and the $5 million the governor is seeking is a very hefty down payment to get this started."

The state has already begun to lease some water rights from farmers to build up the water reserve, said Estevan Lopez, director of the New Mexico Interstate Stream Commission. On the Pecos River, for example, the state recently leased a small amount of water to help keep water in the river for the Pecos blunt-nose shiner.

Denise Fort, an environmental law professor at the University of New Mexico who serves on the state's water trust board, which vets funding requests for water projects, said she was encouraged by the governor's initiatives, particularly the support for stream restoration. "This is the first time in New Mexico we've had an explicit acknowledgement that we need to keep water in the streams," she said.

And putting a significant amount of state money toward the state's three pending water rights settlements with tribes -- for Taos Pueblo, the Navajo Nation and a group of three pueblos that share the same watershed north of Santa Fe -- should help leverage federal funding to help pay the rest of the tab, Fort added.

But putting millions of dollars toward new infrastructure may encourage unnecessary projects that could harm ecosystems, she said.

Waste not

Beyond the halls of the governor's office and the Legislature, the state's water managers have begun taking a closer look at ensuring that supply can continue to meet demand. State Engineer John D'Antonio last year began a program called "active water management," which involves installing water meters to help determine how much water irrigators are using in the Rio Grande Valley and elsewhere. Eventually, meters will be used to enforce water allocations, Lopez said.

"There are water rights limitations on paper, but no one's actually out in the field making sure actual uses conform to those limitations," he said. "That is active water management is all about."

D'Antonio is also considering a 4-acre-foot cap on how much water farmers can use during dry years. An acre-foot, which is about 326,000 gallons, can supply the water needs of one to two U.S. households per year.

Yet there is a significant amount of waste by water users throughout most of the state, which still has a century-old "use it or lose it" water code, Fort said. And municipalities still approve new developments without ensuring there is enough water to support them over the long term.

"There's little incentive to conserve water when it's as cheap as it is," she said. "So therefore, we have an enormous amount of waste. I think it's time to recognize the limited nature of the supplies we do have."

Bills on local government water preservation and membership of the Water Trust Board are scheduled to be taken up by the Senate today, and a variety of water issues are scheduled to be taken up by the Senate Finance Committee on Feb. 13.

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