Equity in Water Planning in New Mexico: A Rural/Acequia/Small Ag Perspective

Presentation to the Middle Rio Grande Water Advocates

Defining Water Equity

- US Water Alliance
  - Have access to safe, clean, affordable drinking water and wastewater services;
  - Share in the economic, social, and environmental benefits of water systems; and
  - Are resilient in the face of floods, drought, and other climate risks.
- Meanwhile, in New Mexico…..
  - The term "equity" was stricken from SB 377, legislation to update the regional water planning process

Water Equity in New Mexico

- Dimensions of water equity:
  - Pueblo and tribal water rights
  - Acequia/small scale agriculture
  - Rural community water systems
  - Our collective water commons, watersheds, riparian areas, aquifers
  - Surface and groundwater connection
  - Climate resiliency, disaster recovery
  - Intergenerational equity, water for future generations
  - Opportunity to define equity in the context of "public welfare"
- Economic and political forces that run counter to equity:
  - Commodification of water, emphasis of economic value over other values of water
  - Political demands to transfer and lease water quickly, circumventing careful reviews of impairment
  - Lack of resources in low income communities to defend water rights or invest in infrastructure
  - Surface flows vs. groundwater pumping, economic implications of access to wells

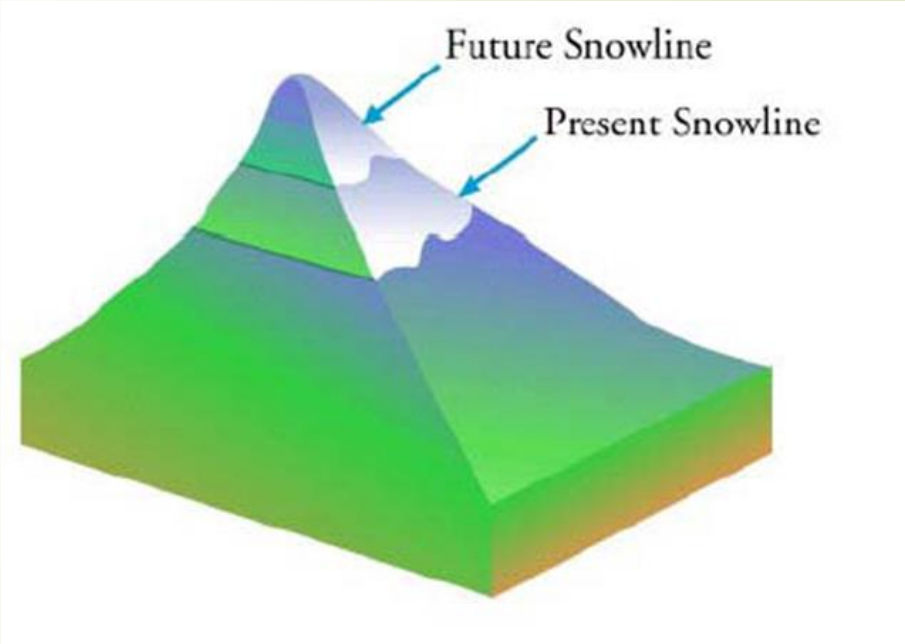
Acequias: Land, Water, People

- 600-700 community acequias in New Mexico (not including private ditches)
- Over 100,000 acres of irrigated land
- Tens of thousands of acequia families have water rights
- Acequia irrigators rely primarily on seasonal surface waters for irrigation
- Acequias and community ditches contribute to aquifer recharge

Source: NMSU "Acequias of the Southwestern United States: Elements of Resilience in a Coupled Natural & Human System"

Acequia testimonials on climate change

- Snowpack is decreasing and melting earlier
- Precipitation is less certain and more variable and more extreme
- Temperature is increasing
- Droughts are intensified by warmer climate
- Wildfires and floods are destroying acequias and recovery is extremely challenging



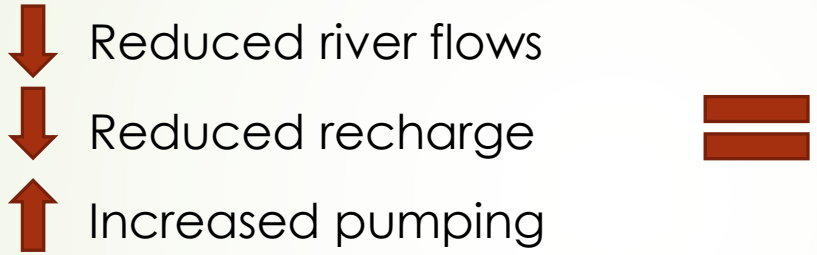
Resources for Water Sharing

- **Problem:** Little or no resources are explicitly allocated for the vital process of developing water sharing agreements.

- **The Solutions:**
  - Resources for regional acequia associations (and local communities) for technical and legal support
  - Resources for OSE and ISC staffing
  - Leadership development on water governance and collaborative decision-making
  - Data sets that can be used by communities for analysis and decision-making
  - Promulgation of Active Water Resource Management regulations in the Middle Rio Grande and other parts of the state

Protecting Water during the Climate Crisis and Advancing Equity

Climate change impacts to groundwater, our water commons:



Aquifer Depletion

Water scarcity is our collective problem:

- More robust data sets to understand aquifers and predict/manage increasingly variable surface water supplies
- Strong regulatory framework and well resourced agencies to manage surface and groundwater, both water quantity and water quality
- Protection of existing water rights is a principle enshrined in our laws but these protections are being side-stepped (e.g. preliminary approval)

Protecting water from commodification

- **Problem:** Current process of water transfers and leases is not adequately protecting existing water rights nor evaluating impacts to water for future generations
- Transfers and leases from surface water to groundwater, without safeguards, will deplete our aquifers.

- **Solutions:**
- Ensure that **transfers and leases are not fast-tracked** in a manner that impacts existing water rights and erodes due process. Halt the practice of preliminary approval by OSE which circumvents protects for existing water rights
- Strong regulation and more **resources to OSE** for evaluation of applications for water transfers and leases including more robust modeling and staff to do thorough reviews that also protect due process
- **Local governance:** acequias already have the authority to review and approve transfer applications of acequia surface water rights
- **Rigorous Conjunctive Management** to ensure that any shift from surface water to supplemental groundwater wells is done based on data to 1) prevent the wholesale shifting of surface water over-appropriations to groundwater over-appropriations and 2) protect traditional agriculture, rivers, and streams

Equity Between Groundwater and Surface Water Right Users

Scenario 1: Surface water users in the Middle Rio Grande are curtailed due to drought. The irrigation season has to start late or end early.

A cannabis grower either obtains access to ABCWUA water or transfers a surface water right to groundwater. That user can pump for cannabis regardless of the availability of Rio Grande water. However, long-time, existing growers are curtailed.

Scenario 2: Rio Rancho has a permit to pump groundwater and can purchase and transfer water rights for their growth. Those water rights may come from the Jemez Basin.

There is a carefully negotiated water sharing agreement in Jemez between acequias and the Pueblos. Their water source may go dry during drought. But Rio Rancho pumps without any constraints.

Groundwater Users vs. Surface Water Users

- **The Problem:** Inequity between groundwater users and surface water users during times of drought.
- Surface water users face curtailment and engage in shortage sharing agreements, while groundwater users continue to pump unabated.

- **The Solutions:**
  - More rigorous conjunctive management that carefully manages groundwater during times of drought;
  - Promulgation of Active Water Resource Management regulations in the Middle Rio Grande and other parts of the state
  - Development of local and regional water plans that implement a rigorous conjunctive management strategy based on robust data sets

Questions?


El Agua es la Vida
Water is Life
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