

**New Mexico Water Dialogue
Reports from the Regions and Dialogue with ISC staff**

**Sevilleta National Wildlife Refuge
Tuesday, July 28, 2015**

Summary of Discussion

Facilitator/note taker: Lucy Moore

List of attendees attached

Welcome and Introductions: Lucy welcomed the group and said she was very pleased to be part of this important dialogue. She reviewed the agenda and logistics, and thanked Joaquin Baca for arranging to use the facility, Eileen Dodds for bringing the lunch and Sharon Hausam for the peaches and apricots. Jason John, NMWD president, thanked everyone for coming and said that he was looking forward to the conversation. Representative Tripp was acknowledged and thanked for his attention to the issue of our water future. Participants introduced themselves.

Reports from the Regions: Each region offered successes and challenges in its water planning update process.

Rio Chama Region: Rio Chama identified priorities for its update and future water planning activities:]

- Watershed restoration
- 40-year “Water Plans”
- Small storage dams
- Water banking
- Water quality
- Storage at Abiquiu for water banking
- Education on water quality and quantity issues for all students and adults
- Flood management in arroyos including insurance studies
- Acequia metering
- Surface and groundwater data collection

In addition, Rio Arriba County has identified water related issues to address, including water rights analysis, data collection for mutual domestics, and the potential for water banking.

Northwest Region: The Northwest Region is challenged by its diversity of jurisdictions, watersheds, populations, cultures and economies. To relieve groundwater mining and serve needy communities, the billion dollar San Juan water development project (Navajo-Gallup Water Supply Project) is being built to move surface water from the San Juan River to Gallup, with extensions to rural Navajo, and Jicarilla Apache Nation communities in the region (about 40 communities). There are challenges with extending water to small systems and a high interest in watershed restoration The Soil and Water Conservation Districts’ watershed health group has a

thinning initiative, and there are efforts to tap into the Rio Grande Water Fund, extending its boundaries to the Continental Divide.

Laguna Pueblo is in the Northwest region, as well as the Middle Rio Grande. A Laguna spokesperson said that there had been more inclusion of tribes in the past in the water planning process, but expressed appreciation for the current efforts of the ISC staff and consultants. The Pueblo was not asked for any data in this round of the update, but did contribute to the projects, programs and policies list. The Navajo Nation spokesperson suggested that in addition to regional outreach the ISC convene a government to government meeting with all tribes, since this is the preferable way for many tribes to participate. He also noted that in the past groundwater has supplied 90% of use and the region is transitioning to more surface water in the future.

Middle Rio Grande Region: Hundreds of public meetings and many stakeholder and steering committee meetings were held during the development of the original water plan for the Middle Rio Grande region. Local planners are proud of their work to determine a water budget– both technical and participatory – that produced the final plan and showed a significant deficit. They are concerned that the 2010 data from the ISC shows no deficit. That decision to ignore non-manmade consumption is a serious flaw according to those speaking for the region. It raises the question, they said, of the purpose of planning.

There were also concerns about the update process and the method that will be used to prioritize projects, and about the current makeup of the steering committee. The committee, they said, is not representative: MRGCD is not a member, for instance, and Laguna and Sandia are the only pueblos participating. Agricultural representatives “had to fight to get in.” In the original water planning effort, the region was divided into sub-regions, which was effective in involving more rural and pueblo interests. The Rio Puerco sub-region was an active participant in the past, producing its own data, process and plan. Laguna did not have any projects in the original plan , but contributed to the final list for the update.

Lower Pecos Region: The Pecos Valley Water Users Association (founded 1880s) has taken the lead on water planning in the Lower Pecos region, and have been meeting four times a year since 1990. The area of the region is very large and the river – home of endangered species and responsible for compact deliveries to Texas -- has been studied extensively. Regional water planners are concerned with the focus put on the list of projects (ICIP) feeling that policies should be first, programs second and finally projects for a more logical progression. However, the group did evaluate the previous plan’s recommendations. A large number of stakeholders were invited to the initial steering committee for the update, but as time went by fewer and fewer came and the group is now the core that has been working on water issues consistently over the years. BLM, for instance, uses the regional water plan but does not participate in meetings.

Mora-San Miguel-Guadalupe Region: The Hermit’s Peak Watershed Alliance has taken the lead on water planning for this region. They have succeeded in deepening and broadening the concept of watershed and have worked to include the whole watershed for the health of all. Mutual Domestic and acequias have joined the effort. Leadership learned that it takes many, many meetings to organize the group and build relationships before any work can be done.

Subcommittees have formed – Watersheds, Mutual Domestics and Acequias – but need funding and leadership to be effective. The steering committee found that it was difficult, and divisive, to identify specific projects; instead they developed a list of “types” of projects. Planners also realized that they need good hydrological data to begin effective update planning. Challenges include lack of steering committee leadership and a representative membership. In addition, the process for submittals felt like a “top down” rather than “bottom up” process, and the timeline was too short to accomplish quality work.

Jemez y Sangre Region: Santa Fe City and County have been planning for a secure water future. The city has diversified its supply, using San Juan-Chama diversion water to supplement use of wells, and has stressed conservation and re-use. The county is expanding water lines to areas where wells are failing. The Steering Committee has four co-chairs from Santa Fe City and County, Los Alamos County and the City of Espanola. Six pueblos are within the region; one has joined the steering committee and one has attended as an observer. The *Aamodt* adjudication dominates the region and has affected local relationships. The former Jemez y Sangre Water Planning Committee met monthly. The new steering committee hopes to do the same and reach out to Pueblos and the public for engagement and support.

Challenges include:

- Accurate data – “you can’t manage what you can’t measure” and only 36 of 750-850 City wells are metered (the rest are domestic wells at 3 AF/yr resulting in 21,000 AF/yr unmetered)
- Urban/agricultural interface – how to allocate legally, respectfully and thoughtfully
- Need for review and update of models
- Funding to support continued meetings
- Introducing resiliency as a concept, goal and priority in the planning process

Tularosa/Great Salt/Sacramento River Basins Region: The City of Alamogordo’s water supply before 1992 was 87% surface flows; today it is only 20%. The surface water has been appropriated, the region has lost the use of Bonito Lake, and money for infrastructure and maintenance – for both surface and groundwater sources -- is dwindling. The steering committee is focusing on conservation, trying to educate an often apathetic public about the true cost of water. “They don’t care until they’re thirsty.” The group is also focusing on watershed restoration and improved recharge in the Sacramento Mountains, which would benefit both the Mescalero Apache Reservation and the City of Alamogordo. Desalination has been a topic of discussion for many years in the region because of the large supply of brackish groundwater. A desal plant is finally under design, with pilot testing planned soon. It is expected to be complete in 2017 if adequate funding can be obtained.

The region is hoping for additional money to complete an underfunded regional project to pipe water to Tularosa. Regional partnerships, public and private, are critical to completing this project and others including a pipeline from Ruidoso to Alamogordo.

Northeast Region: This large region includes five counties, and depends almost entirely on groundwater. Part of the region overlies the Ogallala Aquifer, which is depleting at a significant rate. Some surface water is available from Conchas Lake, although that is not within the region.

The canals have helped recharge groundwater, but there have been many years where the lake is too low to support the flow.

Priorities include:

- Rangeland conservation needed in the Ute Lake area, which is in the region.
- Wastewater treatment plants are being upgraded so that the effluent can be used for non-potable uses.
- “40-Year Water Plans”
- Source water protection plan for monitoring wells for both quality and quantity.
- Ute Reservoir pipeline is underway –to Curry and Roosevelt Counties, including rural communities of San Jon and Tucumcari, which require funding of \$500M. They are exploring the per-gallon cost of desalination as well.

Estancia Basin Region: The Estancia Basin Water Planning Committee (EBWPC) was established through Memorandum Of Understanding with local governments in 1996 and used the Dialogue template to produce the first regional water plan to be accepted by the ISC in 1999. They completed an update in 2010, which has been posted on the ISC website but not formally “accepted” as far as the EBWPC knows. The EBWPC has continued to meet every other month, and its membership remains stable, thanks to the MOUs committing participation and support to the water planning effort. They also enjoy a good relationship with the local Soil and Water Conservation District. The region is heavily reliant on groundwater for irrigation of crops. The EBWPC focuses on groundwater modeling to expand and sustain the resource as best they can. They receive a small amount of funding from Santa Fe County each year to effectively monitor wells, and have received Water Trust Board funds for watershed restoration. Their number one project is to investigate the feasibility of water banking and they are also looking at possible deep groundwater sources.

Challenges include:

- Dealing with the “use it or lose it” policy, as farmers are considering retirement
- Funds for an intra-basin pipeline from Mountainair to Moriarty
- Utilizing brackish water
- Better coordination with cities on project needs; included CIPs in project list
- Keep the county commissioners involved
- Maintaining the integrity and identity of the existing EBWPC, while adding ad hoc members to meet the ISC requirements for a representative steering committee

The ICIP list has been helpful in encouraging coordination and more inclusion in their region. Effective coordination with cities has been a chronic problem.

Lower Rio Grande Region: This region emphasized the importance of the ISC water planning process this round, and valued the dialogue process and philosophy of bringing together diverse interests to better understand and support each other for the future health and welfare of the state. During the update process, the steering committee had successful public outreach with over 200 surveys and interviews with stakeholders.

Challenges include:

- Focus on projects with limited foundation of data; question the 2010 administrative supply figures
- Water rights litigation posture permeates process and discourages creative participation
- Domestic well constituency needs to be part of dialogue

The regional goal is for a good science-based management plan that embodies resiliency to manage water both during droughts and abundance of water, as well as to enhance the capacity to adopt new ideas resulting in a transformational change.

San Juan Region: A 63-member committee met regularly over the last two years, with active participation from The Navajo and Jicarilla Apache Tribe. The challenge facing the region is to meet water needs in times of shortage, which occurs about 10% of the time. Although infrequent, it is critical to be prepared with a plan to meet the shortfall. However, because they did not include specific projects in their first plan, they did not receive any state funding. The region also is troubled by the ISC focus on the list of projects which is not necessarily appropriate for this region and seems premature without necessary data. The committee has used the ICIP list but finds it is not the best representation. The region is concerned with the ICIP funding process that limits the number of projects, resulting in many small communities being left out. Participation has fallen off at recent steering committee meetings, and greater local facilitation is needed to foster a spirit of ownership among stakeholders. Agriculture needs to be more active on the committee.

Southwest Region: This region includes four counties. Beginning in 2005 a group of committed regional planners met monthly for two years. The updated steering committee includes more diversity and the Southwest Council of Governments Director Priscilla Lucero is serving as chair, bringing an important four county perspective to the table. Regional spokespersons said that their update process has been particularly difficult because they were the last region to bring an ISC contractor on board in March 2015, and there was little time left before the June 30 deadline.

Another challenge is the Arizona Water Rights Settlement Act which has overshadowed all water dialogue in the region since 2004. The question of whether or not to divert the Gila River and the surrounding arguments have divided the community and bred a lack of trust in decision-makers, particularly when the regional water plan has been cited as favoring the diversion. Many local regional planners are concerned that the plan and inaccurate data are being used to justify a certain political position.

There are also concerns with the Common Technical Platform, which is seen as a “top down” product by many. The amount of deficit it reports for the Southwest region is also questioned, as well as the accounting, or lack thereof, of mining water rights. Planners recommend an objective analysis of the data.

Northern Catron County groundwater is threatened by an international investor’s water rights application (“San Augustin Plains”) that proposes to export 54,000 acre-feet from the basin to users in the north. These groundwater sources have been proven to be tied to the T or C hot springs, which would likely suffer, along with many other users, if the groundwater level dropped.

Taos Region: This single-county region was the last to complete its original water plan (2008) and benefited from some of the lessons learned by other regions in the process. With the original planning process there was a good airing of issues over a 3-4 year period, particularly the public welfare values and needs of the region. Environmental, agricultural, conservation and others took part in the development of the public welfare statement. The plan was adopted by the Taos County Commission, but not by all municipalities.

Since then they have focused on and completed some data gathering for both ground and surface water. The SWCD has been an important partner in groundwater mapping. With public welfare not in the forefront for the update, projects are commanding the attention of the planners. The Common Technical Platform is useful in its support of local projects, but it will be important for local contributions of data and priorities to be included as the process moves forward. The updates are an opportunity to address the needs for more regional water planning in the future, the need for funding from the legislature, and the need to evaluate the data from the ISC.

Some observations: The group reflected on messages from the regional reports.

- Appreciation for the efforts of ISC – realize that ISC and regions need to be mutually supportive
- Funding – critical to ongoing, consistent planning efforts; ISC has done a good job with the resources they have but funding is imperative if regional planning is to succeed
- Participation – need for motivation for different stakeholders
- Data – different needs for regions and for ISC; concerns about State “top down” data driven process, understanding it is in response to limited funding
- Groundwater – need for education statewide on the critical state of groundwater and the need to protect both quantity and quality
- Relationship between projects, programs and policies – questions about whether or not there is a logical hierarchy
- Regional water planning groups all very different – some local government-driven, some well established, some expired
- Need for legislative recognition of regional water planning entities with some clear responsibility and authority
- Need for more tribal inclusion/integration in the regional water planning process
- Need to explore reasons for water planning – to protect water from outside claims? To develop project lists for Water Trust Board? To establish public welfare and community values statements? To insure water for the future?
- Acknowledgment that regional water planners can have influence on their legislators, and that there may be ways that they can advocate for more funding for the regions and for ISC

[LUNCH]

Remarks by Deborah Dixon, Director, Interstate Stream Commission: Deborah emphasized that she had come to listen. The reports from the morning made her see many of the challenges facing regional water planners, and the critical need for good water planning, particularly given the recent drought. The ISC understands that this process is different from the last round of water

planning. She reviewed for the group the history of water planning in the state beginning with El Paso's suit against New Mexico in 1983. The Regional Water Planning statute was passed in 1997 and the State Water Plan Act was passed in 2003. She explained how the regional water plans have been done over a long period with different methodologies, which has made it difficult to integrate into the State Water Plan. There has been little funding since 2008. These issues led to the current update process including the common technical platform. The result has been the establishment of the state and regional water planning processes. The goals of the state water plan are, briefly:

- Promote stewardship of the state's water resources
- Protect and maintain water rights and their priority status
- Protect diverse customs, culture, environment and economic stability of the state, Protect both water supply and water quality,
- Promote cooperative strategies,
- Meet the basic needs of New Mexicans and
- Meet the state's interstate compact objectives

It took 11 years for all 16 regions to complete their original plans. Updates of the State Water Plan are mandated every 5 years, and in order to do a credible job it is necessary for regional plans to be updated as well. Since 2008, she said, there have been drastic cuts in state funding for regions to conduct water planning, resulting in the state taking on certain sections of the regional water plan updates – supply and demand figures, legal issues, introductions, etc. There simply is not enough funding to enable regions to update all parts of the plan themselves, and there is a need for consistency across regions. She acknowledged that the schedule is a very challenging one for the regions and the state to meet, and she hopes that the ISC and regions can develop a better way of meeting the demands of the schedule the next time updates are due.

The current updates are due June 30, 2016. ISC is currently reviewing the drafts that were submitted this June 30. Plans will be given back to the regions in batches of four beginning this fall, and hopefully will all be in regional hands by December 2015. (The Southwest Region has a guaranteed spot in the first batch of four.) She urged regions to keep meeting as often as they can. ISC can support only three meetings for each region in this next year: 1) gather the steering committee together, review next steps and implementation; 2) review and finalize criteria for prioritization of projects; and 3) hold a public meeting to present the update draft and take comments which will inform any changes to the update. The ISC will then review and accept the plans and use them to prepare the state water plan. She warned that there are no guarantees about what the Water Trust Board will decide with respect to funding water projects.

She thanked everyone for their passion and commitment to insuring a solid water future for the state. We are all in this together, she added, and we can all benefit. The process is not perfect and she asked for any input that regions want to give, including what she was hearing today.

Questions:

Multiplicity of processes: A regional planner asked if there was a way to coordinate the multiplicity of processes, applications and requirements from the different entities including ISC, NMED, and others. It seems, she said, as if they are being asked to make lists and prioritize over and over.

Conflict and Synergy: A participant suggested that an important function for the ISC planning staff would be to help find ways to resolve conflicts both within and between regions. The San Juan and the Northwest, for instance, have differences that neither region wants to escalate. In addition, ISC could help coordinate regions so that the boundaries were more seamless and less likely cause conflict.

Prioritization process: How will the criteria for prioritizing the projects be developed? By the region or by the state, or through some combination? At this point, the assumption is that the regions will develop their own criteria, given the great diversity of conditions and needs among the regions. The state will then develop a state prioritization system for its review of the updates. Regional planners asked that they be included in the development of state criteria for prioritization.

Funding and schedules: Planners emphasized that more funding and more time are needed for quality planning that makes sense at the local level. It is very difficult and inefficient to “ramp up and ramp down” every few years when an update is due. A consistent stream of funding, even at a low level, would insure that the region is at least organized and in conversation during the time between updates.

Nature and Purpose of Water Planning: A participant suggested that the ISC and the Dialogue “slow down” and consider the nature and purpose of water planning. Is it a product or is it process? Ideally, he said the process of planning would be funded, not just the product, so that ongoing work on resiliency, conflict resolution, adaptation, public involvement, etc. could be supported.

Communication and feedback: There was a request for clarity about the process for giving feedback on the regional water plans once they have been reviewed and perhaps changed by the ISC. Will the comments and corrections of regions have weight with the ISC and will they make changes accordingly? Or, is it possible that a regional water plan would be posted on the ISC website as accepted with language and data that is unacceptable to the local steering committee?

Major Issues of Concern: The group agreed to a list of five major issues to discuss during the afternoon:

- Data
- Projects and prioritization
- Participation
- Governance
- Funding

They also agreed that a relationship of mutual support between the ISC and regional water planners is foundational for all these issues.

Data: There were several regions that expressed dissatisfaction with the OSE administrative water supply numbers included in the Common Technical Platform (CTP). Some suggested that ISC wait for the data from the \$2.5 million Water Resources Research Institute study which should be completed in a year and a half and is seen as more objective than the OSE/ISC work. There are fears that the CTP is nothing more than the lowest common denominator, and that these figures, once in print, may be used in litigation and take on a life of their own. Generalizing across regions is dangerous, many felt, because the conditions vary so greatly from one region to another.

There was concern that the CTP figures for the Middle Rio Grande Region did not distinguish between withdrawals and depletions.

Some recommended moving the focus away from the data, feeling that planning could continue with those figures unknown for now. “How much difference does it make,” asked a participant, “one number over another? We know we need to plan.” What is needed, others said, are averages and medians to determine trends and plan for resiliency.

ISC staff said that local data will also be included in the water supply and demand figures for each region, and that regions should feel free to submit their own data.

Projects and Prioritization: Understanding that prioritization is necessary to justify legislative requests, regional planners said that trying to choose among projects is a “political nightmare” at any level -- local, regional and state.

One problem is the great inequity between the very large and very small planning entities and their projects. A participant likened it to high school athletics -- Class A to AAAA -- where small schools play small schools and big schools play big schools to make the competition fair. Pitting an acequia ditch project against a Rio Rancho water development project seems unworkable. For example, acequias have their own ICIP and have prioritized their own projects based on demographics. A planner said that “this conversation needs to start at the bottom, with those on the ground.” A member from the Middle Rio Grande said that they prioritized their recommendations, not their projects. A participant suggested that goals be established for each of the “classes” and that these goals be included in the policies for the region. Goals could then be prioritized to help determine the ranking of projects.

It was suggested that regions prioritize based on the regional scope of the project – if it something where several entities can join to promote and benefit from the project then it should have a high priority. Perhaps demonstrated collaboration among entities should have weight in the prioritizing process as well.

A planner asked how a project that proposed to establish instream flow could succeed, given that the state does not recognize instream flow as a beneficial use. A fellow planner suggested that it is possible to achieve the desired goal without using the term “instream flow,” but rather describing the project in terms of “watershed health,” “fisheries improvement,” etc, citing the State Water Plan.

A participant suggested the State Department of Transportation has an excellent prioritizing process for its projects and that water planners might look at it for ideas.

A planner suggested establishing tiers of small and large projects to address the problem of smaller water systems' competing with big municipalities.

Goal statements, said a participant, perhaps would be useful for monitoring progress and capturing different levels of activity. A planner noted that the State Water Plan also provides for preserving "custom and culture" in water planning activities.

Participation: All steering committee meetings are open to the public, affording ongoing opportunity for anyone to participate in water planning. Regions emphasized the importance of bringing in stakeholders and the public early in the process and questioned the ISC schedule for next year that calls for a public meeting toward the end of the process when the draft is completed.

Many regions have been challenged in engaging pueblos and tribes, many of whom are reluctant to participate because as sovereigns they do not want to be bound by decisions of another entity. Those in the Northwest region emphasized the importance of building relationships, through repeated outreach to tribes and acknowledgement of their sovereignty and special rights. It is critical, they said, not to give up after an initial effort, but to continue inviting their participation every time there is an opportunity. Inviting tribes, for instance, to participate in creating the agenda for meetings can show respect and build trust. They may choose to come to steering committee meetings as observers, which is a valuable first step. A planner suggested inviting pueblos by language group to special dialogue sessions to help build that relationship. The most convincing message to tribes and pueblos is when the state, the region, "the other" comes to visit, asks to meet with the Tribal Administrator and to speak to the council.

Regional planners noted that people need a "reason to show up, need to have a stake in the outcome." They also need to trust the process, trust that the ISC is genuine in its efforts to plan on behalf of, and with, the regions, and trust that the regions will be respected and their work valued. Participants in water planning need to "own" the process and "own" their region in order to feel it is worth participating.

A participant observed that lack of leadership is one of the biggest problems with steering committees. In some regions where turnout for meetings is high, no work is done because there is no leadership to oversee its completion. In most regions, especially the rural ones, paid staff is critical for sustaining the water planning effort.

Both regional water planners and the public need a course in Regional Water Planning 101, with particular attention to the challenges of each region.

Governance: Participants agreed to form a joint working group of representatives of the ISC, regional water planners, and the Dialogue, to consider the issue of governance and bring recommendations forward. They will look at models in other states and consider ways to make

the regional water planning groups more effective, legally and administratively. They will consider ways that regions might be brought together, upstream and downstream, to work together and address conflicts.

Planners were concerned that the ISC acceptance criteria for updates might result in a plan that did not match the needs and priorities of the region. They asked to see the ISC criteria as soon as possible to insure acceptability of their plans.

Planners also asked for clarity about the meaning of the “living plan,” and whether or not the ISC could do enough in terms of support to keep it alive in all regions between the update points.

Funding: The legislature recognized the need for funding for regional water planning in the early years when the plans were being developed. In recent years, funding has fallen drastically.

A planner posed the question: “What is our justification for asking for funding, once the updates are complete?” Participants suggested the following:

- Ongoing minimal support for staff for each region to keep water planning alive
- Increase in ISC planning staff

Planners also agreed it is important to send a message with the funding request about the cost/benefit of regional water planning, emphasizing that water planning:

- Reduces conflicts
- Facilitates implementation of projects, programs and policies
- Maximizes opportunities for reducing the demand and supply gap
- Builds productive relationships among local government, stakeholders and water users.

Conclusion: Participants expressed appreciation for the honest and creative dialogue, and hoped for more opportunities in the future.

Summary written by Lucy Moore. Please contact her with comments or corrections.
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