



## Water Policy and Agriculture in New Mexico: Context and Upcoming Issues for 2022 Session



# Acequias and Water Policy

- ▶ Decades of advocacy since the 1980s.
- ▶ Rooted in Core Values: Community, Equity, Respect

2021 Corazon y Querencia Declaration: Responding to the water, climate, and economic crises:

- ▶ The Repartimiento Tradition (water sharing agreements)
- ▶ Water as a Community Resource v. Commodification
- ▶ Infrastructure and Disaster Preparedness
- ▶ Care for Our Watersheds and Aquifers
- ▶ Clean Water for Drinking, Growing Food, Wildlife and Ceremonies



# Commodification of Water: Implications for Agriculture

- ▶ Water in New Mexico is limited and fully appropriated (and likely overappropriated). Any new uses of water have to come from existing uses of water through water transfers or water leases.
- ▶ A core principle enshrined in our water laws is that **existing water rights are protected** from potential impairment from new uses of water (i.e. new appropriations or water transfers/leases).
- ▶ New demands for water are driving a water market in New Mexico, which puts **pressure on rural, agricultural communities** and also on any uses that serve the common good.
- ▶ The commodification of water has profound implications for the future of New Mexico. It raises the question on the relationship between economic power and control of water.
- ▶ **NMAA has pushed back** against commodification with authority to approve or deny water transfers (2003), online notice of water transfers (2019), and raising concerns about unlawful water lease approvals by OSE (2014-present).



# Other water policy issues

- ▶ Water quality.
  - Municipal and industrial discharges into rivers and aquifers.
  - What to do with oil and gas “produced water”
  - How to remediate aquifers contaminated with PFAS.
- ▶ Watersheds and forestry
  - EMNRD has a State Forest Plan, recently created a Watershed and Forestry Fund, and is seeking more funds via a GO bond.
- ▶ Soil and Water Conservation.
  - NMDA receives funds for SWCD and Health Soils Program.
- ▶ Agency capacity to protect our water.
  - State agencies have inadequate resources to protect and manage our water.
  - OSE/ISC. Administers water rights and interstate compacts, regulates water transfers and water leases, engages in adjudication of water rights, conducts regional and state water planning. The agency has dozens fewer staff now than in the early 2000s.
  - NMED. Permitting of groundwater discharges and surface water (via EPA). NM only state without our own surface water permitting framework.



# 2022 Legislative Preview

- ▶ 2022 is a Budget Session
- ▶ Agency Budgets
  - OSE/ISC has modest increases in both the LFC and Executive Budget.
  - NMED Executive Budget has significant increase but not LFC.
- ▶ Special Appropriations
  - \$10 million to NMDA for SWCD
  - Dynamic following in MRG and other drought mitigation
  - NMED appropriations for a state surface water discharge permitting program; protecting public health from PFSA; creation of a Climate Change Bureau
  - Water Data Act implementation
- ▶ Other recommendations
  - Middle Rio Grande Water Advocates – Detailed budget recommendations for OSE and ISC.
  - HB 24 – Special appropriation to OSE/ISC for water administration and planning



# 2022 Potential Legislation

- ▶ Cannabis Watch: any attempts to remove water protection requirements from Cannabis Regulation Act and any other negative changes, such as plant count increases
- ▶ Environmental/Conservation Bills Related to Water (Directly or Indirectly):
  - Land of Enchantment G.O. Bond;
  - Water Data Act implementation funding
  - NMED appropriations for a state surface water discharge permitting program; protecting public health from PFSA; creation of a Climate Change Bureau
  - Hydrogen Hub Act
  - Green Amendment



# NMAA Priorities

(not in budget – will advocate to add to the budget)

- ▶ One time special appropriation for selected shovel ready projects and an appropriation to the Acequia and Community Ditch Infrastructure Fund (ACDIF) for planning, design, and construction
- ▶ Creation of an Acequia Bureau at Interstate Stream Commission with dedicated staffing for acequia infrastructure
- ▶ Statewide assessment of acequia infrastructure needs
- ▶ Equitable access to funding for water planning, water infrastructure and hydrologic studies for regional acequia associations
- ▶ Acequia and Community Ditch Fund – funding for defense in adjudication.



## 2022 Legislative Session Water Policy Priorities- Specific Bills to Discuss During Breakout Session:

- ▶ HB 24, Appropriation for Office of the State Engineer: \$12 million appropriation from general fund for water planning, administration and management
  - Walk-through the bill
  - Discuss Evolution of a Bill
  - Use HB 24 for role play exercise: How to Effectively Lobby