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In Support of H. B. 1711 New Mexico Water Planning Assistance Act

Before the House of Representatives Committee on Resources'

Subcommittee on Water and Power

April 26, 2006

Thank you for this opportunity to provide testimony in support of H. B. 1711, the New Mexico Water Planning Assistance Act. I would also like to thank Representative Wilson for having introduced this bill. H.B. 1711 is identical to S. 178, introduced by Senator Domenici and Senator Bingaman, which passed the Senate on July 26, 2005. New Mexico appreciates the support of our Congressional delegation and their work on innovative and important water related initiatives.

This legislation will provide vital assistance to the State of New Mexico and federal water management agencies for the development of comprehensive state water plans and other water related purposes. The New Mexico Interstate Stream Commission is charged with responsibility for developing both regional and state water plans for New Mexico. Additionally, the Interstate Stream Commission is given broad powers under New Mexico law t o investigate the State's water supply, and to develop, conserve and protect the waters of the State of New Mexico. Organizationally, the New Mexico Interstate Stream Commission is a division of the Office of the State Engineer, thus assuring coordination and policy consistency between the two agencies.

In normal times, New Mexico is an arid to semi-arid state. Over the last several years, however, New Mexico has been experiencing a severe drought, and this year, the drought is particularly severe. New Mexicans are currently suffering through one of the driest winters in the last 112 years, and in parts of the state, this is the driest year in recorded history. Most New Mexico rivers and streams are expected to have extremely low flows this year because the mountain snow pack conditions are the poorest since 1950. Also, the National Weather Service is predicting that dry conditions will continue throughout most of New Mexico for the remainder of the spring season. Drought conditions, in the near future, are not likely to abate and may worsen. On March 14, 2006, Governor Bill Richardson issued Executive Order 2006-012, an official drought declaration for the State of New Mexico.

The ongoing drought, coupled with increased development over the last 30 years, has highlighted the need for effective and comprehensive state water planning. Similarly, the US Department of Interior's Water 2025 initiative that focuses on avoiding crisis associated with western water management issues has identified New Mexico as an area with a high probability of water related conflict, underscoring the need for problem-solving initiatives and strategies and the need to put proper tools in place to better understand and manage scarce water resources.

In 2003, the New Mexico Interstate Stream Commission, Office of the State Engineer and Water Trust Board developed a policy-based state water plan to guide water management and administration activities in New Mexico. The 2003 state water plan identified many specific technical activities and studies that are critical to effective water resource management, but which will take significant time and resources to develop.

H. B. 1711, the New Mexico Water Planning Assistance Act, will provide funding and technical assistance to enable New Mexico to complete many of the critical activities that were identified in New Mexico's 2003 state water plan.

For example, the 2003 state water plan identified a number of key activities that are critical to the achievement of effective water management:

- All of the state's water resources need to be mapped. Groundwater resources, including brackish and saline aquifers, need to be assessed and characterized.
- The interconnection and interaction between surface water and groundwater need to be well understood.
- Water resource databases, that can be used for multiple purposes and can be accessed by the public, need to be developed and maintained.
- Surface water and groundwater monitoring networks need to be preserved, maintained and expanded.

- Available water resources and the means by which those resources can be efficiently diverted, conveyed and stored must all be well understood.
- Reliable numerical models of the physical systems must be developed and maintained for effective planning, management and administration of the available water resources.
- Stakeholders must be involved in water planning decisions.
- There must be coordination and effective communications between water management agencies at all levels of government - federal, state, local and tribal.
- Water related information and data, water studies, models, planning assumptions and planning decisions should be rigorously reviewed.
- To the extent possible, the planning process should make use of as many of the state's diverse and talented technical and scientific specialists as possible.

All of these activities, identified as critical in New Mexico's 2003 state water plan, and essential to New Mexico's water management initiatives, are specifically identified in H. B. 1711 as activities to be supported by the Secretary of Interior.

For example, H.B. 1711 allocates $5,000,000 for hydrologic activities along the main stem of the Rio Grande and several of its tributaries. Effective water management in these areas is critical if New Mexico is to avoid conflicts among water users, water management agencies and our neighboring states. The competing demands of several rapidly growing cities, over a dozen Indian Pueblos, several irrigation and conservancy districts, hundreds of historic acequias, threatened and endangered species, interstate compact obligations, and numerous federally controlled projects make water related conflict a virtual certainty unless the tools needed for effective and highly coordinated water planning, management and administration are developed and implemented as quickly as possible.

Along the Rio Grande, two Indian water rights settlements involving five tribes are close to resolution. The Aamodt settlement addresses the water rights claims of the Pueblos of Nambe, Pojuaque, Tesuque and San Ildefonso. The Taos settlement addresses the claims of Taos Pueblo. Each settlement resolves long-standing litigation involving the water rights of Indians and non-Indians within the settlement areas. Sustained efforts will be required to implement these settlements and all of the tools contemplated in H.B. 1711 will be beneficial.

Six years ago, Texas threatened to sue New Mexico claiming that groundwater diversions in New Mexico were interfering with Rio Grande Project water deliveries to El Paso Irrigation and Water Conservation District Number One. Although to date, Texas has not followed through with its threat of litigation, the New Mexico State Engineer and Interstate Stream Commission have developed tools necessary to better understand the hydrologic situation in the Lower Rio Grande area, and the State Engineer's Active Water Resource Management initiative has developed the tools necessary to better administer water rights within New Mexico. H.B. 1711 provides a mechanism for continued progress on these important initiatives.

Within the middle Rio Grande in New Mexico, addressing the needs of the endangered Rio Grande Silvery Minnow while avoiding unmanageable conflict, has required intensive collaboration among water rights owners, environmentalists, and federal, state, tribal and local government water and wildlife managers. H.B. 1711 will provide additional tools to assure progress on these issues continues.

H.B. 1711 allocates $1,500,000 to develop hydrographic surveys and hydrologic models along the San Juan River and its tributaries. Here too, the water demands of cities, industry, agriculture, Indian tribes, endangered species and thirsty downstream neighboring states demand that effective water planning, management and administration must be put in place. The Navajo Nation Water Rights Settlement signed by the state of New Mexico and the Navajo Nation in April 2005 will resolve the water rights claims of the Navajo Nation in the San Juan Basin in New Mexico without displacing non-Indian water rights and without exceeding New Mexico's Upper Colorado River Compact apportionment. New Mexico is working hard to implement this settlement and H.B. 1711 will help keep those efforts on track.

H.B. 1711 allocates $1,000,000 to complete hydrographic surveys and develop hydrologic models in southwest New Mexico. Balancing the needs of a number of communities with limited water supplies with the unique environmental attributes of the area requires that careful planning be conducted within this region. Under the 2004 Arizona Water Rights Settlement Act, New Mexico is entitled to develop an additional 14,000 acre-feet of water per year from the Gila stream system, but must undertake rigorous environmental assessments before any water utilization projects can be developed. The funding provided by H.B.1711 will help assure that New Mexico will have the information it needs in order to understand and balance all interests effectively.

H.B. 1711 also allocates $4,500,000 to statewide digital orthophotography mapping. This mapping will provide one of the fundamental tools necessary for understanding and administering the state's water resources. Similar mapping, though severely limited in scope, is currently providing an array of new tools for improving administrative processes related

to water. The funding provided by H.B. 1711 will allow such innovation to continue.

In conclusion, the State of New Mexico supports H.B. 1711 and strongly encourages its passage. It will provide New Mexico and federal water management agencies an opportunity to continue their collaborative efforts to efficiently evaluate and manage New Mexico's water supplies at a critical time.