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Contemporary Water Issues

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UTTON TRANSBOUNDARY RESOURCES CENTER

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Contemporary Water Issues WR 571

Water rights, transfers, and
more ...

1907 Water Code

- Surface water
- Vested water rights
- District water rights

New Mexico Constitution

- Prior appropriation doctrine
- Beneficial use: the basis, measure, and limit of a water right
- Consumptive use

Groundwater

- 1931 Water Code
- 1956 Declaration of the MRG Basin
- Offsetting requirement
- Connected stream system
- City of Albuquerque v. Reynolds

Ground water flow models

- Determine water rights requirements
- Based upon effects on river
- State Engineer Administrative Area Guidelines

Transfer process

- Declaration
- Change in point of diversion/place and purpose of use
- Advertisement
- Opportunity for Protest
- If none, proceeds to priority study

Evaluation of pre-1907

- 1917 survey
- 1926 appraisal sheets and plane table survey
- Jt Investigation
- Continuous use-
Aerial photography
- Forfeiture-
involuntary
- Abandonment-
intention
- Extrinsic evidence:
RR surveys, 1904
small holding claims,
wills., etc

Property issues

- Appurtenant to real estate
- Conveyance is by deed
- No title insurance for water rights
- Deed should specifically mention water rights- Hydro Resources case

Statutory Criteria

- No impairment at move-from or move-to location
- Not contrary to public welfare
- Not contrary to water conservation

Proportionate uses in the MRG Valley:

- Municipal and industrial 5%
- Riparian 37%
- Crops 37%
- Reservoir evaporation 21%

Municipal



Municipal uses

- Albuquerque
- Rio Rancho
- Los Lunas, Belen, Socorro
- Domestic wells

Irrigation



Irrigation

- Middle Rio Grande Conservancy District
- 60,000 acres irrigated
- Serves 6 MRG Pueblos
- No proof of beneficial use filed – PBU
- Effect of transfers
- Are there gains in efficiencies?

Riparian



Elephant Butte



Elephant Butte

- Evaporative loss 10-30% of basin depletions
- 140,000 acre-feet avg or 2.5 times usage of City of Albuquerque
- 1999 storage: 2 MAF
- Nov. 2009: 473,000 a-f

Other Issues:

- Domestic wells
 - 4,000 + permits issued per year
 - 2006 domestic well regulations
 - *Bounds* case

AWRM

- OSE seeks to administer water rights according to priority without adjudication
- Considered necessary to meet Compact deliveries and manage for shortages
- Cut off junior water users and expedite temporary transfers

Full or over-allocation?

- Will transfers of waters rights be enough?
- Growth?
- Supply?
- Uncertainty?

What do we do?

- Develop sound policies to guide growth
Land use planning tied to water availability; building codes
- Preserve healthy agriculture with voluntary fallowing program
- Preserve the river/riparian corridor

- Water pricing policies
- Conservation/ education
- Settlement commission-in a framework of comprehensive basin planning
 - Protect senior water rights: tribes, pre-1907s
- Examine reservoir storage options
- Examine beneficial use doctrine