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#### **Contemporary Water Issues**

Susan Kelly

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# UTTON TRANSBOUNDARY RESOURCES CENTER

University of New Mexico
School of Law

Susan Kelly, Esq.
Interim Director
November 24, 2009





# 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

- Forfeitureinvoluntary
- Abandonmentintention

Extrinsic evidence:
 RR surveys, 1904
 small holding claims,
 wills., etc

### Property issues

Appurtenant to real estate

 No title insurance for water rights

Conveyance is by deed

 Deed should specifically mention water rights-Hydro Resources case

# **Statutory Criteria**

 No impairment at move-from or moveto location

Not contrary to public welfare

Not contrary to water conservation

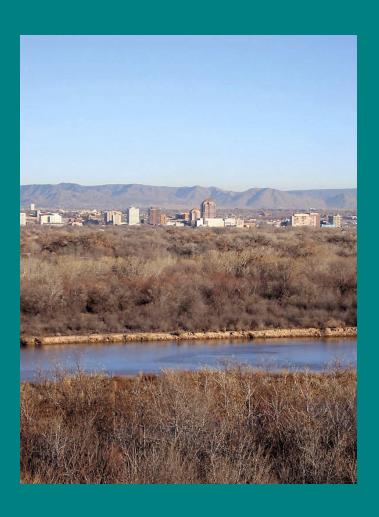
# Proportionate uses in the MRG Valley:

<b>Municipa</b>	al anc	linc	lustrial	5%

<ul><li>Rip</li></ul>	arian	37%

- Crops 37%
- Reservoir evaporation 21%

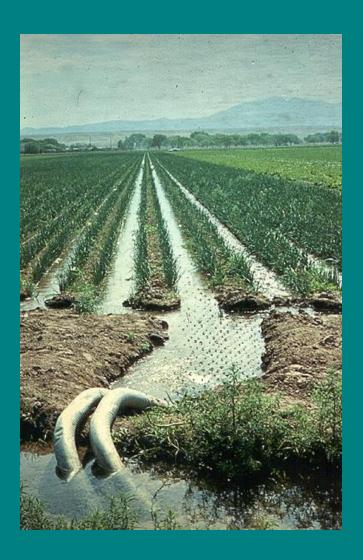
# Municipal



## 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