

## ***I. Introduction***

There are 3 classes of questions in the interview: qualifying questions, filtering questions, and information gathering questions. Qualifying questions ensure that the subject is qualified to participate in the interview. Filtering questions demonstrate that the group interviewed was diverse according to several characteristics including gender, ethnicity, length of irrigation practice, irrigation purpose (commercial or personal), and how far into the adjudication process the individual was.

The interview protocol was designed to draw out participants' attitudes, concerns, questions, and [mis]understandings of water rights, adjudication, and community ditch relations. Among the interviewees there were two income-based farmers. Both of these farmers owned multiple properties. It's clear that the farmers were much better informed about water rights and the adjudication process. This may be due in part to the fact that as owners of multiple properties, some of their properties have already been adjudicated.

It was seldom possible to write down verbatim responses. Most responses are my articulation of what the participant said, though the articulation often incorporates key turns of phrase actually used by the interviewee. Where I what I have recorded is not an actual quote, but is close to what the participant actually said, their words are surrounded by « » rather than quotation marks.

Where more than one person said essentially the same thing, a number will appear in parentheses after the statement, for example, "(3)." In some cases what the participant talked about when asked a particular question, was really more apropos of a different question. Where a response fits with a different question, it has been moved.

In several of the interviews the participant knew next to nothing about the adjudication. One participant lost interest in the interview about half-way through because he knew nothing about the adjudication and didn't care. He only wanted to know why the assessments had gone up so much. It was disheartening to these participants to have to answer "I don't know" to so many questions, so when it became clear that the participant was clueless, I would skip a subset of Q28 through Q42.

## **Participant Characteristics**

Questions 3 through 12 identified participant characteristics. Several questions merit further explanation.

Questions 5 & 6 were intended to tease out whether they had received a summons, whether they had responded, or whether they had already been adjudicated under the earlier process. (I wanted only people whose water right had not been adjudicated yet.) This was not so easy to determine. Some people were unsure even though I showed some of them a sample Form A. They were often unclear what paperwork had been received from the OSE and what was from EBID, especially since the paperwork could have arrived anytime in the past 8 years, depending on whether they part of the earlier process or the current process. I'm pretty sure that one of the interviewees had already been adjudicated, but the situation was difficult to determine because his father was the actual landowner. The father was elderly and unable to

participate, but may have received and responded to an OOJ 5 or 6 years ago; the son said he had not received any paperwork, but other information about his ditch leads me to believe that the land had already been adjudicated.

Questions 7 & 9 were intended to identify “incomers” or short-term irrigators. Because some people owned other properties or had irrigation experience prior to owning the current property, it was important to ask both questions.

### **Interview Topics**

The interview protocol was designed to uncover the participants’ perspectives on several topics. Specific questions are indicated in parentheses.

1. Experience of membership in a CDA or community ditch. (Q13-Q18)
2. Knowledge of basic water law, e.g. beneficial use, prior appropriation, how water rights are acquired or lost. (Q20-Q22, Q24-Q25)
3. Knowledge of the adjudication purpose and process. (Q23, Q26-Q30, Q41)
4. Concerns about the adjudication. (Q19, Q34-Q36, Q38-Q40, Q42)
5. Questions about the adjudication. (Q37)
6. Knowledge of helpful resources. (Q31-Q33)
7. Interest in a workshop or other information about the adjudication. (Q43-Q49)

A sample of responses to questions under each topic is provided below.

## II. Qualifying Questions

### Q1 At least 18 years old?

Yes – all respondents

### Q2 Are you a member of the CDA or [for unorganized ditches] an irrigator on the ditch?

Yes – all respondents

## III. Participant Characteristics

### Q3 Is ditch organized?

Yes – 9

No – 7

### Q4 Flat-rater or farm-rater?

Flat-rate – 11

Farm-rate (< 10 acres) – 3

Farm-Rate (10+ acres) – 2

### Q5 Have they received adj mailing? (Have they received an OOJ?)

### Q6 Did you return Form A, Response to Summons?

Responder	9
Nonresponder	2
Uncertain	4
Did not receive	1
Unknown	0

### Q7 Years irrigating on the ditch?

### Q9 Previous irrigation experience?

Long-term (>= 10 years)	9
Short-term (< 10 years)	7
Unknown	0

The tally shown here depends on the response to both questions. If they have irrigated elsewhere before the current property, or if they have other properties besides the one in question and have irrigated for a longer period of time, then they are listed as “Long-term (>=10 years)”.

### Q8 Length of NM Residence

NM Native	5
Long-term (> 10 years)	6
Incomer (<= 10 years)	5

### Q10 Did your parents or other family members ever irrigate?

Yes	9
No	7

### Q11 Self-identified ethnicity/ethnicities

White / Anglo	7
Hispanic	10

**Q12 Irrigation purpose**

Domestic irrigation	11
Hobby farming	0
Income-based farming	2
Domestic and hobby farming*	3

\* Those who responded with “Domestic and hobby farming” all owned 2.0 acres or less.

## *IV. Interview Responses*

### **Community Ditches**

**Q13 About how many years has your CDA (or community ditch) been in existence? (CDA does not apply to those on unorganized ditches.)**

For the El Cid CDA answers varied from 3 to 8 years, with one person commenting that there was something less formal in existence before the formal organization. For the Mambrino CDA answers varied from 5 to 10 years, with one person commenting that there had been earlier attempts to organize. Perhaps the most interesting aspect of these answers is not the variance in participants' recollection of how long the CDA had been in existence, but the fact that there had been more than one attempt to organize before the current configuration.

**Q14 Approximately how old is this ditch?**

No one could give more than a vague guess. It didn't seem to be an important point to those I interviewed.

**Q15 For short-timers, How did you first learn that you were part of a CDA?**

- Their broker told them they had water rights when they were considering the property.
- She can't remember if the real estate lady told them about the water right or a neighbor after they moved in. Probably the latter.
- He knew about it when he bought the property since his brother already had a place on the ditch.

On learning how to irrigate:

- He moved in and the next day before daylight his brother was making him irrigate!
- The first year they didn't know anything about irrigating. Nobody explained it to them. At first, it was scary when it started to flood. They learned by trial and error.
- (She guesses) They've had about 6 new people in the past 5 years—her daughter teaches them how to irrigate, because they don't know how.
- Said he knew about managing irrigation water from growing up on his grandpa's farm, even though some of the older ditch members don't believe he knows anything.
- He's only been irrigating about 5 years, but his grandma and uncles used to irrigate near Tome.

**Q16 Would you say that the members of your CDA get along . . . ?**

- very well (7)
- pretty well (8)
- not well (1)

**Q17 How are differences of opinion about water and the ditch resolved?**

## Cooperation:

- Overall, things are smooth. "A couple members are somewhat antagonistic--there are a few thorns in the bush."
- Things improved immensely because they organized the CDA.
- People get in their cars and drive around to see who is working; neighbors look out for one another
- There are issues now and then but no big deal.
- Things get better every year (since they organized the CDA).
- They really haven't gotten "sideways" with anyone.
- There are no differences of opinion.
- Differences are resolved by voting.

## How well people get along:

- Everyone gets along very well except for 2 people.
- In the CDA they resolve problems by talking about it. "I've never had problems like that. People are very nice."
- Pretty well; it depends on who is running the association in any particular year how well it's run.
- Very well—that is, on this street they get along very well—there's often some minor friction with other areas (the other streets) because there's no organization or communication.
- Very well. Before they organized, there were fights—they use to call irrigation day "irritation day"!

## Conflict management:

- The ditch rider (mayordomo) manages it. (2)
- He thinks EBID has more responsibility toward people on the laterals. EBID won't help him out when he has issues with how the mayordomo runs the ditch.
- A commission member locked one of the gates to prevent water from going to a leg of the ditch that hadn't been used for a long time, even though another member now wants his tenants to have water in that part. It took an appeal to expert opinion—i.e. the EBID ditch rider—to get the gate unlocked. He's pretty unhappy with the member who locked the gate.

## Communication and coordination:

- He describes some miscommunication issues. He has the phone numbers of everyone he sold land to (but not the rest of the irrigators, apparently).

- Most people take turns and get along OK; biggest issue is coordination of the various gates.
- «For the most part, some of the people will do what others want, in order to get things done.»
- At the meetings. For example, their next door neighbor used to have problems with them. She brought it up at one of the meetings and now it has been resolved. The neighbor has a formal way to vent.
- The CDA meets at least twice a year to discuss problems. Several "doofy" people steal water. He calls the police when that happens.
- There are people who take water out of turn.
- She doesn't get involved. A couple neighbors have an ongoing dispute about whose turn it is to take water.
- He got blamed for water overflowing into the nearby business.

#### Problems sharing costs and work:

- They're the last people on the ditch and often get very little water. Over the past several years they've invested a lot of effort into getting the water situation cleared up.
- They've had problems with people upstream on the ditch, who don't clean the ditch, but take water and don't care about the overall system.
- He rented a backhoe to clean out the ditch last year. He nearly got hurt when it fell over. He's getting to the point where he doesn't want to take on the hard work of cleaning the ditch.
- They've spent a lot of time the past couple years getting to know the EBID ditch riders. Several ditch riders have been very helpful. It depends on who is doing it.
- Some of the members are "too" helpful: they do too much cleaning, which means less work for everyone else, but also less interaction. The CDA promotes community building through the necessary interactions among the people on it.
- Ditch problems: some people don't want to get involved. Others without water rights steal water. He didn't want to share the cost of lining the east branch, since he's not on it.
- At the beginning (when he first moved there), things weren't very organized and people didn't work together. Then they organized the ditch. The 2 original leaders were charging dues, for spraying the weeds, for trips to Santa Fe, etc. People complained about the fees. They were voted out. Now there are no dues. Some people still water out of turn.
- The problem was the CDA wanted everyone to help clean the ditch—he feels he should only have to clean his portion. With the new mayordomo, things have settled down. Everyone shares cleaning of the stretch from the main canal to their subdivision.

**Q18 What are your ideas about how the CDA (or community ditch) could be improved?**

Specific suggestions:

- “Better communication.” He has phone numbers among those he shares water with (on his branch).
- «It would help to have a list with everyone’s names and phone numbers.» They could become better organized in terms of setting up and communicating the watering sequence.
- He and N. have been talking about how to manage the water better. They’d like to hire someone to manage the water distribution. He’s familiar with ditch management because he grew up on a farm. Some of the people on the ditch haven’t leveled their land, which makes it hard to get water all over it unless you have a lot of head. He thinks everyone should be able to water with about 2ft of head, rather than 4ft or 5ft, which causes the water to overflow.
- «Some rules could be more strictly enforced—violators should get warnings and, eventually, fines.»
- Somehow their ditch always gets scheduled for watering over Easter weekend, which is inconvenient.
- «Create a CDA. Get matching money to help pay for paving the ditch.» (Note: the older development’s part of the ditch is paved)

Other comments about the state of the ditch’s organization:

- The CDA works fine as-is.
- Participation at the CDA meetings has declined. This probably indicates that there are few problems to deal with.
- «People get along pretty well. It depends on who is running the association in any particular year (how well it's run).»
- At one time there was a CDA—back when they got money to cement the ditch; but he’s been told that once the money was paid off, they disbanded.
- His brother was really active in managing the water on the ditch. (The brother died a little while ago.) The brother knew many of the neighbors; he was very outspoken and ruffled feathers sometimes. Participant is reluctant to get too involved in the politics of the ditch, even though he feels the need for better organization.
- She’s not interested in organizing the ditch, because she would end up being the organizer.
- The CDA is poorly organized and run. The ditch is not in good condition, and even though money is available, the CDA hasn’t moved to repair it. The president is “flaky” and in the hands of the treasurer.
- He doesn't attend the CDA meetings.
- There’s some bickering. Three years ago there was a mayordomo who was strict with those who didn’t pay, etc. He loved it. The problem was the CDA wanted everyone to

help clean the ditch—he feels he should only have to clean his portion. With the new mayordomo, things have settled down. Everyone shares cleaning of the stretch from the main canal to their subdivision.

- It's getting harder to get the water; the ditch is silting up.
- «Irrigation weekend is horrid; timing the gates is hard; there's often flooding in peoples' yards.»
- Is there really a water shortage? About 5 waterings is ideal; one year they only got 3, which wasn't enough; another year they got 9, which was too much—but some of the neighbors are eager to take it even when (in his opinion) it's too much water.

### Water Law Knowledge

For questions in this section, the participants were instructed that it was alright to say they didn't know the answer; and that it was alright to guess, if they wanted to. I did this because I was concerned that if they didn't know that they knew the answer they would just say, "I don't know"; where a guess would reveal something of what they knew or thought about it.

#### Q20 What is a water right?

Farmers:

- «It is your right to secure ground water or surface water through the state for domestic use, recreation or income generation.»
- «A water right is the right to the river water. The right to the portion of supply allocated for that year.»

Non-farmers (sample):

- «You pay for use of water out of the dam.»
- «The ability to access Rio Grande water.»
- «The right to get water out of the ditch.»
- «A water right is the right of an individual to irrigate because the property inherited a water right.»
- Not sure exactly what a water right is. «If you pay, you can use the water.»
- It's not a right, but a privilege. The state could take it away—they'll take it away when it's needed, say, for the farmers.
- The right to the water in EBID—can use any water coming down the ditch.

**Q21 On what basis does a person acquire a water right?**

Farmers:

- You can buy land that has a water right; some water rights are not tied to the river (wells that are not supplemental wells), these can be bought and sold; he can't sell a surface water right on his property.
- Ownership of property, rental of water or purchase of water (lease); or by ownership of a groundwater pump (well).

Non-farmers (sample):

- Doesn't know. (3)
- From the OSE office; or you can buy it from another property and transfer it.
- By paying a fee.
- You can't acquire a right; you either already have one or you buy a property with a right
- You can buy a property with a right; or lease it
- I don't know that you can, unless you buy another place that already has rights.
- Buy land with water rights; inquire at EBID if anybody is selling theirs
- Early water rights came into existence by taking water; be the first one there or else buy it.
- If you're a farmer who needs the water to earn a living -- then you could get a [new] water right.
- Farm land that originally had rights, when it's subdivided, the rights go to the new house lots.
- The water right was grandfathered on the property; as long as payments are maintained.
- They bought a property that already had water rights. There's a limited number of water rights available. If you give them up, you go to the back of [EBID's] line if you want to reinstate them. Maybe the water rights can be bought and sold.

**Q22 How might a person lose a water right?**

Farmers:

- Go against the rules [EBID's or the OSE's]; not put a meter on a well, which OSE now requires; stop using the water—can't remember for how long—maybe for 4 or 5 years; water rights can be leased—this is equivalent to using the water; not putting water to beneficial use or wasting water.
- By not paying taxes for 3 years; selling the water right off the property.

Non-farmers (sample):

- Doesn't know (3)

- Many comments included an element about losing a water right by not paying the EBID assessments (10).
- A number of comments reflected awareness that you could lose the right by violating EBID's rules, for example, over watering, watering at the wrong time, polluting the ditch, flooding the street. (5)
- His neighbor said "I don't want the water; I'm too busy" and gave up his water right.
- If the OSE says there's not enough water for this type of use. (misconception)
- Doesn't know for sure . . . if you're not getting along with your neighbors about the irrigation (misconception)

#### Q24 What is beneficial use?

Farmers

- Beneficial use means using it for some good--e.g. growing crops--not wasting the water.
- «Use of water for income, recreation, or domestic use.»

Non-farmers (sample):

- «The water is being used for a reason.»
- «It does good things for us»; better water from the ditch than city water.
- «It applies to the farmers so they can sustain a crop.»
- «If you're using water in a beneficial way»—subject to who makes the definition.
- Not sure: to determine whether or not you really need to have irrigation.
- «It benefits you. If I grew a garden that would a beneficial use. Right now I only grow grass.» (misconception)
- «That's open to interpretation. For a farmer, the water is essential; for me, I water my yard. We all benefit from it.» (misconception)

#### Q25 What does the term “prior appropriation” mean to you?

Farmers:

- «Prior appropriation is the time period when you established the water right. In a drought, the later rights get stopped first. Earlier water rights are more valuable.»
- Doesn't know

Non-farmers (sample):

- Doesn't know (8)
- "one place benefits and another suffers" (not sure what he meant)
- «It was appropriated to the previous owner before it came to me.»
- First one who used the water

- «It's along the lines of the grandfather clause: the water right was there when the land was made into a subdivision—it's always been there—at any rate, it's been there for years.»
- [Guesses] Whatever was appropriated historically; «if the lake goes down, you get a percentage of what you used to get.» (misconception)

## Adjudication Knowledge

### Q23 What is a water right adjudication?

Farmers:

- «It's the state's process with each landowner to come to agreement on how much acreage the person can use water on.»
- «An adjudication makes the water right more legal or official--the rules are defined--everything is more defined.»

Non-farmers (sample):

- Doesn't know (6)
- He read the papers that came from the OSE but doesn't understand it very well.
- His first thought (when he got the packet) was "what in hell is this?"
- «Under the Treaty of Guadalupe, they agreed to respect the rights. Now things have changed, there are more people—maybe someone can take advantage of these rules.»
- It's a way to find out through the courts who legally owns the water.
- «Taking all this stuff to court and ascertaining who has water, who needs it. They may decide to take some of it away.»
- Not sure: to determine whether or not you really need to have irrigation. (misconception)
- «It's a lawsuit to get information from the water users for the state.» The state will be/is transferring EBID responsibilities to itself. (misconception)
- Trying to judge whether it's legal or fair the way water rights are being handled. May lead to changes. (misconception)

### Q26 What is the purpose of a water right adjudication?

Farmers:

- To get everything legalized; reduce disputes, make water rights quick to handle (administer)
- Full disclosure – an agreement between the state and land owner about water rights—reconciling conflicting historical records

Non-farmers (sample):

- Doesn't know (4)
- «It's to head off a conflict between individuals, states, with the federal government, etc.»
- «They'll determine if you live in an area where you can water.»
- «To learn how much water is available, consumed, etc.»
- «Like a desk audit – there's a question – somebody feels like they're being treated unfairly.»
- Wants to know. «Is somebody unhappy? is there going to be a lawsuit or a big to-do?»
- To make sure the OSE's records are updated. Her perception is that they're looking at where the water is going—maybe to cut it off. People “like us” i.e. backyard irrigators, maybe they think it's a lesser priority use. (misconception)
- To assess how much water is available. Farm land was converted to residential areas—«do I **really** need the water?» Who still needs it and who doesn't? (misconception)
- «It's for your own benefit to report all your wells – to have better service from the state rather than from EBID.» (misconception)

**Q27 How did you first learn that an adjudication was taking place?**

Farmers:

- Doesn't recall—probably heard about it before he got the OSE letter.
- Word of mouth

Non-farmers:

- Just now, during our conversation (2)
- When the packet came in the mail (5)
- Through a neighbor or friend (4)
- At the Rotary Club

**Q28 About how many years ago did you first learn about the adjudication?**

Farmers:

- About 3 years ago
- Perhaps about 5 years ago

Non-farmers:

- Doesn't remember (3)
- Learned about it today
- About a year ago (6)
- About 2 years ago (2)
- When he got the letter (between 2007 and 2009)

**Q29 When did you come to understand that you were a participant in the adjudication?**

Farmers:

- Maybe 5 years ago. «You think you understand it (the adjudication); but when the letter comes you realize you don't understand it well enough, especially the earlier OOJs.» (farmer)
- About 3 years ago (1)

Non-farmers:

- When the packet came in the mail (5)
- Today (2)
- About a year ago (2)
- When a neighbor told him about it (2)
- When he called the OSE after receiving the letter
- Recently—not sure exactly how he realized it.

**Q30 How well did you understand the mailing you received from the State Engineer?**

The following is a sample of comments regarding the summons. The direct question was Q30, although responses to other questions are included where they speak to this theme. Participants' difficulty in understanding the packets was perhaps the single most consistent theme I heard in all my interviews, both formal and informal. The complaint came from farmers and non-farmers alike.

Farmers:

- He didn't understand the adjudication forms very well at first. He should probably redo the early ones. [He has multiple properties and he received some OOJs under the earlier system.] «It wasn't clear whether you had to do anything or not.» The letter tied it into the courts--your first reaction was "I don't want to go to court." «It made people not want to respond. It wasn't clear that nonresponse might mean you could lose the water right.»
- «You think you understand it - but when the letter comes, you realize you don't understand it well enough.» (same person as above)
- They should make it [the summons, the OOJ?] simpler so it doesn't take so much time. He expressed frustration at all the things that take up his time and keep him from actually farming. (same as above)
- The subfile numbers are very confusing—they don't relate to any other id number he already has; since he owns multiple properties, he doesn't know which property they correspond to; when he gets a mailing, he's not sure which property it's for; sometimes it only applies to a portion of a property—there might be two separate subfiles for one property. (same person as above)
- [the other farmer said he had never received a summons]

Non-farmers (sample):

- Not very well; he knows you have to participate to keep the water. (misconception)
- They send something in legal jargon--he can't understand it.
- Didn't understand the packet, which led to a delay in responding. Responded late.
- «It wasn't clear to anybody. It wasn't your favorite mail to open up.»
- He doesn't understand it. His wife took care of the paperwork.
- «On a scale of 1 to 10, about a 2. We're not dumb, but after reading it through a couple times, it was still very unclear.» [She has a PhD and her husband sells real estate.]
- Didn't know if by signing they were giving permission to take away the water right.
- His first thought [when he got the packet] was "what in hell is this?"
- She "did and didn't understand it"; was confused, not really sure; wishes they would use layman's terms to explain it in the mailing
- It was full of legal terms, so he made an appointment with the OSE and they were quite helpful.

#### Q41 Self-rating overall knowledge of adjudication process?

	Farmer	Non-
farmer		
Very good	1	0
Good	1	1
Not very good	0	12

### Helpful Resources

**Q31 Whom did you consult about how to respond to the summons mailing? and  
Q33 You will receive another mailing. If you had questions about it, whom would you consult?**

Farmers:

- For the first OOJs, he didn't consult anyone. Later on he talked with his banker, and finally went to the OSE for help.
- Re future mailings, he would probably go to the OSE, but it depends. Now he thinks he understands what's going on well enough to know if the offer is reasonable and whether he needs to object. (same person as above)
- (the other farmer said he had never received any summonses)

Non-farmers (sample):

Relatives or neighbors (8)

- He would talk with Mr. N (a knowledgeable neighbor) or call the phone numbers that came on the paperwork
- She asked a neighbor; between them, they figured it out.

A number of people mentioned the OSE (6):

- He didn't fully understand. It was full of legal terms, so he made an appointment with the OSE and they were quite helpful.
- She would try the contact number in the mailing. Or the OSE office.
- If an appeal is needed he would consult legal counsel; if not, he would inquire of the OSE
- Talked with a neighbor who also got a mailing, but didn't respond. After the second mailing came, she also called the OSE (or the Ombudsman Program? she wasn't sure; said she thought she called a number in the packet, but never got a call back) Also, tried the local OSE office—left a message—never heard back. She also tried to find online whom to contact locally—it was hard to figure out. She remembers that the second mailing referred to a case # and she was looking for it, because she couldn't find the original mailing. She called around to find out how to get this case number.

Several mentioned EBID (4):

- He would consult EBID about a future mailing.
- Go to EBID; talk to her brother or another farmer and get their opinions
- EBID or a knowledgeable neighbor he knows.
- Whoever was listed on the document. His wife may have called EBID.

A couple mentioned the university:

- He would ask one of the water engineers on campus. (He works at NMSU).
- Call the phone number in the mailing; or if there isn't one, call the University

One specifically mentioned the Ombudsman Program:

- With first mailing, she had called the Ombudsman Program and found them helpful. The help was very nuts and bolts: "put this down, that's what you need to do."

Several said they would call the investigator. (I told them that if they did I would ask why they hadn't attended my workshop!)

**Q32 What do you think will happen next (in the adjudication)?**

Farmers:

- There will be a discussion with the OSE (on the ones he objected to); and then an arbitration if you couldn't work it out with the OSE. The OSE are "workable" people (meaning open to negotiation).
- He will find out if he was defaulted or is still in the adjudication process (since he never received a summons)

Non-farmers (sample):

They don't know (9):

- She doesn't know—maybe meetings? maybe more letters
- Not sure. Will they take our water right? That's the biggest question.
- No clue. Hope they'll update the records and let them keep watering.
- Maybe they'll get another letter, with updates on what's happening? (she would like an update)

Other comments:

- "The hammer's gonna come down." He's afraid they're going to take some water rights away.
- Re next mailing, says «I can usually fill out forms--I'm not dumb--it shouldn't have to be that hard!» Earlier she said the first mailing was unintelligible.
- Will get another letter within about 2 years and it [the adjudication of rights] will be settled and they'll begin dealing with the OSE rather than EBID. (misconception)

**Water User Attitudes**

These interview questions were intended to turn up water users' attitudes toward irrigation, water rights, the OSE and EBID, and the adjudication.

**Q19 In what ways is your water right valuable to you?**

Farmers:

- It's "crucial to maximize the wealth of the proprietors (farmers)"
- It's essential to his occupation, farming; "can't farm without it."

Non-farmers (sample):

- «The first thing we need is water»—it's necessary to take care of it.
- "Green is life."
- The experience of irrigating is valuable; the irrigation is essential to preserving trees and lawns. Saves on the city water bill; better to use the ditch water since it's already there and not let it go to waste; with flood irrigation you only need to water about once a month rather than several times a week.
- With the water he can keep his orchard—he has about 30 pecan trees.
- «Irrigating is the only way to maintain the trees.» They also use a sprinkler system.
- Doesn't have to pay as much to water as they would with a hose; the water is a better quality, no added chemicals
- «The most important part of this land is my water right.» It's a #1 priority to keep the water right paid up; the water right gives value to the property.
- If he were to sell his house, he'd get a higher price for a property with water rights.
- «It isn't valuable. It's only worth something if we resell the place.»

**Q34 Do you think the adjudication could be harmful to your water right? If so, how?**

Farmers:

- No.
- Yes, it might threaten access to the water, for example, if they reduce the acre-feet allowed to the water right (i.e. the CIR and HDR); the adjudication could threaten development of new wells.

Non-farmers:

- Doesn't know (4)
- Doesn't remember what the papers (summons) said.

Yes:

- Yes. If they take away the water rights it will reduce the property values. If they just reduce the number of inches, at least I'd still have something.
- Less water as a result of adjudication, perhaps.
- It's a concern. They could decide that this water isn't beneficial or take it away.
- It might – they're trying to protect their water right.
- She's thinking that it could.
- If he doesn't respond to the mailings.
- I hope not. Maybe it will result in them getting less water?
- Fear—that water right could be taken away without her knowing how.
- Yes, it could have negative effects, individually or collectively.

No:

- No, not at all.

Other:

- He doesn't expect to get **more** water. If they uphold his water right, that's something.

**Q35 What concerns or worries do you have about the outcome of the adjudication?**

Farmers:

- The main thing he's worried about is how much water he'll get. He's worried the FDR will be too low. For example, the pecan growers get more water. (He talked about the difficult precedent set by the NMPG settlement—other crops can require 5 afy, too). It seems a bit unfair to give pecans a larger water allotment.
- The OSE staff can't or won't answer tough questions put to them at meetings. It's as though they aren't prepared. He's worried that the OSE will make serious decisions affecting agriculture with less than reliable, credible information.

Non-farmers:

- Doesn't want to lose the water right. (7)
- Less water. (4)
- Higher costs. (1)

Other comments:

- He's concerned about legal people writing unclear things. He has little or no say-so in what happens. If they decide to take away the water, what can he do about it? He won't just sit by. He will organize if that's needed.
- It's a concern. They could decide that this water isn't beneficial or take it away.
- She's concerned about losing the right and doesn't want anything to happen to jeopardize it. She returned Form A, but doesn't really understand the big picture.
- He's been paying all these years, but he doesn't often water. He usually uses the well water to irrigate, because he's afraid irrigation might flood the septic system. So, he cuts off the water before it covers his whole yard. He doesn't want to lose the water right.
- She's worried that the northern part of the state may get greedy and cause the LRG to lose out. She's concerned about the rate of growth. Eventually, the irrigation rights will probably be taken away from the neighborhoods—after all, this is a desert. It may be inevitable, but she hopes the water rights will be upheld as long as she's alive.

**Q36 What concerns, if any, do you have about your ability to participate in the adjudication process?**

Farmers:

- They should make it (the process, the forms) simpler so it doesn't take so much time to keep track of it.
- His concern is lack of access to the process itself—no input to the bigger decisions.

Non-farmers:

- None (2)
- Doesn't understand it very well.
- Not a great deal; "they" can make it expensive in terms of time
- Now that she knows it's important (because I told her), she will be sure to follow up on the notices.
- She's concerned about losing the right and doesn't want anything to happen to jeopardize it. She returned Form A, but doesn't really understand the big picture.
- Will there be closed door meetings without input from water users?
- Worried that she won't be notified, for example, because of problems with mail delivery, which they have had in the past, though not currently.

**Q38 Whom do you expect that the adjudication will benefit? How will it be beneficial to them?**

**Q39 How might you benefit from the adjudication?**

Farmers:

- It will help the state by giving it official data to work with. Second, will provide information to the landowner—the landowner will know exactly what the water right is (quantity, etc). Third, the water districts and agencies will have good information with which to operate.
- The general public will benefit – it will keep the waste down; make sure individuals use the right amount; may tend toward more efficiency. He's OK as long as they don't take too much away (by reducing the FDR or shorting him # of acres).
- He won't benefit from the adjudication because he's already an efficient user of the water, for instance, he has leveled his land. [I don't quite follow his logic here.] (same as above)

Non-farmers:

Doesn't know or doesn't understand: (4)

- Don't know—they'll spread the water around differently—not sure for whose benefit—hopefully, for the greater good.

Better administration and reduction in waste:

- He won't benefit. Overall, it will reduce the waste of water.
- All the farmers—they'll get a better amount of water – the administration of water will be stricter and will lead to more efficient use of water – it will be better controlled.
- The state will ultimately look at the greater good.
- It will benefit the state government by giving them greater control of the water. Then they can redistribute it.

Individual won't benefit:

- He doesn't expect to get **more** water. If they uphold his water right, that's something.
- He doesn't think he will benefit; will probably pay more for less water. "They're always trying to get more out of people. It never goes the opposite way." Expects he will either be cut off completely or charged more.

Other:

- The government—financially.
- The farmers—they're the ones who really need the water. He feels it's just a matter of time before they take away the water rights from the people who have it on house lots.
- Maybe EBID?
- Hopefully, they'll leave things status quo.
- He'll benefit by holding on to the water right he already has.

**Q40 What have you heard from others about the purpose of the adjudication? (Followup: do you agree?)**

Surprisingly, this turned out to be a mostly fruitless question. Most participants said they had not heard anything. One of the farmers said, «It began with the dispute with Texas; possibly with Mexico, too; and also with the folks up north.» The only other comment was, «Lots of people say negative things.»

**Q42 Which of the following best describes your level of concern about the adjudication?**

- very concerned (2) (One said, «Because I don't understand it.»)
- somewhat concerned (8)
- not very concerned (2)
- not at all concerned (0)

One farmer didn't give a direct answer, but said that the FDR (farm delivery requirement quantity) is the main things he's worried about.

## Questions about Adjudication

### Q37 What specific aspects of the adjudication would you like to understand better?

Farmers:

- The procedure should be explained better in the OSE letter; the newer letter was **more** complicated in some ways. (He's referring to a letter that asks him to clearly and specifically define exactly who owns the property—and other things. Said he put it aside because it was too complicated to figure out. This doesn't sound like Form A to me; maybe it's a follow-up form on property where there are multiple owners?)
- The subfile numbers are very confusing for a person with multiple properties. When he gets a mailing he doesn't know which property it's for. (same as above)
- He would like to see the process clarified and simplified so that it will be smooth for small, medium, **and** large landowners.
- They should write the materials in non-legal, understandable language—explain it on one page. (same as above)

Non-farmers:

Overall purpose and process:

- What are they doing and why? What's the potential impact.
- The whole process.
- Everything
- He wants to know what's going on.
- It would really help if he had a clearer idea of what's going on when the next letter comes.
- He returned the form, but doesn't really understand what's going on.
- He would like to know what is the problem—so he knows what to do.
- He'd like to understand the general concept of it – so he can know what points are of interest to him; if it's really a water shortage, he wants the farmers to get it.
- He wants information—better knowledge. He hasn't heard **anything** about it from the OSE or EBID.
- The legal pieces—what the intent is.
- A workshop must explain how the adjudication will affect individuals.

Irrigation assessments:

- He wants to know why the cost of the irrigation assessment keeps going up.
- His brother in Albuquerque pays probably \$100 per year for irrigation and he gets more waterings. Why is it so much more expensive down here? It's about 3 times as much.

Various topics:

- He would like to know the meaning of all the legal terms.

- He doesn't know enough about the adjudication to ask questions--he never got the mailing.
- How could I lose my water right?
- Maybe the water rights can be bought and sold. [I marked this as a question because in an earlier conversation, this water user had wondered if an adjudicated right could be transferred, or whether adjudicating the right made that impossible.]
- Who should we be rooting for: EBID or the OSE?
- Why do the people in Texas still get 12 waterings per year and in NM they only get 5 or 6? It seems like there's a lot more water available on the Texas side.

### **Adjudication Workshop**

#### **Q43 Which of the following would you be interested in to make you better informed about the adjudication?**

- general information about the adjudication (14)
- help with understanding and completing the forms that you receive (14)
- information about how to find legal counsel (4)
- something else (specify) (no suggestions)

#### Comments:

- He's not interested; knows too much already.
- Nothing: none of the above!

#### **Q44 How would you like to obtain additional information about the adjudication?**

- receive instructions by mail (9)
- find the information on a website (6)
- call a help line (with a live person on the other end) (8)
- talk with someone at a local government office (6)
- take part in a workshop (9)

#### Comments:

- Volunteered, "a meeting where they explain what's going on" before I was able to read him the choices.
- Instructions by mail, so she can read it without leaving the house because her health is bad.
- There should be a simple letter that explains it in 1 page.

**Q45 If a workshop about the adjudication were to be offered, would you be likely to attend?**

**Q48 What would make you most likely to attend a workshop?**

Likely to attend?

- Yes (14)
- Probably (though elsewhere he indicated it was not of great interest to him). (1)
- Probably not, due to schedule. (1)
- No (1).

Relevance:

- If it's relevant.
- If it's something of interest – and he's interested in learning about water rights.
- Concerns about future water availability.
- If she thought she was going to get something out of it
- If she thought she might lose her water right.
- He wants to know what's going on.

Scheduling, Location:

- It would depend on the date, time, and length. It would depend on his/her schedule. (7)
- If it was held at the same time as a regular CDA meeting (7-9 pm).
- Location is important—it would lend credibility if it were sponsored by a university, e.g. the Department of Agriculture or by a grower group, or EBID or OSE; a free lunch would be helpful.
- Wants the workshop to be local--not in Escudero.

Other:

- If he knows it's a good speaker, which apparently means someone he can understand and who explains things clearly.
- If you provide coffee & donuts. (joking, but serious, too)
- Getting an announcement about it.

**Q46 Would it be easier for you to attend a workshop . . . ?**

- during the day (4)
- on a weekday evening (13)
- on the weekend (4)

Retired people and the farmer preferred a weekday during the day, but most people preferred a weekday evening. A few said they would prefer a weekend time.

**Q47 Would you be likely to attend a workshop that is . . . ?**

- 1 meeting, 2-3 hours long? (14)
- 2 meetings, each 2-3 hours long? (7)

While most people said they would be willing to attend a single meeting, many also said they would be willing to come to a second session, if they felt the workshop was worthwhile and the material required it.

**Q49 What else could be done to help you participate effectively in the adjudication?**

Suggestions about adjudication in general:

- It's incumbent on the state to make people aware of what's happening. Why not do a mass mailing to all water users? Send them a trifold brochure to all those who have not responded, that explains what's going on and importance to their water rights.
- He suggests that someone give "webinars" -- online meetings over the internet. It could be held at a local school for people who are not computer savvy and need help setting up.
- Hot line for questions; literature by mail.

Suggestions for the workshop:

- He wants someone to sit down and explain it. Thinks EBID should help them with it.
- Explanation of legal terms, etc.
- Send out informative material before the workshop—background information; or a podcast explaining things.