



Impacts of Development on Acequias

Presentation to the Land Grant Legislative Interim Committee
UNM Taos, August 18, 2022



The New Mexico Acequia Association is a grassroots, membership based organization of acequias and community ditches in New Mexico. Since 1989, we have been working to protect acequias and agricultural water rights through community education, organizing, and advocacy.

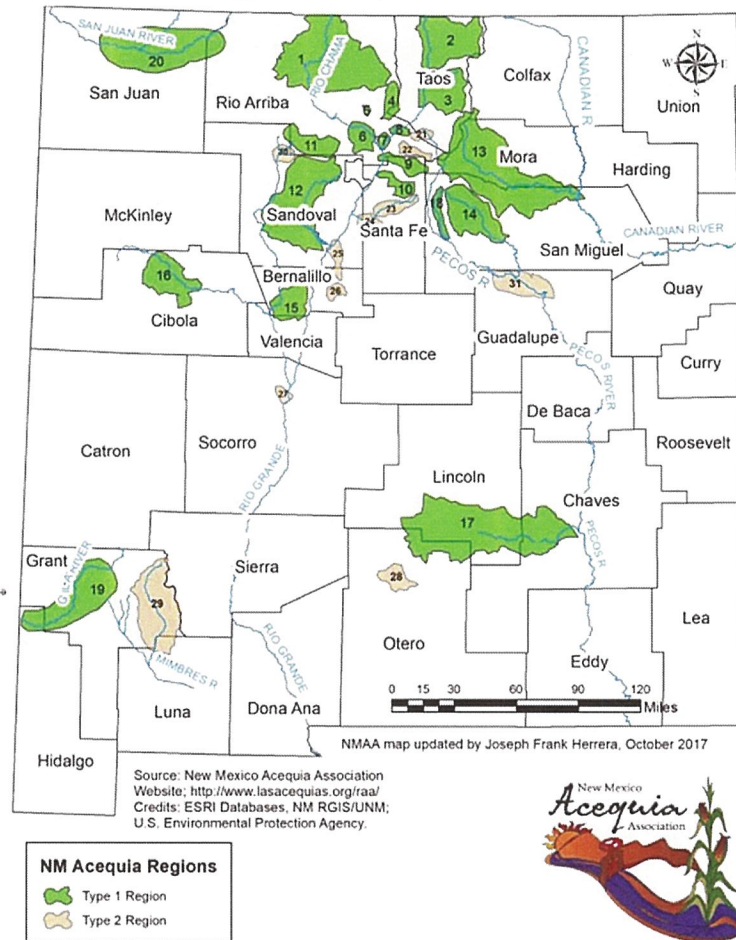


Our vision is for acequias to flow with clean water, to work together to grow food, and to celebrate our cultural heritage.

~640 Acequias in New Mexico

- Rio Grande and Tributaries
- San Juan River
- Rio Chama
- Nambe/Pojoaque/Tesuque
- Pecos River (Gallinas)
- Canadian (Mora)
- Rio Pueblo/Rio Embudo
- Jemez River
- Rio San Jose
- Hondo River
- Gila River
- Mimbres River

Congreso de las Acequias Regional Acequia Associations



Acequias: Land, Water, People

- 600-700 community acequias in New Mexico (not including private ditches)
- Over 100,000 acres of irrigated land
- Tens of thousands of acequia families have water rights
- Acequia irrigators rely primarily on seasonal surface waters for irrigation
- Acequias and community ditches contribute to aquifer recharge

Source: NMSU "Acequias of the Southwestern United States: Elements of Resilience in a Coupled Natural & Human System"



New Mexico is in a MEGADROUGHT

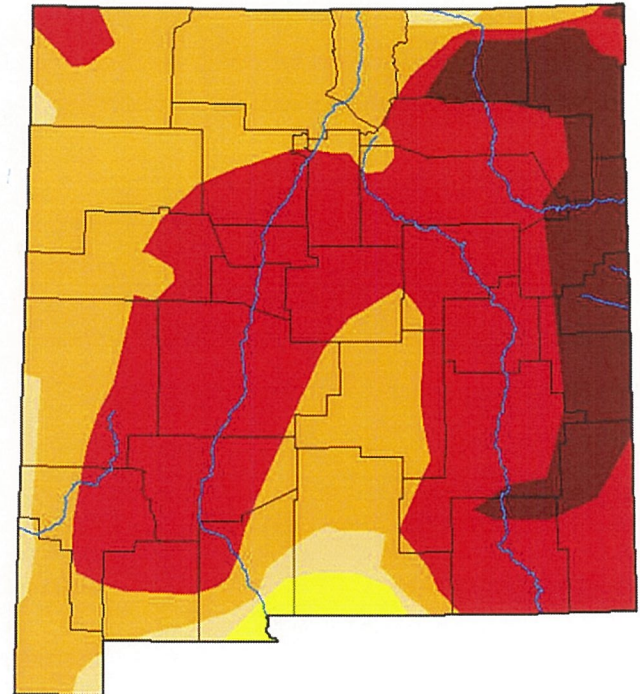
The Southwest is in the worst MEGADROUGHT in 1,200 years.

In July, 68% of New Mexico was in severe to exceptional drought.

Indicators of diminishing water supplies:

- **Fallowing land:** In 2021, OSE asked NM farmers to not irrigate and grow crops year. OSE is implementing farmland fallowing programs in the Middle and Lower Rio Grande basins.
- **Shortage sharing:** Many acequias, where they didn't dry completely, have had to curtail water use and share shortages.
- **No new water:** OSE issued several groundwater basin closures in 2021 (Capitan, East Mountains)

U.S. Drought Monitor New Mexico



US Drought Monitor, July 5, 2022
68% of NM in severe to exceptional drought

Acequias Face Mounting Development Pressures

Acequia irrigated farmland is the most sought after and **expensive real estate**. Acequia villages are facing increasing gentrification.

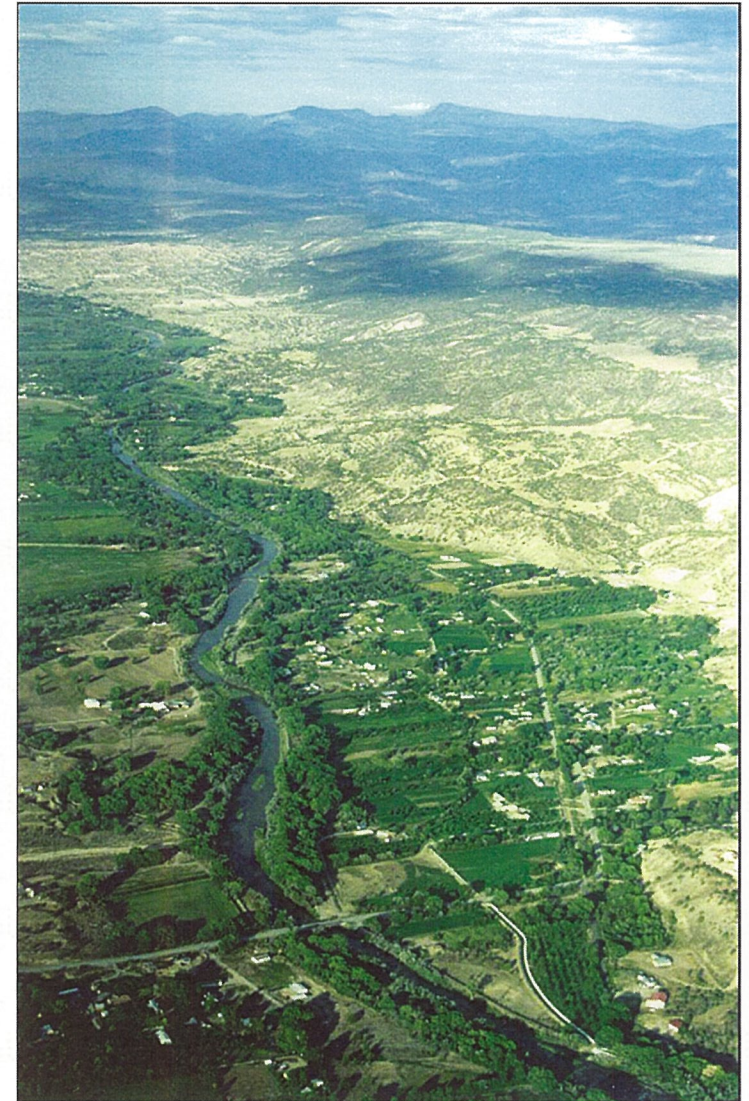
Development of farmland, either high end or family transfers, **diminishes the future potential** for agricultural production, and affects water rights.

Increasing land prices drive up **property taxes**, especially when the agricultural valuation is lost if lands are not in active agricultural production.

Water rights on developed land may be abandoned or transferred to another use. Footprint transfers of water rights an area of interest for acequia communities to **prevent loss for non-use**.

Development drives the **commodification of water** through water transfers out of agriculture to commercial, municipal, and industrial uses.

Municipal and commercial wastewater can **impair water quality** for downstream communities, including acequias. Stronger oversight by the State Engineer is needed and more stringent water quality permitting.



Commodification of Water

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**.



Policy Overview and Recommendations

Protect acequia water rights from commodification by affirming acequia regulatory authority over water transfers and strengthening capacity and funding of the State Engineer to effectively regulate and provide oversight. Acequia authority was enacted in 2003 by the State Legislature.

Protect farmland from high tax increases. Build upon legislation passed in 2015, SB 112 (Sen. Cisneros and Rep. Gonzales) which provided new language stating that “resting of land” can be done while still maintaining an agricultural valuation provided that the land is subject to eight consecutive weeks of moderate to severe drought. Identify policies to provide more flexibility for landowners to maintain agricultural valuation.

Protect acequia farmland with conservation easements. The State of New Mexico lacks a program that could be used to leverage federal dollars to protect farmland which supports future food production but also protects wildlife habitat and ensures continued aquifer recharge. The Natural Heritage Conservation Act in state statute could be a mechanism for purchase of conservation easements but it would need amendments and significant funding to make it work well for acequias.

Strengthen oversight of water rights and water quality. Developers have disproportionate resources to acquire water rights and defend them legally. Resources are needed to provide oversight over the water rights proposed for new growth. The state also needs more robust water quality monitoring and regulation to protect downstream communities from municipal and commercial effluent.

