

# Acequia Issue Overview

Presentation by:

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Land Grant Legislative Interim Committee

May 30, 2025





Established in 1993 in statute, the New Mexico Acequia Commission is part of DFA Local Government Division and advises the Governor and Legislature on policy matters of interest to acequias.



Established in 1989, the New Mexico Acequia Association is a statewide, membership-based organization dedicated to protecting water and strengthening acequia agriculture through education and advocacy.

# ~700 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

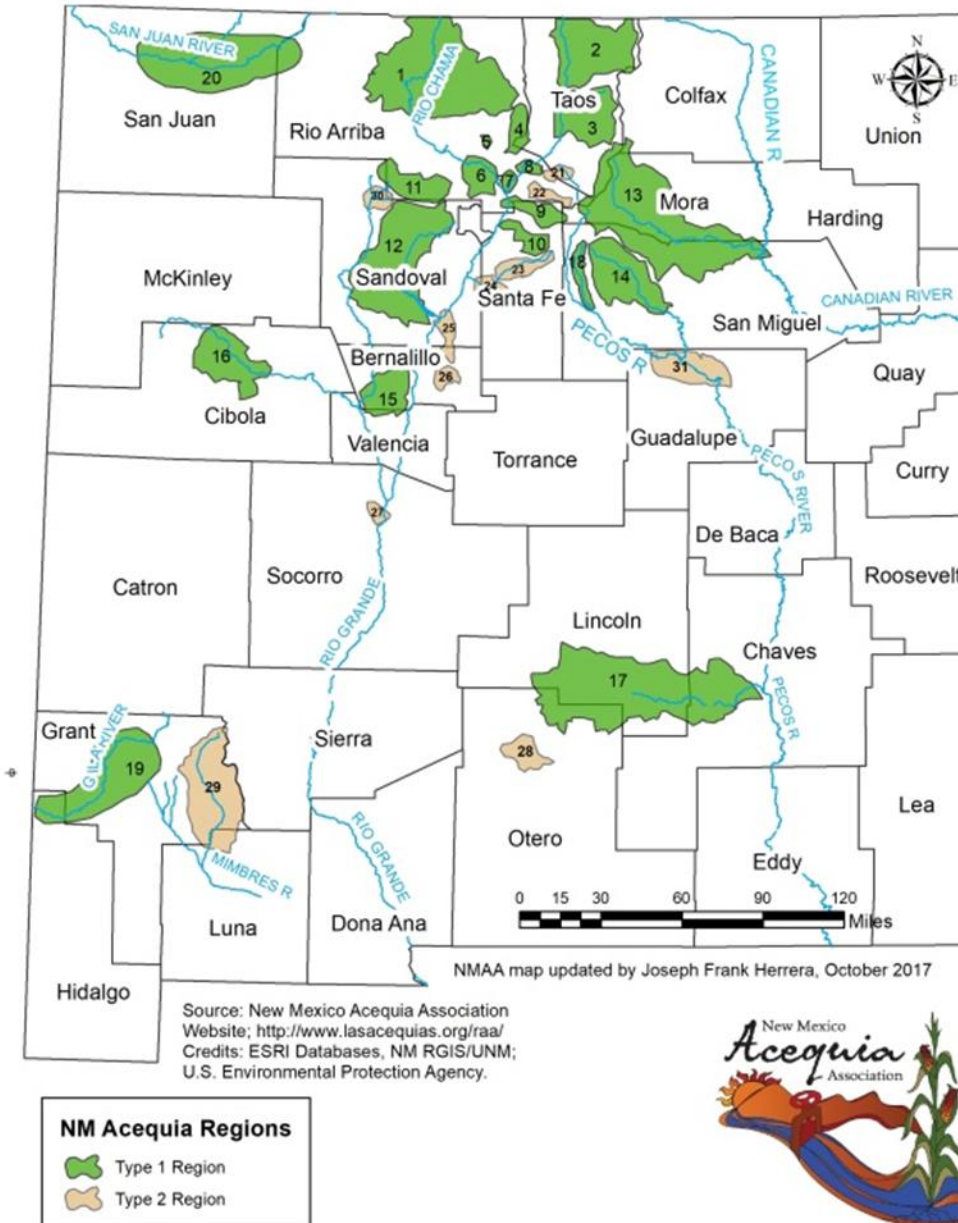
Hondo River

Gila River

Mimbres River

\*impacted by post-fire flooding

## Congreso de las Acequias Regional Acequia Associations



## Background: Land grant-mercedes and acequias

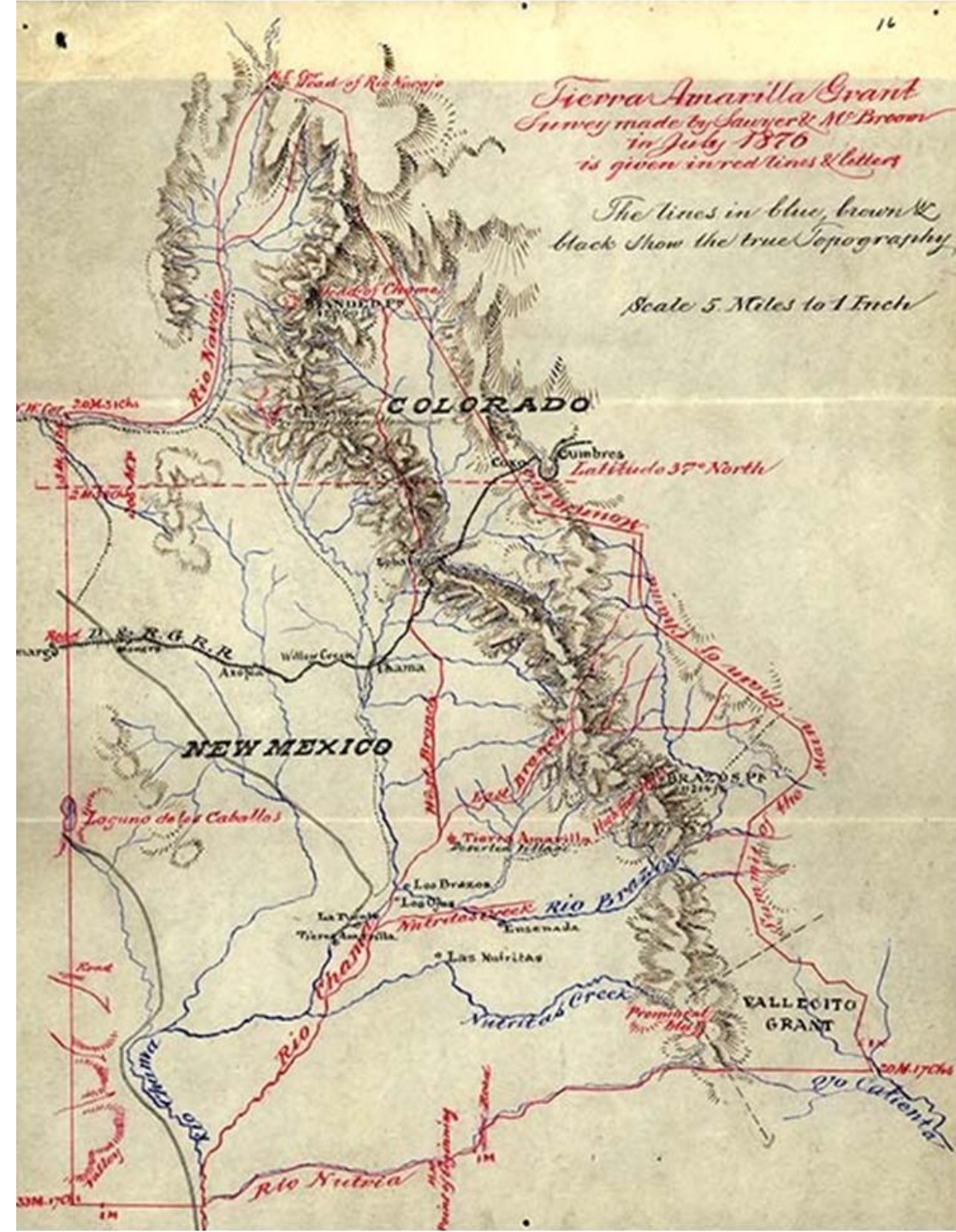
- Acequia and land grants have a shared history. Most acequias, but not all, were established in the settlement of the community land grant-mercedes.
- Although they have this shared history, their legal definition and status as local governments have evolved differently. Land grants and acequias are governed by different statutes.

## Territorial Period and 1907 Water Code

- Acequias expanded significantly during the New Mexico Territorial period. The 1907 territorial water code was a comprehensive set of laws that defined governance of water.

## Statehood, Constitution, and Acequia Statutes

- The Constitution recognized all pre-1907 water rights, including those that were acequia-based. Water rights are governed by the water code and acequias are governed by Chapter 72 Articles 2 and 3 as “Special Districts.” Acequias were defined as *political subdivisions of the state* in 1965.



# Acequias play a major role in water governance

In their respective basins, acequias manage most of the non-Indian surface water rights, which are dedicated to agriculture.

Each acequia is unique and governs the water rights of the farmlands it serves through its bylaws and local customs.

Acequias have centuries-old customs of water sharing between acequias on the same stream system, i.e. “repartimiento”

Acequias are involved in the adjudication process and water right settlements in their respective basins.

Hundreds of acequias are improving irrigation infrastructure with state-federal funding.

Acequias have the authority to approve or deny water transfer/water lease applications.



**El Agua es Vida.** The most important role of the acequia is to bring irrigation water to the farmland owned by its members. The work of mayordomos includes the annual *saca de la acequia*, equitable distribution of water, and maintenance of irrigation works. Commissioners hold membership meetings and manage governance/financial affairs of the acequia.



## State Agency Programs Supporting Acequias

	Agency	Program	Recurring Funding	Special Approps.
Acequia Infrastructure	Interstate Stream Commission – Acequia Bureau	Acequia and Community Ditch Infrastructure Fund (ACDIF)	\$2.5 million	\$7 million in FY25 \$2.5 million in FY26
Adjudication	New Mexico Department of Agriculture (NMDA)	Acequia and Community Ditch Fund (ACDF)	\$800,000	\$1.2 million in FY26
NM Acequia Commission	DFA Local Government Division	Base funding	\$88,000	
Acequia Education and Technical Assistance	DFA Local Government Division	Acequia and Community Ditch Education Program (ACDEP)	\$498,000	Junior funding in FY24

\*Note that agencies also have resources for staff including the Acequia Bureau at ISC, the Treaty Division at NMDOJ, and an Acequia liaison at DHSEM.

## NMAA – NMAC Priorities for 2026 Legislative Session

- 1. Land Grant-Merced and Acequia Infrastructure Fund (HB 330/SB 374 from 2025 Session)** HB 330 proposed to create the Land Grant-Merced and Acequia Infrastructure Project Funds. These would be funded through the allocation of 2.2 percent of the severance tax bond (STB) capacity to fund qualifying certified Land Grant-Merced and Acequia infrastructure projects (1.1% for each). The funds would support investment in rural, historic communities in terms of infrastructure, disaster recovery, and rural community and economic development. The bill was amended to include 1 percent bonding capacity to the Tribal Infrastructure Fund and 1 percent to the Colonias Infrastructure Fund. It passed the House and ran out of time in Senate Finance Committee.
- 2. New Mexico Acequia Commission (NMAC).** The Commission was established in 1993 as an advisory body to the State Legislature and Governor. To fulfill their role to advise on policy, the Commission needs a recurring budget for support staff. Their line item at DFA Local Government Division is \$88k and has not had an increase in over 20 years. The Commission is working with DFA to propose an increase in the Executive Budget. Legislative support will also be needed.
- 3. Acequia and Community Ditch Education Program (ACDEP).** DFA Local Government Division has operated this program since 2007 through a Professional Services Contract. New Mexico Acequia Association has been the contractor since the program's inception. The ACDEP line item is \$498k. The NMAA uses this funding to provide technical assistance and workshops to acequias and to operate a youth education program. NMAA assists 350-400 acequias per year on governance, infrastructure, and disaster recovery. NMAA is proposing to strengthen this program by codifying it in statute.
- 4. Disaster Recovery Support for Acequias.** Acequias and community ditches have been severely impacted by several major federal disasters since 2022 including HPCC, Black Fire, Salt Fire/South Fork, and Rio Chama Flooding and several state disasters. Acequias need more certainty with cost share for federal programs and technical support.



## Additional Policy Issues Important to Acequias (2026 and future sessions)

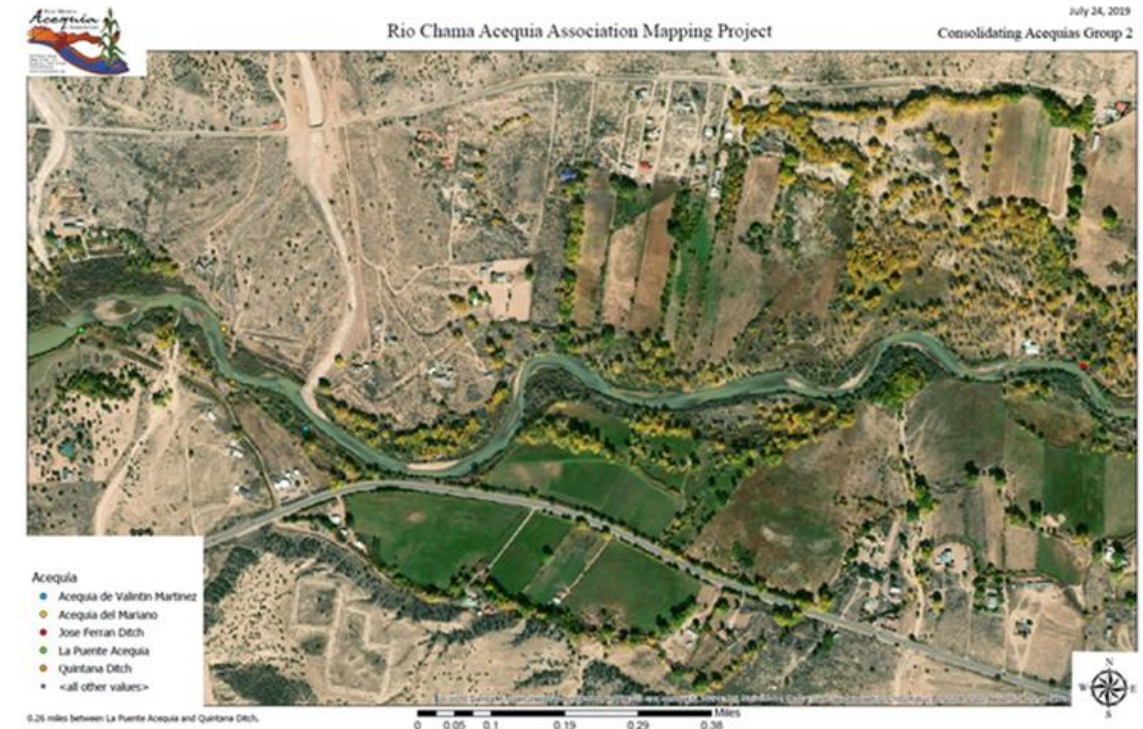
1. **Acequia and Community Ditch Infrastructure Fund (ACDIF).** Depending on the outcome of HB330-like legislation, revisit SB 208 to increase the allocation from the Irrigation Works Construction Fund (IWCF) from \$2.5 million to \$5 million. Explore options for more increases to address the need for tens of millions of dollars in unmet needs per year.
2. **Community Governance Attorney (CGA) Program.** Build upon recent progress and expand the program at UNM Law School with additional funding to support two new attorneys per year.
3. **Acequia and Community Ditch Fund (ACDF).** Updates to Section 73-2A-1 through 73-2A-3, which created the ACDF, to consider the needs for ongoing settlement implementation, more flexible support for regional acequia associations that provide legal representation and experts for adjudication and settlement negotiation and implementation.
4. **New Mexico Acequia Commission (NMAC).** Revisit the enabling statute to address the need for a stronger entity in state government that can serve acequias and community ditches in coordination with other state agencies.
5. **Water Quality.** Support NMED in creating a surface water permitting system through implementation of SB 21 and ensure adequate funding for agency capacity.
6. **Build Capacity for Regional Acequia Associations.** Watershed/basin-level associations are serving acequias with adjudication support and are emerging as a vital institution for education, advocacy, and technical assistance. Most of this work is on a volunteer basis and there is a need for resource for their basic operations and local programs.
7. **Audit Act and Tiered Reporting System.** Support the Office of the State Auditor to update the statute to consider the needs of small political subdivisions and to have resources to assist them with financial compliance.

## Agency Rulemaking Important to Acequias

**Water Quality Control Commission's Rule on Wastewater Reuse:** NMAA submitted comments expressing concerns about using treated produced water outside the oilfield while supporting prohibitions on discharges.

**Interstate Stream Commission's Rule on Regional Water Planning:** Provided comments advocating for an acequia advisory group and broader public welfare definitions. Submitted during the pre-rulemaking phase on **February 27, 2025**. Soon, the ISC will start the formal rulemaking process and there will be more opportunities for involvement.

**Office of the State Engineer's Rule on Water Leasing:** Submitted comments on **April 1, 2025**, challenging OSE's statutory authority to grant preliminary approval for water lease applications. OSE is attempting to create a work around the mandatory requirements for water leases to be published and to provide opportunities to protest prior to a transfer taking place through this rulemaking. NMAA is working diligently to ensure OSE upholds the rule of law in the rulemaking process. We are waiting for updates from OSE on the formal rulemaking.



# What is Acequia Infrastructure?

## Presa – Diversion Dam

In a typical, earthen acequia, the diversion dam (presa) is the most complicated and expensive element of the infrastructure.

Acequia del Alto del Norte, Mora County.  
Engineering design by NRCS.  
Funding for construction 50% from NRCS  
and 50% state funding through ISC.



## Infrastructure Funding

Capital Outlay	# Acequias	CO Requested	CO Funded	Unmet Need
FY25	51	\$14,998,072	\$7,956,126	\$7,041,946
FY26	28 out of 68	\$23,668,967	\$4,237,875	\$19,431,092

ACDIF	Total Allocation	Recurring Funds	Special Approp.*
FY24	\$6,500,000.00	\$2,500,000.00	\$4,000,000.00
FY25	\$5,800,000.00	\$2,500,000.00	\$3,300,000.00
FY26 Estimated	\$6,500,000.00	\$2,500,000.00	\$4,000,000.00

\*ACDIF receives only \$2.5 million recurring and it is dependent on special appropriations.

Disaster DR4795**	Estimate	25%	Unmet Need
FEMA PA Cat AB	\$6,190,326.56	\$1,547,581.64	\$1,547,581.64
FEMA PA Cat C-G	\$76,775,200.00	\$19,193,800.00	\$19,193,800.00

\*Based on Disaster Inventories for FEMA. Most acequias with use NRCS EWP but will need cost share.

# Acequia Disaster Recovery



	FEMA	NRCS
HPCC	75 RPA	75 EWP
Black Fire*	DAP DHSEM	10 EWP
Rio Chama Flooding	8 RPA	Pending
Salt Fire/South Fork	18 RPA	20 EWP

	Debris Removal	Pending
HPCC NMDOT	45	9
Black NMDOT	10	0

### Ongoing Needs:

- 25% cost share for disaster programs
- Technical support and “surge capacity” for response and recovery
- Engineering design support for timely response
- Emergency debris removal – Institutionalize NMDOT Program
- Reform emergency declaration system from piecemeal \$750k approach

## Immediate Needs: Acequia Disaster Recovery

- **Meet cost share requirements** for federal and state disaster programs with state funds. The ACDIF is structured to allow use of funds for cost share requirements. Special appropriations can be made as needed to the ISC for ACDIF so that the base budget for statewide projects is not diverted too much for disaster work.
- **Institutionalize the debris removal approach** used by NMDOT to mobilize rapidly to remove flood debris. Options could be for NMDOT to continue, to set up similar process with DHSEM, or to engage local SWCDs to work with local contractors. An interagency group should form and develop a specific policy recommendation.
- **Increase support for technical assistance to acequias.** Disasters are resource intensive and expertise is needed to develop maps, inventories, and contact lists as well as to navigate the disaster process. Train local acequia leaders to be liaisons with disaster agencies.



## Acequia Technical Assistance

NMAA has a 16 member team that works on acequia education, outreach, technical assistance, and youth education.

The NMAA provides technical assistance to acequias in the following areas:

- Bylaws
- Infrastructure planning and funding
- Easements
- Financial compliance
- Water management and water rights
- Disaster recovery

In addition, NMAA has key partners/contractors including:

- New Mexico Legal Aid for legal assistance to acequias
- High Water Mark on emergency management and disaster recovery
- Other experts such as attorneys and hydrologists.



*High Water Mark has been vital to disaster response and recovery for acequias. Above: Matt Smith, Senior Program Manager.*

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New Mexico Acequia Commission

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