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HOUSE JOINT MEMORIAL 6

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Debbie A. Rodella

A JOINT MEMORIAL

**SUPPORTING AND ENDORSING CONTINUATION OF THE STATE ENGINEER'S
POLICY OF PROHIBITING THE TRANSFER OF NATIVE RIO GRANDE WATER
RIGHTS LOCATED ABOVE THE OTOWI STREAM GAGE TO BELOW THE
LATITUDE OF THE OTOWI STREAM GAGE.**

**WHEREAS, acequias are an essential part of the fabric of
the cultural heritage and communities of northern New Mexico;
and**

**WHEREAS, transfers of water rights from acequias undermine
the culture and communities associated with the acequias; and**

**WHEREAS, transfers of water rights from one region of the
state to another region threaten to remove the water rights
base and harm the local economy and culture of the region of
origin; and**

WHEREAS, acequias in northern New Mexico seek limitations

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1 on transfers of water rights out of the acequia systems in
2 order to preserve and protect acequia culture and communities;
3 and

4 WHEREAS, many acequias and historic agricultural
5 communities are located on the Rio Grande and its tributaries
6 in northern New Mexico north of the Otowi stream gage; and

7 WHEREAS, New Mexico's annual obligation under the Rio
8 Grande Compact to deliver water to the Rio Grande at Elephant
9 Butte reservoir is based on the flow of the Rio Grande at the
10 Otowi stream gage near Pojoaque; and

11 WHEREAS, New Mexico's delivery obligation under the Rio
12 Grande Compact would generally increase if water rights were
13 transferred from above the Otowi stream gage to below the gage;
14 and

15 WHEREAS, procedures of the office of the state engineer
16 regarding transfers of water rights have been guided by an
17 informal policy that discourages applications to transfer water
18 rights from above the Otowi stream gage to diversions below the
19 Otowi stream gage; and

20 WHEREAS, the state engineer's informal policy has helped
21 keep water rights within acequias and thereby has helped to
22 preserve the culture and communities associated with acequias;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that it find that it is detrimental to the
25 public welfare of the state of New Mexico for the office of the

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1 state engineer or any other relevant state agency to approve
2 water right transfer applications designed to move the point of
3 diversion or place of use of water rights from above the Otowi
4 stream gage to a new point of diversion or a new place of use
5 below the latitude of the Otowi stream gage; and

6 BE IT FURTHER RESOLVED that the legislature support the
7 long-standing policy of the state engineer to prohibit such
8 water rights transfers; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the office of the state engineer and to the
11 interstate stream commission.

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