

## 2020-2021 Policy and Budget Issues and Recommendations



Presentation to the Land Grant Legislative Interim Committee  
November 20, 2020

New Mexico Acequia Association and New Mexico Acequia Commission

## Acequia and Community Ditch Infrastructure Fund (ACDIF) at ISC

- Created in statute with the passage of SB 438 (Cisneros and Campos) in the 2019 legislative session
- \$2.5 million from the Irrigation Works Construction Fund (IWCF) annually starting July 1, 2020
- Allows use of the ACDIF for planning, engineering design, and construction
- New program has not been implemented. Guidelines and staff are work in progress
- **OSE-ISC budget for FY21 included 1 FTE dedicated to ISC acequia program**
- **IWCF projected to be depleted by spending fund for OSE-ISC staff despite IWCF intended purpose for irrigation projects. Has to be addressed by LFC.**



## Acequia and Community Ditch Fund (ACDF) at NMDA

Created in statute in (Section 73-2A-3) in 1988 to provide financial assistance necessary for adjudication of water rights

NM Department of Agriculture (NMDA) administers the fund, committee including NMDA, ISC, and NMAC approves allocations to regional associations of acequias.

Some regions have reached negotiated settlements and continue to need funds for legal representation.

ACDF committee approved funding for Pojoaque Valley Regional Acequia Association (PVRAA) contingent on an AG opinion that association is “eligible.” The opinion is pending.

- **Depending on outcome of AG opinion, legislation may be needed to clarify eligibility for settlement implementation.**



## Update on the Strickling Water Transfer

- In 2016, Strickling Ranch Partners, LLC applied to transfer water rights on the Pecos River.
- Acequias from the Anton Chico area filed a protest. The administrative hearing process has extended for 4+ years.
- On October 22, 2020, the Hearing Unit (HU) issued a Report and Recommendation with condition to protect Anton Chico areas (26cfs threshold for pumping by Strickland).
- On November 4, 2020, the HU vacated that report and issues a new decision that removed the condition requested by acequias.
- Motion for reconsideration filed on Monday, November 16, 2020.
- The financial burden of litigation has been substantial for the acequias.



## Capital Outlay Projects and Regional Initiatives

- The State Legislature funded 74 projects in the 2020 session and 72 projects in 2019.
- The ISC is understaffed to process a high number of projects. Acequia commissioners are volunteers and they often need assistance with the process.
- Most of the projects have made significant progress through the many steps required to spend the funding.
- **NMAA recommends that these projects not be cut in the upcoming legislative session to give acequias time to navigate the process of implementing projects and spending funding.**
- **ISC needs additional staffing to process projects in a timely manner and to provide needed support to acequias.**





## DFA Local Government Division Funds

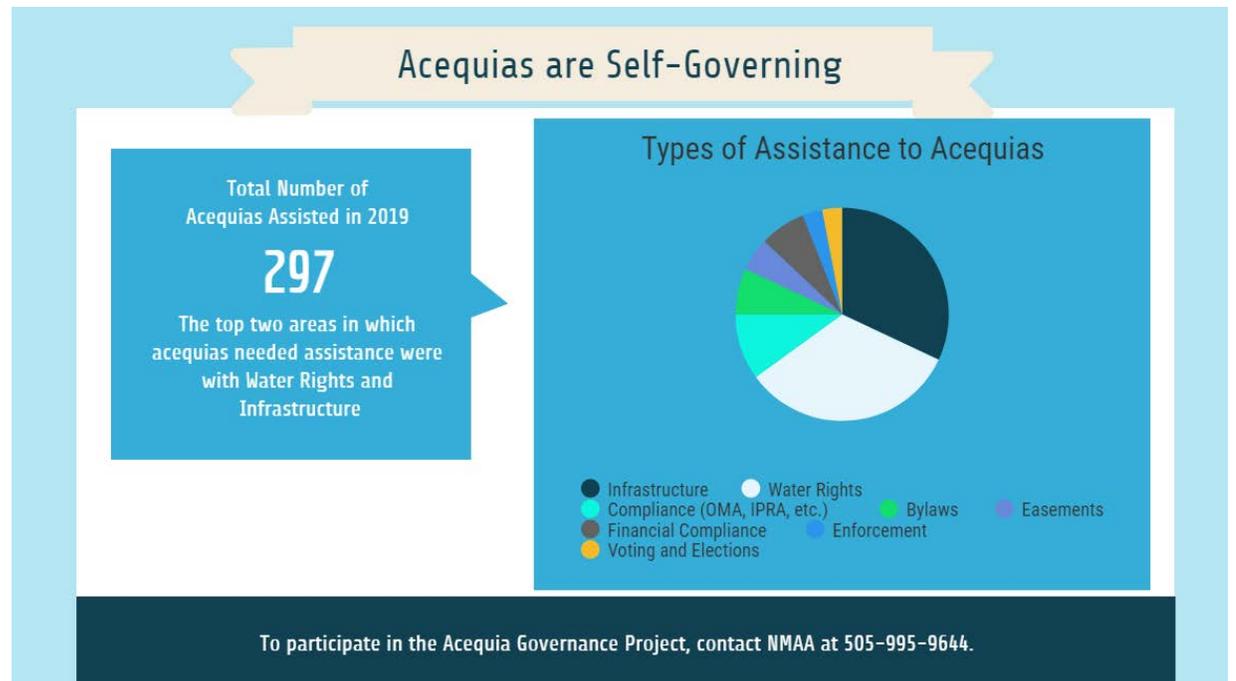
### Acequia and Community Ditch Education Fund \$398.2k

- Since 2007, the NMAA has operated the Acequia Governance Project to build capacity of acequias as local governments.
- Every year, we assist hundreds of acequias, most of whom need assistance with water rights or infrastructure.

### New Mexico Acequia Commission (NMAC) \$88.1k

- The NM Acequia Commission meets monthly as an advisory body to the State Legislature and Governor.

➤ **Recommendation: Retain existing funding levels.**



1	(e)	Fiscal agent contract	1,064.8		1,064.8
2	(f)	State planning districts	693.0		693.0
3	(g)	Statewide teen court	17.7	120.2	137.9
4	(h)	Law enforcement protection			
5		fund		15,100.0	15,100.0
6	(i)	Leasehold community			
7		assistance	150.0		150.0
8	(j)	Acequia and community ditch			
9		education program	398.2		398.2
10	(k)	New Mexico acequia			
11		commission	88.1		88.1
12	(l)	Land grant council	296.9		296.9
13	(m)	County detention of			
14		prisoners	2,587.5		2,587.5

15 The department of finance and administration shall not distribute a general fund appropriation made in  
 16 items (d) through (n) to a New Mexico agency or local public body that is not subject to the audit of