



**Presentation to the  
Water and Natural Resources Legislative Interim Committee  
November 8, 2012**

**Budget Priorities**

- Irrigation Works Construction Fund (Interstate Stream Commission)
- Acequia and Community Ditch Fund (New Mexico Department of Agriculture)
- Acequia and Community Ditch Education Program (Local Government Division, DFA)

**Policy Issues**

- Capital Outlay Reform
- Water Transfers
- Supreme Court Decision: Tri-State v. D'Antonio

**Budget Priorities**

- ❖ Irrigation Works Construction Fund – Interstate Stream Commission

The Irrigation Works Construction Fund is administered by the Interstate Stream Commission. It derives its income from the Permanent Reservoirs for Irrigation Purposes Income Fund, which is one of the beneficiaries of income generated from certain State Trust Lands. The New Mexico State Legislature appropriates funds from the Irrigation Works Construction Fund to the Interstate

Stream Commission for dams, irrigation works, water rights, and other purposes related to water conservation.

The New Mexico State Legislature appropriates \$1.9 million from the Irrigation Works Construction Fund for the Acequia Construction Program of the Interstate Stream Commission. This funding is used to support the 80-20 Cost Share Program in which the state matches a 20% contribution from acequias. Funds from the IWCF are also used for low interest loans to acequias for construction projects.

For several years, expenditures out of the IWCF have exceeded revenues and projections by the ISC suggest the fund could be depleted by 2015. The ISC will make recommendations to the New Mexico State Legislature to maintain the long term solvency of the Fund. These include replenishing the fund with a General Fund appropriation and limiting the use of the fund to water projects rather than agency operating costs.

❖ **Acequia and Community Ditch Fund – New Mexico Department of Agriculture**

The Acequia and Community Ditch Fund (ACDF) was created by the New Mexico State Legislature to assist acequias with legal representation in the adjudication process. The New Mexico Department of Agriculture (NMDA) administers the fund as a competitive grants program for which regional associations of acequias are eligible. Funds are used for the common defense of acequia-based water rights including the cost of attorneys and expert witnesses. In recent years, the recurring appropriation to the ACDF was reduced with across-the-board budget cuts from about \$650k to about \$500k. NMAA is requesting that the original funding level be restored.

❖ **Acequia and Community Ditch Education Program**

The Acequia and Community Ditch Education Program was created by the New Mexico State Legislature as a line item in the Local Government Division budget at the Department of Finance and Administration (DFA). The agency contracts the work through a competitive bidding process and, currently, the New Mexico Acequia Association provides services under a professional services contract. NMAA provides technical assistance and educational workshops on acequia governance in addition to serving as a policy liaison with local, state, and federal government. NMAA is requesting that this recurring budget item continue.

## **Policy Issues**

❖ **Capital Outlay Reform**

Acequias and community ditches, like other local governments, will be requesting Capital Outlay Funds from the New Mexico State Legislature. NMAA has encouraged acequias to prepare Infrastructure Capital Improvement Plans to identify priorities, phase projects if necessary, and leverage multiple sources of funding. NMAA recommends that Capital Outlay Reform include consideration of acequias including the need for technical assistance in the planning and design

process, a methodical system for evaluating projects for readiness to proceed, and a funding mechanism to complete projects (or functional phases of projects).

❖ Water Transfers

Acequias are working to adapt increasing demands to transfer water rights out of agriculture to other uses by building their capacity to exercise their authority over water transfers granted to them in state statute by the New Mexico State Legislature since 2003. Acequias may approve or deny an application for a water transfer based on determination on whether the transfer is "detrimental to acequias or its members." NMAA will keep state policymakers informed about the implementation of this law and possible legal challenges. In 2009, NMAA also supported a change in the law to prevent the condemnation of agricultural water rights by municipalities. This has served as a measure of protection for agriculture in New Mexico.

❖ Tri-State v. D'Antonio

The Supreme Court decision recognizes the importance of the ability of the state to administer by priority but it also raises questions about the method to be used by the State Engineer in making administrative determinations of water rights where there is no partial or final decree from a court.

**72-2-9.1. Priority administration; expedited water marketing and leasing; state engineer**

A. The legislature recognizes that the adjudication process is slow, the need for water administration is urgent, compliance with interstate compacts is imperative and the state engineer has authority to administer water allocations in accordance with the water right priorities recorded with or declared or otherwise available to the state engineer.

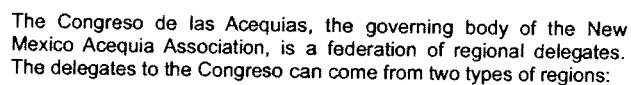
B. The state engineer shall adopt rules for priority administration to ensure that authority is exercised:

- (1) so as not to interfere with a future or pending adjudication;
- (2) so as to create no impairment of water rights, other than what is required to enforce priorities; and
- (3) so as to create no increased depletions.

C. The state engineer shall adopt rules based on the appropriate hydrologic models to promote expedited marketing and leasing of water in those areas affected by priority administration. The rules shall be consistent with the rights, remedies and criteria established by law for proceedings for water use leasing and for changes in point of diversion, place of use and purpose of use of water rights. The rules shall not apply to acequias or community ditches or to water rights served by an acequia or community ditch.

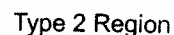
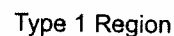
D. Nothing in this section shall affect the partial final decree and settlement agreement as may be entered in the Carlsbad irrigation district project offer phase of State of New Mexico ex rel. State Engineer v. Lewis, et al., Nos. 20294 and 22600 (N.M. 5th Jud. Dist.).

### Representation by Regions of the State



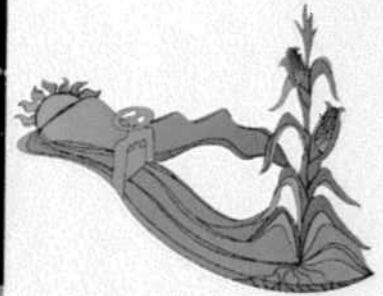
Type 2 Region: This type of Region does not have an organized regional acequia association. However, these regions are recognized for purposes of representation. A Type 2 region can have only one delegate. A region can name a delegate by completing a Type 2 membership form. Then the delegate is affirmed at the annual meeting of the Congreso de las Acequias. The term for a Type 2 delegate is one year.

## Regional Associations

 River

# New Mexico Acequia Association

## ACEQUIAS Past, Present, and FUTURE



**SAVE  
THE  
DATE**

The 13th Annual Congreso de las Acequias will feature State Engineer, Scott Verhines, who will talk about the collaborative approaches to dealing with drought, water scarcity, and climate change. As 2012 is also the New Mexico Centennial, it gives us an opportunity to reflect on the past and to imagine our future. If we imagine a future where acequias flow with clean water and people work together to grow food, there are steps we have to take now to protect our land and water and to build the next generation of acequia parcientes. If you want to be part of this conversation, please join us on Saturday, November 17th in Santa Fe for the annual gathering of New Mexico's acequia leaders. Receive a 25% early-bird discount when you register online at [www.lasacequias.org/congreso-de-las-acequias](http://www.lasacequias.org/congreso-de-las-acequias)

8:30am	Registration
9:15am	Opening Song – Musician(s) TBA Welcome & Opening Remarks
9:30am	Bendicion de las Aguas
10:15am	Roll Call
10:30am	Annual Report
11:00am	Keynote Presentation, Scott Verhines, NM State Engineer <i>"Collaborative Approaches to Drought &amp; Climate Change"</i>
12:30pm	LUNCH
1:30pm	Panel Presentation: <i>"Acequias Past, Present and Future"</i>
2:30pm	Concurrent Workshops: Water Sharing in Times of Scarcity Ask the Experts: Making the Best Use of USDA Programs
3:30pm	NMAA Delegate Meeting Approval of Minutes Resolutions Elections
4:30pm	Adjourn

**Congreso  
de las  
Acequias**

**Saturday  
November 17<sup>th</sup>**

**The Lodge at  
Santa Fe**

## Acequia 2013 ICIP List

### Acequia

1892 Luna Irrigation Ditch Association	Janice Kiehne	County	Amount Requested 2013
La Badie Ditch Association	Vincent R. Cordova	Catron	639,450.00
West Puerto de Luna	Vincent R. Cordova	Guadalupe	105,000.00
Las Colonias Community Ditch	Eloisa Gutierrez	Guadalupe	145,000.00
Vado de Juan Paiz Ditch Assn. (Guadalupe)	Liova Padilla	Guadalupe	1,500,000.00
Acequia Cañon de Luna	Lucille Trujillo	Guadalupe	915,000.00
Acequia de San Jose y la Isla	Harold Trujillo	Mora	10,000.00
Acequia de la Agila	Harold Trujillo	Mora	2,860,000.00
Acequia de Rainsville Norte	Lorenzo Gallegos	Mora	405,000.00
Tularosa Ditch Association	Maurice Hobson	Mora	775,000.00
North Fork Fresnal Acequia	James Cadwallader	Otero	532,000.00
Acequia de la Plaza de Dixon	Yolanda Jaramillo	Otero	60,000.00
Acequia del Medio de Coyote	Toby Velasquez	Rio Arriba	87,000.00
Acequia de la Mesilla	Kenneth Salazar	Rio Arriba	315,000.00
Acequia de la Canada Ancha	Wilfred Romero	Rio Arriba	93,000.00
Acequia San Rafael del Guique	Nancy O'Bryan	Rio Arriba	240,000.00
Acequia de la Lomita	Leonard Archuleta	Rio Arriba	395,000.00
Northside Acequia Madre de Villanueva	Eileen Mulvihill	Rio Arriba	170,000.00
Jemez River Basin Acequia Coalition	Gilbert M. Sandoval	San Miguel	380,000.00
Acequia del Barranco de Jacona	Leo G. Gonzales	Sandoval	375,000.00
Acequia Larga de Jacona	Scott Pittman	Santa Fe	87,000.00
Acequias de los Chupaderos	Jack Miller	Santa Fe	16,000.00
Acequia de la Otra Banda	Elaine Best	Santa Fe	164,500.00
Acequia de la Cienega	Reynaldo Romero	Santa Fe	141,500.00
Acequia del Monte del Rio Chiquito	Gael Minton	Santa Fe	247,291.00
Acequias de Llano de San Juan Neopumuceno	Bonifacio Vasquez	Taos	256,271.00
Acequias de Chamisal y Ojito	Candido Dominguez	Taos	2,305,000.00
			1,105,000.00
			<b>14,324,012.00</b>

Completed ICIP's turned into LGID 9.28.12 jv

Completed ICIP's turned into LGID 10.1.12 jv

Completed ICIP's turned in for Sandra Maes on 10.1.12

Completed ICIP's turned in on 10.5.12