Contemporary Water Issues
WR 571

Water rights, transfers, and more ...
1907 Water Code

- Surface water
- Vested water rights
- District water rights
New Mexico Constitution

- Prior appropriation doctrine

- Beneficial use: the basis, measure, and limit of a water right

- Consumptive use
Groundwater

- 1931 Water Code
- 1956 Declaration of the MRG Basin
- Offsetting requirement
- Connected stream system
- City of Albuquerque v. Reynolds
Ground water flow models

- Determine water rights requirements
- Based upon effects on river
- State Engineer Administrative Area Guidelines
Transfer process

- Declaration
- Change in point of diversion/place and purpose of use
- Advertisement
- Opportunity for Protest
- If none, proceeds to priority study
Evaluation of pre-1907

- 1917 survey
- 1926 appraisal sheets and plane table survey
- Jt Investigation
- Continuous use-Aerial photography
- Forfeiture-involuntary
- Abandonment-intention
- Extrinsic evidence: RR surveys, 1904 small holding claims, wills., etc
Property issues

- Appurtenant to real estate
- Conveyance is by deed
- No title insurance for water rights
- Deed should specifically mention water rights - Hydro Resources case
Statutory Criteria

- No impairment at move-from or move-to location
- Not contrary to public welfare
- Not contrary to water conservation
Proportionate uses in the MRG Valley:

- Municipal and industrial 5%
- Riparian 37%
- Crops 37%
- Reservoir evaporation 21%
Municipal
Municipal uses

- Albuquerque
- Rio Rancho
- Los Lunas, Belen, Socorro
- Domestic wells
Irrigation
Irrigation

- Middle Rio Grande Conservancy District
- 60,000 acres irrigated
- Serves 6 MRG Pueblos
- No proof of beneficial use filed – PBU
- Effect of transfers
- Are there gains in efficiencies?
Riparian
Elephant Butte
Elephant Butte

- Evaporative loss 10-30% of basin depletions
- 140,000 acre-feet avg or 2.5 times usage of City of Albuquerque
- 1999 storage: 2 MAF
- Nov. 2009: 473,000 a-f
Other Issues:

- Domestic wells
  - 4,000 + permits issued per year
  - 2006 domestic well regulations
  - *Bounds* case
AWRM

- OSE seeks to administer water rights according to priority without adjudication
- Considered necessary to meet Compact deliveries and manage for shortages
- Cut off junior water users and expedite temporary transfers
Full or over-allocation?

- Will transfers of waters rights be enough?
- Growth?
- Supply?
- Uncertainty?
What do we do?

- Develop sound policies to guide growth
  Land use planning tied to water availability; building codes
- Preserve healthy agriculture with voluntary fallowing program
- Preserve the river/riparian corridor
• Water pricing policies
• Conservation/education
• Settlement commission-in a framework of comprehensive basin planning
  – Protect senior water rights: tribes, pre-1907s
• Examine reservoir storage options
• Examine beneficial use doctrine