

# Water Matters!

• Background on Selected  
• Water Issues for Members of the  
• 49th New Mexico State Legislature  
• 1st Session • 2009

• Acknowledging contributions of  
• Representative Andy Nuñez  
• to water matters in New Mexico

• • •

• The Utton Transboundary Resources Center  
• University of New Mexico School of Law

# Andy Nuñez

## *His Life, Career, & Contributions*

“Concern,” “commitment,” “urgency” – these are a few of the words that come to mind when Representative Andy Nuñez talks about New Mexico. And he talks about New Mexico quite often. For years and years, reaching back well before his time in the Legislature, Rep. Nuñez has been a strong advocate not only for the state’s people but for its land and water resources.

What he champions is the need for economic success and progress among the state’s people. What he is committed to providing are the resources that people need to be successful, especially water resources. As he has often stated, “Water is the most important issue in the state of New Mexico. Without water we cannot do so many other things.”

Rep. Nuñez is now in a leadership position with regard to resources. He is Chairman of the House Agriculture and Water Resources Committee, and during the 2008 interim period he chaired the joint Water and Natural Resources Committee. Though his family’s roots are in ranching, he has traveled and worked abroad in numerous foreign countries. But always his heart has remained devoted to the state of New Mexico.

### Personal History

Andy Nuñez was born and raised on his family’s ranch near Roswell, New Mexico. His family raised cattle, sheep, and goats. He is one of eleven children – seven boys and four girls. Six of the boys served in the military, and the youngest was killed in the Vietnam War.

Andy himself served in the Marine Corps from 1953 to 1956. Then in 1957 he entered New Mexico State University (NMSU) on the GI Bill, where he received a Bachelor of Science degree in 1963 and a Masters in 1973. Both degrees were in Animal Science.

For seven years, Rep. Nuñez worked for the U.S. Department of Agriculture in the Gallup area. He then returned to NMSU to work as the Director of the





university's International Program Office. He worked in Paraguay, Colombia, Bolivia and Peru, and in most of the Central American countries. After his many travels, Nuñez returned to working in New Mexico as a farmer and rancher. In 1986, he purchased a farm at Hatch, north of Las Cruces. Nuñez continues to live and work on the ranch to this day. He farms onions, chile, pecans, and alfalfa, and herds cattle.

Rep. Nuñez has been married to his wife Carolyn for 47 years. They have raised five children and have 17 grandchildren and 6 great-grandchildren. Even more great-grandchildren are expected in the future.

### In the Legislature

In 1992, Nuñez was hired as a Legislative Liaison and General Director for NMSU. He was the Area Director for Extension and Director of the Rural Agricultural Improvement and Public Affairs Project, as well as being the International Program's Director. In 2000, Nuñez won election as a State Representative. He is a Democrat, and his district (36) includes northwestern Doña Ana County.

Rep. Nuñez' sincere and effective leadership efforts to achieve economic viability for New Mexico – while at the same time ensuring protection of the environment – are

exemplified by the many bills he has sponsored while in the Legislature.

In 2007, Nuñez sponsored bills dealing with the Water Trust Board, farming, hunting & fishing licenses, forestry, the pecan industry, salt cedar removal, surface owner protection, pink bollworm control program, NMSU vegetation monitoring studies, climate change, and various capital outlay projects. In 2008, Nuñez sponsored bills dealing with regional water planning, New Mexico-grown fruits & vegetables, NMSU water quality research, weed management, access to fresh foods, NMSU agricultural producer co-ops, non-native phreatophyte removal, and capital outlay projects.

Rep. Nuñez recognizes that New Mexico has come far in dealing with agricultural, mining, and water issues. But some issues still need attention. In the water world especially, New Mexico has work to do to ensure the protection of the state's water resources.

### Rep. Nuñez' Top Five New Mexico Water Issues

Water issues are found everywhere in New Mexico, but Nuñez sees certain issues as being of critical importance. Here is a synopsis of his thoughts on what he views as his top five water issues:

1. Adjudications: New Mexico needs an inventory and adjudication of its water resources. "The Middle Rio Grande adjudication really needs to get moving," he says. There are many issues in the Middle Rio Grande from Otowi Gage to Elephant Butte Reservoir. The total number of claimants has not yet been ascertained and there are also Endangered Species Act issues. In contrast, the Lower Rio Grande adjudication has made significant progress, in his view, mostly because of the judge assigned to the case, Judge Valentine. The Middle Rio Grande adjudication needs to apply the lessons learned and the protocols developed in the Lower Rio Grande adjudication. The Middle Rio Grande

adjudication needs a faster track than other adjudications, as there is much at stake. Rep. Nuñez remarks, “The water rights associated with my ranch were among the first rights to be adjudicated in the Lower Rio Grande. It was obvious that I had water rights, but still the OSE (Office of the State Engineer) made me find historical records to substantiate my claims to water rights. I had to go to the Soil Conservation Service (now the Natural Resources Conservation Service) to find records from the 1930’s. It was a stressful process. If I had not gone back to those records, the OSE would not have recognized my water rights.”

Rep. Nuñez feels that the adjudication can’t take 25 to 30 years as the OSE claims it will. “We need to focus on the technical aspects of an adjudication, not the legal aspects.” Rep. Nuñez states that “instead of hiring more attorneys we need to hire more hydrologists. We need to all sit down together and come up with a method that makes the Middle Rio Grande adjudication a friendlier, more effective adjudication process.” Nuñez is chair of the interim Water and Natural Resources Committee (WNRC). In 2007 and 2008, the WNRC and the Courts & Corrections Interim Committee have held joint sessions to address adjudications. The WNRC set up an adjudications sub-committee, chaired by Senator Mary Kay Papen, to provide guidance and focus on the issues surrounding the ever-looming Middle Rio Grande adjudication. As chair of the Water & Natural Resources Interim Committee, Nuñez hopes to see substantial progress made by the OSE.

2. **Water Planning:** Rep. Nuñez states that “New Mexico’s Regional Water Plans and the State Water Plan are in urgent need of funding.” As compared to other states, he says “New Mexico has not developed its water planning structure as it should. Last year, I introduced a bill that would have provided the ISC (Interstate Stream Commission) with the basic money it

needed just to do the minimum to keep up with water planning. Other states spend millions of dollars on their Regional Water Plans and their State Water Plans. In order to show Texas and other states that every single drop of water in New Mexico is spoken for and should not be transferred out of the state, we need to have solid Regional Water Plans as well as a substantial State Water Plan. Without this water planning, New Mexico risks losing its water to out-of-state water transfers.”

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3. **Water Compacts:** Rep. Nuñez acknowledges that substantial work went into the negotiations and drafting of New Mexico’s compacts with neighboring states. “The issues surrounding water compacts are still as urgent as they were in the past, and outstanding issues need to be resolved. Indian settlements are at a forefront in New Mexico. We need to adequately address these disputes to determine how much water the Indian reservations and the Indian pueblos are going to get. Without resolution, the state of New Mexico cannot adequately plan for its future water needs.”
4. **Conservation of Water:** Rep. Nuñez states, “There are two aspects to the conservation of water that I am especially proud of: Salt Cedar Control and Forest Control Management Programs. These programs help the state of New Mexico to make sure that water reaches its proper destination and ensures water quality. We need to continue to fund these programs. We need to ensure that they have adequate funding so that the work done in the past continues into the future.”

5. Gila River: Nuñez has said, “The crucial year for the Gila River is 2012. If New Mexico doesn’t figure out what it is going to do, we will lose money set aside for us by the federal government and we will lose water to Arizona. Putting the Gila River’s water to beneficial use does not mean we have to dam it; it means that we need to put it to beneficial use. There are many ways to put water to beneficial use. I am optimistic, during this interim time that environmental groups will be able to coordinate their efforts with the state agencies and come up with solutions to the Gila River disputes. We need to come up with a solution that will benefit our state for all its residents.”

Nuñez is experienced at working on solutions. In 2007 he sponsored the Surface Owner’s Protection Act (HB827). The Act was controversial in that it provided new mechanisms to promote equity between oil and gas operations and surface owners. He states, “The only way that bill went through was to bring all parties to the table and sit down and hash out a solution together.” Since the enactment of HB827, the New Mexico Supreme Court has upheld the law under *McNeil v. Burlington Resources Oil and Gas Co.* (143 N.M. 740). The Act passes Rep. Nuñez’ legislative test. “The Surface Owner’s Protection Act,” he says, “is something that really benefits the state of New Mexico.”

By Brigette Buynak with additional material by Jerold Widdison