

Water Matters!

Background on Selected
Water Issues for Members of the
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With a tribute to
Senator Carlos Cisneros

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Carlos R. Cisneros

His Life, Career, & Contributions

In his own personal way, State Senator Carlos Cisneros links New Mexico's past, present and future. On the one hand, he strongly hews to traditional ways of life in rural northern New Mexico. He still lives in Questa, the village where he grew up, and he loves the life of the people there. Like most of his neighbors he is a descendant of early Hispanic settlers.

On the other hand, Carlos works as a professional in modern-day corporate industry, and he has long had a leadership role in the affairs of state government. There his interest is clearly in New Mexico's future. Much of what he does in both Questa and Santa Fe has to do with bridging not only from past to present, but from present to future. His is plainly a life of both traditions and transitions.

In his work in the Legislature, Senator Cisneros is a thoughtful student of the contrasts that exist in today's New Mexico. He has been a member of the Senate for 22 years, now ranking fourth in seniority. "No one could be in the Legislature that long," he says, "and not know a lot about the problems, issues, and challenges that exist within our government and that surround our citizens." Cisneros' own interests in legislative matters have been widespread and forward looking, often focusing on such basic concerns as education, the use and conservation of natural resources, and state finance and taxation policies. In such matters, his colleagues acknowledge that he knows both sides of almost every issue, or as some have stated, "he understands the *many* sides of *many* issues."

Personal History

Carlos Cisneros was born in Questa, New Mexico, three years following the end of WW2 and just at a time when New Mexico was more fully entering the "national life" of the United States, especially its economic life. At that time, pressures on people and governments were intensifying in many ways. There were job opportunities, but rural people often faced especially difficult situations.

Carlos was inspired by his father, a long-time rancher and farmer in northern New Mexico. His father helped create the Kit Carson Electric Cooperative and he felt strongly about agriculture and the acequias in the economy and fabric of community life. Carlos himself now emphasizes many of the same concerns that his father had.



Following his graduation from high school, young Carlos started to work at the Molycorp Mine near Questa. The mine—operated by an international company—produces molybdenum, an uncommon metal used as an alloy to harden steel. Carlos eventually worked in many jobs at the mine, rising from beginning miner to Human Resources Manager—what used to be called Personnel Manager. He is now HR Development Advisor, which includes the training of employees and a program for guiding students just out of high school into careers in the industry. The program includes scholarships and mentoring activities, along with employment commitments.

For twenty years Carlos was also president of the mine employees' union, Local 4-659 of the Oil, Chemical and Atomic Workers. Thus nearly every aspect of the mine's sizable operation is known to Cisneros. He has been with the company, now known as Chevron Mining Questa, throughout his adult life.

In the Legislature

Cisneros began getting involved in politics and public affairs when he was in his 30s. Governor Bruce King appointed him to a five year term on the Board of Directors of the New Mexico Miners' Hospital in Raton. By 1985 he was Chairman of the Taos County Board of Commissioners, at which time he was appointed to the State Senate by Governor Toney Anaya, to fill an unexpired term. His District 6 represents parts of Taos, Santa Fe, Rio Arriba, and Los Alamos counties.

Having been continuously re-elected since his appointment, he is now in his fifth term in the Senate, and he has announced that he will run for a sixth term in November 2008. Over the years, he has served on a dozen or more committees and interim committees. He has been chairman of most of them, most notably the Education Committee, the old Ways and Means Committee, the Revenue Stabilization and Tax Policy Committee, and the Conservation Committee. For six years he and Representative Joe Stell were nominally co-chairs of the joint Interim Water and Natural Resources Committee, and when Stell retired in 2006, Cisneros also stepped down. In 2007 he left the chairmanship of the Senate Conservation Committee to become vice-chairman of the Senate

Finance Committee. This allowed Phil Griego, representing part of the Taos area, to become chairman of the Conservation Committee, and in 2007 Representative Andy Nuñez chaired the Interim Committee with Griego. Cisneros says, "I'm still playing an integral part in Water and Natural Resources, but not as its chair. That's probably good. It lets some fresh ideas come to the fore."

Being vice-chairman of Senate Finance will still enable Cisneros to be a critical player in water matters, he believes. "Senate Finance is integral to water projects," he says, "to the extent that this is where the money comes from."

Education and "Tax and Rev" are still important to Senator Cisneros, but water, in his mind, is an exceedingly important natural resource, demanding attention. In the remainder of this overview of his life and career, the emphasis is on Carlos' involvement with state water issues—and his views about them.

Water Rights Adjudications

Senator Cisneros sees water issues in broad perspective, while at the same time he knows their complexities. When he speaks of "water rights adjudication," for example, he has partly in mind the several litigious adjudications that were centered on watersheds where water rights were related to the San Juan-Chama Diversion Project. These involved tributaries of the Rio Grande that served both Pueblo Indian and non-Indian lands. Included were *New Mexico v. Arellano* for the Rio Pueblo de Taos and Rio Hondo, and, most notably, the *Aamodt* case.

Such adjudications are appropriate and necessary, though in themselves they may not provide more water than was already present. Unfortunately, too, adjudications cause concern and disagreement. "It's a prevalent issue among folks across the state," Cisneros says, "but particularly in northern New Mexico where folks have historically been under the impression—because they have used and had the option to use the water—that it literally belongs to them, and to some degree it does..."

Cisneros points out that the "legislative process" is not greatly involved in such adjudications, other than providing funding in some cases for the

adjudication processes. The Legislature may wish, however, to make some procedural changes in how adjudications are done.

Settlements

Part and parcel of some adjudications is the “settlement issue” with Indian tribes. The settlement matter now at the forefront is the proposed Navajo-Gallup Project. This project has to do with settling the rights to San Juan River water of both the Navajo Nation and the Jicarilla Apache tribe (discussed in this issue of *Water Matters!*). The Governor and the tribes have reached a written settlement, the cornerstone of which is the pipeline project itself. The next step is to encourage the federal government to sign on and provide major funding. To that end, New Mexico’s U.S. senators have introduced a bill called Northwestern New Mexico Rural Water Projects Act. And the project would provide potable water not only for the tribes but for the city of Gallup.

Increasing Demand for Water

Related to these matters is the vast topic of the increasing demand for water. This finds expression in such things as transfers of water rights and long-term water supply for urban and suburban development projects. “You can’t advocate for growth unless you meet the challenge of long-term water,” Cisneros says.

“What we see today,” he continues, “is the need and desire to transfer water from northern New Mexico to the Middle Rio Grande; we have seen a lot of transfers from Taos County to Santa Fe County where the demand lies. The temptation for making those transfers is there.” Transfers from acequia systems are one aspect of this, although recent legislatures have enacted restrictions on such transfers. “Aside from that, we haven’t met the challenges of increasing demand for water. We still don’t have enough to meet those demands.”

Acequias

Senator Cisneros is a champion of the traditional acequia organizations in the state. He is a *parciante* of the El Llano community ditch association and has a deep understanding of the pressures facing the

acequias—water transfers, changing land use, and aging infrastructure. Improvement of small dams and reservoirs is an aspect of water supply that interests Cisneros. Through his role on the Senate Finance Committee, he has been instrumental in acquiring \$15 million in state-wide capital outlay funds for dredging and raising the elevation of Santa Cruz Dam. He also obtained \$800,000 for renovation and restoration of Cabresto Dam, but more money is needed for that project. In addition, Cisneros is very concerned about the backlog of dam safety improvements needed throughout the state.

Regional Planning

Regional planning for water supply projects is one avenue to be pursued, Cisneros has said. “We passed the state-wide water plan, you know, but it was feel-good legislation, though it was well intended. Regional planning is something that has value because it provides for collective funding of large-scale projects... . What happens when you do a regional versus an individual project or a local project, is that regionals can leverage a lot more funding, whether it’s state or federal... . I think regional planning is a concept that folks have been talking about, but I’m not sure that legislatively there is a lot of momentum and desire to move in its direction... . I think the Governor’s direction has been to fund the larger projects, and people in general recognize that you’re better off pushing for a collective initiative rather than a localized project. I think the feds are heading that direction as well. So I think there’s going to be a trend, but I don’t think it’s going to be led by legislative initiative per se. I think it’s going to be led by a groundswell of local initiatives—they are recognizing that they’re better off doing water development collectively. I know the Pojoaque Pueblo has been pushing for a regional water project for several years.”

Cisneros has also spoken of the limitations that individual legislators face, especially with the high costs of water projects. “While we may represent a multi-county constituency, the costs of regional projects are almost prohibitive for any one legislator to advocate. Again, I think the Governor, administratively, has pushed. For example, the Water Trust Board traditionally has funded the larger projects and the regional type of projects... . Furthermore, when you look at the overall demand

for water projects across the state versus the amount of funding that we have provided, we're very short of what we need... . We're growing as a state, but we're doing nothing to sustain that growth and keep it going."

Conserving Water

Water conservation by reducing use will be no more than a partial remedy for the future, Cisneros believes, but it is something the Legislature should address. The most immediate topic here is "domestic well permitting." At the State Engineer's recommendation, the Legislature debated new requirements for new wells, but failed to enact anything. Thereupon, the State Engineer issued regulations under his own authority. Unfortunately, from the viewpoint of several legislators, the matter has become mired in a lawsuit.

At least one other approach is advocated by Senator Cisneros—a requirement that land developers

provide assurances that their projects have 100-year water supplies instead of the currently required 40-year supplies. Cisneros introduced legislation to this effect in 2007, "but it didn't pick up a lot of momentum. Ultimately we went with a memorial that didn't quite make it through the last hours of the legislative session."

In all these matters, Senator Cisneros notes, there are differences of opinion. Sometimes this has to do with problems and attitudes in different parts of the state. Certain topics, as he is acutely aware, especially the loss of water, are "at the forefront of activity within my district." He also knows, however, that the entire state's future prosperity requires wide and deep consideration by all members of the Legislature. "Water is an important issue for the state," he emphasizes, "an important issue for all of us—individually, and collectively as the Legislature."

By Susan Kelly and Jerold Widdison