

Acequia Community Water Report: Prepared in Partnership with the 50 Year Water Plan

Recommendations for State Level Water Planning prepared by the
New Mexico Acequia Association on behalf of the
Acequia Water Planning Working Group

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Acequias are the lifeblood of families and communities, supporting cultural, ecological, spiritual, and socioeconomic well-being. There are an estimated 700 acequias that remain vital, local, democratic institutions managing water for their member irrigators, known as *parciantes*. Acequias are recognized as political subdivisions of New Mexico. Several State statutes protect acequia autonomy, governance and the senior water rights they serve. Other state laws represent systemic threats to acequias including water transfers, the commodification of water, and inequities between surface water and groundwater uses. The AWPWG policy recommendations are rooted in acequia values and informed by Acequia experiences with the unrelenting impacts of numerous water, climate, and economic crises.

Policy Recommendations

Respect Autonomy and Self-Determination of Acequias. Acequias have a tradition self-determination, governance, and water right stewardship. We recommend that the state enforce and strengthen laws that ensure local autonomy. State law recognizes acequia jurisdiction over transfers involving acequia-served water rights. We recommend that the NMOSE, in collaboration with acequias, incorporate Acequia conditions of approval for water transfer applications in NMOSE permits and licenses.

Strengthen Acequia Governance and Capacity. Acequias are political subdivisions of the state. We recommend that the state support strengthening acequia governance, building local and regional water management capacity, and ensuring that acequias have resources. We recommend that the state build upon the Acequia and Community Ditch Education Program (ACDEP), which supports training, technical assistance, and capacity building. We also recommend that the state provide recurring funding for regional acequia associations as well as for an Acequia Bureau at the ISC.

Honor Acequia Water Rights and Protect Due Process. Acequias serve some of the most senior water rights in New Mexico after the rights of Pueblos and tribes. We recommend that the state expand funding for the Acequia and Community Ditch Fund (ACDF) for representation in adjudications, resolution of settlement negotiations, and implementation of settlements. We recommend that the NMOSE ensure due process protections in all water application proceedings.

Protect Existing Water Rights. We recommend that the NMOSE conduct robust impairment analyses in water permitting, provide modern public notice, and cease preliminary approvals for Water-Use Leasing Act applications, which result in the use of water before due process. We recommend that the state review the practice of granting return flow credits in terms of their impacts on river flows and downstream communities. We recommend that the NMOSE be appropriated more resources to review applications as well as to enforce violations.

Support Acequia Water Management, Traditional Knowledge, and Water Sharing. We recommend that acequia traditions of water sharing be uplifted as an important water management strategy. We also recommend that the NMOSE affirmatively include acequias in the development of District Specific Regulations (DSRs) and in the implementation of Active Water Resource Management (AWRM).

Invest in Infrastructure, Water Conservation, and Climate Resiliency. We recommend that the state build upon the Acequia and Community Ditch Infrastructure Fund (ACDIF) to support planning, engineering design, and construction of infrastructure projects by incrementally expanding funding, staff capacity, and consultation with acequia leaders. This includes incorporation of innovative water conservation practices and climate resilient designs. We also recommend that the state prioritize use of the Irrigation Works Construction Fund (IWCF) for irrigation infrastructure, particularly for the ACDIF.

Support Healthy Watersheds and Water Quality. We support efforts by the state to protect, restore, and manage upland watersheds to maintain healthy water flows and water quality, which in turn protect acequia water rights, governance, cultural integrity, small farmers, and a healthy and secure food supply.

Strengthen Disaster Preparedness and Recovery. The 2022 wildfire season is a harbinger of more to come. We recommend that the state make funding – not reimbursement – available for emergency disaster response. Post-fire watershed restoration and reforestation should prioritize restorative justice and long-term economic recovery for acequias and forest-dependent communities.

Ensure Water Quality. We recommend stronger efforts to improve the health of rivers, lakes and reservoirs. We recommend stronger policies for the improvement of water quality, particularly where wildfires impact acequias and the communities they serve, as well as equitable provision of water quality testing, monitoring and technical assistance.

Protect Groundwater and Aquifer Recharge. Acequias enhance aquifer recharge. We recommend that the state implement rigorous conjunctive management of surface water and groundwater. The longstanding inequity between groundwater users (pumping in times of drought) and surface water users (frequent curtailment and shortage sharing agreements) must be addressed with strategies based on data, water modeling, and the principle of shared sacrifice and shared shortages.

Promote Water Equity. For decades, acequias have protected water from commodification through protests of water transfers. Acequias are especially vulnerable to the commodification of water through water transfers of agricultural water rights to municipal, commercial, and industrial uses. Acequias serve traditional agricultural uses in underserved, low-income rural communities whose water rights are vital to future community well-being. The state must recognize that acequias are vital to public welfare.

Equitable Engagement of Acequias in Water Policy and Planning. We recommend that the state formalize ongoing engagement with acequias water planning. We also recommend that the OSE and ISC engage in consultation with acequia leadership on water administration and rulemaking as well as on positions on water legislation.

Support local food systems and healthy soils. We recommend more support from the state for education and outreach to implement regenerative agriculture, healthy soil practices, and regional food networks that keep our communities fed in uncertain times.