

New Mexico Chapter of the American Planning Association

POLICY GUIDE ON WATER PLANNING

Adopted by the Membership on October 1, 1998

STATEMENT OF THE ISSUES

We live in an arid and semi-arid state and our water resources (both quality and quantity) are critical to our future sustainable growth, economic development and quality of life. Our population has grown significantly since statehood, and we are increasingly shifting from a rural, ranching and agricultural state to an increasingly urbanized state where the demand for a significant change in the types of uses for which we need water is mounting. Conflicts are increasing and can only continue.

Planning for Water Resources

Until recently planning for water resources has been dominated by engineers and hydrologists. A link between land use and economic development planners has been absent from the dialogue. As the connection between growth, land use and water becomes clearer, planners must take a leadership role in developing the linkages to protect this critical resource.

- Most New Mexicans are unaware of how the state's water laws work and have limited knowledge of problems in assuring and securing future supplies.
- There is considerable disconnect between water rights (paper water) and water resources (wet water). The State Engineer stated recently that we currently have 200-400% more water rights claimed than actual water resources available in the Lower Rio Grande region.
- All New Mexico streams are fully appropriated and 85% of surface water is used by agricultural interests. Because of this there has been considerable speculation in claims to ground water to supply growth and new economic development.
- Most of New Mexico's municipalities rely on non-renewable ground water resources.
- Planning for water resources began relatively recently (1987) with the Interstate Stream Commission's (ISC) regional water planning program. The regional

water planning program was initiated to identify ground water resources which could be reserved for future uses but the program has suffered from under funding. There is only a tenuous connection between water planning and land use planning in either regional water plans or comprehensive plans prepared at the local level.

Water Conservation

Water conservation is a critical issue in our semi-arid state. While it is relatively easy to implement water conservation ordinances in municipal jurisdictions, water conservation practices are very difficult to implement for agricultural uses of water because of the number of variables to consider, including the beneficial use doctrine (use it or lose it) in the state water code.

Water Use

The kinds of uses for which groundwater can be appropriated is being questioned. There is concern for domestic, recreational, agricultural and industrial uses of groundwater. This is especially critical in areas of New Mexico where groundwater is being depleted rapidly.

Domestic Wells

The proliferation of domestic wells is perhaps the single-most important challenge facing municipal water users.¹ Applicant for domestic wells are not subject to the criteria that assures that water appropriation is not contrary to public welfare, conservation or the impairment of other water users.

Protection of water Quality

Although water quality is primarily regulated through federal laws and regulation, the New Mexico Environment Department has some related responsibilities. One direct problem is the lack of enforcement in some parts of the state on septic tank permits that, if unregulated, can contaminate the water quality of adjacent wells. Furthermore, there have been attempts in the past to reduce the minimum lot size requirements for having a well and septic system on the same lot that potentially increases the danger of contamination.

POLICY POSITION #1

NM-APA supports a strong effort to educate the public, planners and decision-makers about the complex issues surrounding water planning, habitat enhancement, water uses, conservation, public welfare, the water-land use linkages and sustainable, responsible urban development and resource management. NM-APA should facilitate a discussion about water planning and policies within the Chapter and coordinate with other constituencies around the State.

POLICY POSITION #2

NM-APA supports legislation and/or regulations which provide a strong state role in assuring comprehensive and integrated community and natural resources planning for the purpose of ensuring long-term, sustainable water resources for both urban and rural needs in New Mexico.

1. The Interstate Stream Commission, State Engineer's Office, the New Mexico Environment Department, and the New Mexico Energy, Mineral and Natural Resources Department should be consolidated into a new Natural Resources Department.
2. This new Department should be **adequately funded and staffed** in order to compile existing information on water resources and water rights into a flexible data computerized management system that will respond to a variety of planning needs in the future.
3. A comprehensive system of **accounting and tracking actual water** must be developed.
4. The terms "**beneficial use,**" "**impairment**" and "**public welfare**" should be defined and criteria established, following significant public input.

POLICY POSITION #3

NM-APA supports statutory changes that require each municipality and county to include a water or natural resources element within the comprehensive plan that addresses issues of conservation, public welfare, water quality and sustainable 'safe yield' requirements for the future growth and development of the community. This element must be tied to and consistent with the land use, infrastructure and other elements of the comprehensive plan, and any local, county and regional water and land use plans.

POLICY POSITION #4

NM-APA supports coordination and consistency between different State departments and with local agencies to ensure effective implementation and enforcement of water quality regulations and programs. NM-APA encourages the New Mexico Environment Department to maintain adequate levels of enforcement on permits for septic tanks, adhering to the minimum lot size of 3/4 acre for both a septic system and individual well. The NMED should not preempt minimum lot size requirements established in local zoning or land use codes that may exceed the 3/4 acre standard.

POLICY POSITION #5

NM-APA recognizes and supports the diversity of cultural interests (i.e., acequias, tribes) with respect to water planning, programs and regulations. All stakeholders must be included at the table.

¹ Over 306,000 New Mexicans were self-supplied by domestic wells in 1995. Statewide, these users withdraw an estimated 9.69 billion gallons (29,739 acre feet) of groundwater annually for indoor use. Assuming that indoor use may constitute 70 percent of total pumping, the potential annual withdrawals are as high as 13.8 billion gallons (42,354 acre feet) annually, approximately equivalent to the combined water use of the public water supplies of Las Cruces, Clovis and Roswell. These statistics do not include homes with both a well and a connection to a public water supply, which would further increase the estimated withdrawals. Approximately 6,000 additional domestic well permits are requested annually, most within close proximity to municipalities. This has a tremendous impact on the development pattern and growth of these communities.