Why should you care about the Arizona Water Settlements Act?

You should care about the AWSA if you like to have water coming out of your faucet, if you like to eat reasonably priced local food and if you want the regional economy to grow. Water is necessary for those three reasons, as well as it being a necessity for life.

Be informed before you sign any petition. The residents of the four counties of Grant, Hidalgo, Catron and Luna stand to benefit much more from the storage and release of needed amounts of water to keep the Gila River flowing in all reaches than from a river that will send most of the water to Arizona.

In order to be well informed about the process that the Interstate Stream Commission is going through with studies and modeling, you need to know the facts about the Gila River, the Arizona Water Settlements Act and the implications for southwest New Mexico.

The Facts about AWSA:

- President George W. Bush in December 2004 signed the Arizona Water Settlements Act into federal law, after years of negotiations between Arizona and New Mexico to solve several issues. A tiny portion of the law addresses the Gila and San Francisco basins.

- The act allocates an annual average 14,000 acre-feet of water to the already existing water rights held in the four-county region of southwest New Mexico, which is made up of Grant, Luna, Hidalgo and Catron. The 14,000 acre-feet represents an increase of 47% to existing New Mexico rights and can be used in southwest New Mexico.

- The water rights holders in the Gila Basin need the additional water, because often they cannot utilize their full water rights because of low flows. Regional municipalities can also use the water, to eventually replace existing groundwater uses and preserve diminishing groundwater supplies.

- The water can be used anywhere in New Mexico. If it does not remain in the four counties, the residents will likely see the water flow to Las
Cruces and on to Texas or to other areas in southern New Mexico, where the population is growing. Do you want to see that happen?

- The allocation of funding gives $66 million to the area for any project or projects that meets a water supply demand. It will be distributed to New Mexico at $6.6 million a year for 10 years. If a New Mexico Unit is constructed to store the additional water for later use, up to $128 million is available through the act.

- The law also has an agreement attached to it called the Consumptive Use and Forbearance Agreement (CUFA). This document sets out the strict parameters that limit how much water can be pulled from the Gila or San Francisco rivers and when the water can be withdrawn.

The Interstate Stream Commission, even before the AWSA was signed, set forth a policy.

**INTERSTATE STREAM COMMISSION GILA POLICY STATEMENT, SEPTEMBER 2004:**

"The Interstate Stream Commission recognizes the unique and valuable ecology of the Gila Basin. In considering any proposal for water utilization under Section 212 of the Arizona Water Settlements Act, the Commission will apply the best available science to fully assess and mitigate the ecological impacts on Southwest New Mexico, the Gila River, its tributaries and associated riparian corridors, while also considering the historic uses of and future demands for water in the Basin and the traditions, cultures and customs affecting those uses."

The ISC continues to stand by its policy—even though the Gila Conservation Coalition sent a lawyer to object to that last part of the policy that considers water use or water users.

Some recent publicity states that Gov. Susana Martinez appointed the Interstate Stream Commission members. In part, that is true. However, several remain from those appointed by Gov. Bill Richardson.

The Interstate Stream Commission is named in the AWSA as the entity that will enter into contract with the U.S. Secretary of the Interior for the water, if the ISC so decides, by the deadline of Dec. 31, 2014. The act also
stipulates the ISC should seek advice from the Southwest New Mexico Water Planning Group, the precursor to the present Gila/San Francisco Water Commission, made up of elected officials from the four counties of Grant, Catron, Luna and Hidalgo.

The Facts about What Would Happen on the River:
- No dam is proposed or planned on the main stem of the Gila River.
- Twelve of the proposals address conservation, ditch improvements and watershed restoration. Three involve diversions.

  **Note:** A diversion is defined as a withdrawal of water, which is already being done by the ditches, (whose owners have the senior water rights in the area).

- Due to the strict Consumptive Use and Forbearance Agreement (CUFA) parameters, no more than 350 cubic feet per second (cfs) of water can be diverted from the river to be put into a storage structure, if one is built, even from 20,000 cfs floods. Many floods are greater than this. The water could be released from the storage when needed.

- The three diversions must meet the CUFA parameters. The amounts of water in the storage areas are still being discussed by the U.S. Bureau of Reclamation.

  ➢ One proposal is to create a storage structure on Mogollon Creek, which would allow the release of water to irrigate the Cliff-Gila Valley crops. Another portion of the same proposal suggests storing water in the alluvial aquifer (the shallow groundwater next to the river).

  ➢ A second proposal asks for a structure to be built to store water in Schoolhouse Canyon to serve downstream users in the Virden Valley.

  ➢ The third, and most controversial, proposal would store water in a structure on Mogollon Creek and pump the water to Deming by way of Silver City, Santa Clara, Bayard and Hurley, which
could pull water for their use along the way. No specific amounts have been determined. This one is still being studied.

The Facts about the Water:

- The ISC further has found that it is better for the river to maintain a minimum flow bypass of 150 cfs before any water is withdrawn and stored.

- Studies and modeling show that during floods, only a small portion of water on huge floods can be withdrawn from the river, causing no ecological damage.

- The percentage of water that can be taken from a 20,000 acre-foot flood is 0.0175 percent. If you compare that to the 30 gallons that fill an average bathtub, the amount of water taken out would be just a bit over a half gallon—67.2 ounces. The bathtub ring will still be there, and the floods will still reach the floodplains.

- Many reaches of the Gila and San Francisco rivers go dry in the early summer before the monsoon rains arrive, usually in July. If even a small amount of water were stored in an impoundment, whether on a tributary of the river or on private land, and slowly released to the river, that water could keep the river flowing all year long.

Public process:
The history of the public process to decide how this water and money are used has been fraught with conflict. Originally, a technical committee was set up to perform studies on the river to learn more about what impacts taking water out of the river might cause. The committee, including environmental entities, reached consensus on a suite of scientific studies, costing $945,000.

Enter politics.

The Legislature allocated the funding to the ISC for the proposed studies. Those stakeholders, who had felt left out of the technical committee, many protested to then Governor Richardson. At the behest of certain
environmental groups, he vetoed the funding and mandated a stakeholder process, thereby setting the process years behind.

The stakeholder group met for several years, never reaching "consensus," even on what studies should be performed.

The only agreement finally reached was that entities or agencies interested in using the water and/or funding should come up with proposals. More than 70 proposals poured into the ISC.

ISC staff came to the stakeholders and asked them to winnow them down.

A two-tier process, set in place by the ISC with agreement from the stakeholders, narrowed the number of projects to 16. Since then, one has dropped out, so 15 remain.

The 15 proposals are the subject of study and scrutiny by ISC staff, who will take data from the studies to make recommendations to the ISC members.

The first portion of funding allocated by the AWSA started arriving in the state in 2012. Because of interest accrued, the amount received was more than $9 million. Some of that funding is being used for studies so that the ISC can make an informed decision on whether water can be withdrawn from the river without causing ecological damage, how much infrastructure will cost, and the best ways to use the water and/or funding. Of the $2.845 million allocated for studies, almost half—$1.365 is being used for ecologic assessments of proposals and baseline ecologic studies.

Those opposed to use of the water have called the ISC liars. The ISC has regularly brought information to the public from the time of the act being passed to the present.

Everyone could benefit from the stored water:

- The farmers and ranchers would benefit. With a stable supply of water available, higher-value crops could be planted and harvested.

- The ecology would also benefit. Two endangered species of fish—the spikedace and loach minnow—remain in the river where it is wet. A steady flow of water would likely increase their habitat and their
population. The southwestern willow flycatcher is a bird species that has been listed as endangered. The area along one of the ditches has become its favored home, and the latest survey found that over 90% of the flycatchers inhabit that area and its population is growing. With larger riparian areas, the bird could flourish.

- The economy would benefit from the farmers having higher-value crops, thereby allowing them to hire more helpers, update equipment and spend more in the local economy. New businesses to support the crops and the residents would likely spring up in the region.

- Keeping the river from going dry and increasing habitat for the area’s many bird species would likely boost, not decrease, tourism.

- Recreational use would benefit from more fishermen, swimmers and canoeists using the river if it were continually flowing.

- Visitors would come to a green riparian area along the river, watch the birds, hike on nearby trails and bolster the local economy.

Just about everyone has heard about the Gila River and the "threats" to its "wild, free-flowing" nature.

The Gila River is wild and free-flowing only in certain reaches, such as within the Gila Wilderness. Even within the wilderness, the river has a few diversions that pull water for agricultural and ranching use. Below the wilderness, in the Cliff-Gila Valley, additional ditches draw water into the acequias—a nice-sounding Spanish word for ditch or channel—to provide water for crops and cattle. The Gila River also flows freely before it arrives in the Redrock reach and the Virden Valley, where farmers withdraw the water for their crops.

Yes, the cost of saving and using the water is expensive. Estimates in the $300 and $600 million range have been presented for a couple of proposals, but final estimates have not been made by the U.S. Bureau of Reclamation economists.

To questions about who will pay for the water, the ISC has stated it will be the users who pay. Past experience in the state of New Mexico, in places
such as Santa Fe, Albuquerque, Farmington, and Clovis-Portales, shows that if the area does not develop the water now, the municipalities that need the water will saddle our grandchildren with a bill at least 10 times as large.

You hear protests that the river must not have a dam placed on the river's main stem. Did you know that a dam already exists on the main stem of the river?

Many of you likely take advantage of the recreation at Bill Evans Lake for camping and fishing. When you go to the lake, you turn off U.S. 180 and head toward the fishing spot. Down the way a few miles is a turnoff toward the left. Near there is a dam, which diverts the water to Bill Evans Lake.

Some folks who travel the road are also birdwatchers and regularly visit the dam (that they did not know was a dam) to watch the water birds, which take advantage of the stirring up of the water for their own fishing purposes.

Despite what you may have heard, water can be harvested without harming the Gila River, according to published studies. Done properly, it can even be stored and released in ways that improve the ecology.

Those who are opposed to the use of the allocations of water to the region are vocal in their opposition. Those who are dependent on the water staying in the region realize the need for the water and for planning now to implement and utilize the water for their future and that of coming generations.

Much more information is available at www.nmawsa.org, if you want to learn the facts about the AWSA and the Gila River.

Everyone should understand the benefits of the water, as all of us love the river that trickles or pours through our region.

For more information on what studies have been completed on the Gila River and what proposals have been made to utilize the water and/or funding, visit www.nmawsa.org.