DIALOGUE

FALL 2009

Published by the New Mexico Water Dialogue

To promote the wise stewardship and ensure the availability of water resources for future generations of New Mexicans through support of community-based planning and creation of inclusive forums for education, communication, and development of common ground.

2010 Annual Meeting
State Water Planning: A Path Forward?

The New Mexico Water Dialogue has discussed state and regional water planning since its inception in the early 1990s, and in 2002 wrote the state water planning legislation that was enacted in 2003. Section 72-14-3.1 of the water code states that the state water plan "shall be a strategic management tool for the purposes of:

(1) promoting stewardship of the state's water resources;
(2) protecting and maintaining water rights and their priority status;
(3) protecting the diverse customs, culture, environment and economic stability of the state;
(4) protecting both the water supply and water quality;
(5) promoting cooperative strategies, based on concern for meeting the basic needs of New Mexicans;
(6) meeting the state's interstate compact obligations;
(7) providing a basis for prioritizing infrastructure investment; and
(8) providing the statewide continuity of policy and management relative to our water resources."

The state water planning statute also requires that the plan be reviewed and updated "in response to changing conditions" and that at a minimum a review shall be conducted every five years.

The 2010 annual Dialogue meeting will give us an opportunity to discuss how best to live up to the promises in the legislation and to make the plan a functioning strategic document that improves management of our precious water resources.

Brent Bullock, In Memoriam

After a three year fight against cancer, Brent Bullock, a New Mexico Water Dialogue Board member, died of cancer at age 42 on September 19, 2009. Brent was one of the wonderful people who had the ability to work with anyone, abd who inspired trust and confidence. As a result Brent was an important shaper of water policy in New Mexico. The same month that Brent died, the Pecos settlement agreement was signed. Brent was a member of the group that reached that settlement and his skills helped the group set aside long-held animosities (We can't imagine Brent holding any animosity) and find the elements that allowed the group to come to an agreement. Besides his influence on the Dialogue board and at our statewide meetings, he was influential at the legislature. We are so thankful to Brent for all he brought to the Dialogue and to the water community in New Mexico.

State Water Plan Update

by Angela Bordegaray, Interstate Stream Commission

The Office of the State Engineer (OSE) and Interstate Stream Commission (ISC) have been working to review and update the 2003 State Water Plan (SWP) as required in the state water planning statute. The review, completed in 2008, inventoried changed conditions and progress since 2003 and identified areas to address in an updated state water plan.

There have been significant changes since 2003, so an update is appropriate. The ISC and OSE are updating the plan section by section as applicable, noting where policies have been implemented or changed, and incorporating information gained from public meetings regarding issues such as conservation, needed water-related infrastructure, population growth and increased demand, and climate change. The ISC and OSE are also updating the current plan's data regarding water resources by basin, population projections, and the status of Indian water rights settlements.

A summary of the SWP public meetings held in 2009 to discuss the SWP update will be available this year. The ISC plans to have a first draft of the update to the SWP by March 2010. Final editing and review will occur by May 2010, and a new, updated SWP will be finished by June 2010.

One focus of this effort has been the section of the state water planning statute regarding integration of the regional plans where possible and appropriate

SWP UPDATE—*Continued on page7*

DIALOGUE

Fall 2009

The *Dialogue* is a publication of the New Mexico Water Dialogue.

Website: *www.nmwaterdialogue.org*

Layout and production:
Kathleen Grassel
Printing:
Downtown Printing

Major funding for the *Dialogue* is provided by the McCune Charitable Foundation, New Mexico Water Initative, and Rio Grande Return.

Send comments, letters, and contributions to:
Consuelo Bokum, President
New Mexico Water Dialogue
1300 Canyon Rd.
Santa Fe, New Mexico 87501
Email: *bokatz@cybermesa.com*

New Mexico Needs Dialogue

by Consuelo Bokum, President, Board of Directors

I am writing my last column as president of the board of directors (but not the end of my participation on the board). To get some perspective, I pulled out my *Dialogue* newsletters which began in June 1993 about a year after the organization held its first meeting. Just the titles of each issue (when we did that) tell a story. The first two issues were: "A User's Guide to Water Groups" and "Reflections in Water, A Portrait of New Mexico Communities" which reflected our early history. We were a group of people from all over the state with diverse interests who had never met one another and there was a lot of learning to do about each other and from each other. The next series of titles reflect our need to articulate why we had come together and what we were thinking about how to move forward: "Democracy and Donuts", "'Act Locally' Has A Verb", "Sin Hablar no se Entiende", "Considering Community". Still later were evocative titles like "Stretching Exercises", "Balancing Act", "The Double-Edged Sword" and "Back to the Future" as we tried to figure out how to work on the harder aspects of adapting water management to changing times.

The bylines on the articles (as well as other provocative titles) are also telling: Lisa Robert, Chris Nunn Garcia and Lucy Moore first and foremost for the early years, Blane Sanchez, Tracy Seidman-Hephner, Hal Engle, Gary Daves, Randy Kirkpatrick, Debbie Hughes, Rob Leutheuser, Steve Harris, Dennis McQuillan, Howard Hutchinson, Paula Garcia, Tom Shelley, Tom Davis, Norm Gaume, Pauline Gubbels, F. Lee Brown, Courtney White, Jean Witherspoon, John Shomaker, John Brown, Simeon Herskovits, Frank Titus and Dutch Salmon among many others. These people reflect the many, many people and diverse interests from around the state who participated in an on-going dialogue about water.

Our fantastic board of directors, which has included many of the people listed above in addition to the current board listed on the left of this column, has been similarly diverse. Despite the potential for conflict and divisiveness, we have managed for almost 20 years to respect and learn from each other, to build bridges when we could, and to bring that dialogue to the public at our annual meetings and in our newsletter. Among other things, we are also proud of helping to instigate and then participating in the development of the *Regional Water Planning Handbook* (1994) and writing and working for the legislation that created and defined the State Water Plan.

Dialogue board meetings, annual meetings and the *Dialogue* newsletters have all confronted difficult and emotional issues: the endangered species act, urban versus rural needs and the role of water markets, the role of public welfare in the water plans, and distrust, but none of them have destroyed our ability to continuing talking to each other respectfully. Despite formidable barriers and deeply held beliefs, the Dialogue is still here, still providing a place for competing interests to look for common ground that will improve the future for all of us.

I am so thankful to everyone who has participated in the Dialogue and who have enriched the Dialogue and my own life. They are all wonderful representatives of this very amazing state.

Municipal Water Reuse Isn't Necessarily Conservation

by Bruce Thomson and John Shomaker

It is widely recognized in the Southwest that, with few exceptions, all of our water resources are completely appropriated. In fact, most of these resources are probably over-appropriated. Yet there is continued demand for water to support municipal and industrial growth. To date many communities have satisfied this demand by tapping non-renewable sources, especially ground water, resulting in dramatic depletions of our aquifers. Of course this can't continue much longer.

There are a variety of strategies for providing water to meet future demands including inter-basin transfers, reallocation of agricultural water to municipal and industrial uses, and conservation. None of these alternatives are cheap or easy. However, conservation is often the most feasible method of extending our resources because wasteful usage in the past means that easy-to-implement conservation measures will produce notable savings with little impact on our quality of life. For example, Albuquerque residents have reduced their per capita use from about 250 gallons-per-capita-per-day (gpcd) to 160 gpcd in less than 10 years, solely through incentives and voluntary conservation methods.

When conservation alternatives are discussed, the concept of wastewater reuse is frequently included as one of many options. The purpose of this discussion is to consider whether municipal wastewater reuse really constitutes a conservation mechanism.

Water Demand vs. Consumptive Use

Discussions of water use often involve use of imprecise terms such as "demand," "use," and "consumption." It is important to make the distinction between "water diversion" or "demand," and "consumptive use" because the concepts are quite different. "Diversion" or "demand" is the water withdrawn from a river, lake or aquifer that is delivered to a user. "Consumptive use" or "consumption," is the amount of water lost during its use, consisting mainly of that water which is lost to evaporation. Thus, a large power plant might divert one billion gallons per day of water from a nearby river for once-through cooling but return 95 percent of it back to the river. Its consumptive use is thus 50 million gallons per day.

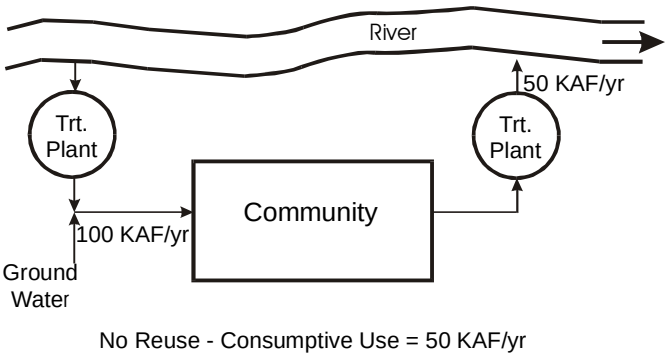


Figure 1. Summary of water diversion and return flow for a hypothetical community with no water reuse.

Water rights in New Mexico are based on consumptive use, at least in principle. Certainly this is the case for municipalities or industries where return flow credit is recognized for treated wastewater that is returned to the environment. Furthermore, management is based on the principal of conjunctive use, in which the hydraulic connection between surface and ground water resources is recognized. Thus, consumptive use is determined as the difference between the volume of water diverted and that returned to the river or underlying aquifer. Agricultural users seldom measure return flows, hence water rights administration is based on the amount of water diverted. The discussion here focuses on municipal water use.

The fundamental question to be addressed is, does municipal water reuse constitute a conservation measure? Consider the scenario depicted in Figure 1. A hypothetical community uses a combination of surface and ground water resources to provide 100,000 acre-ft/yr (100 KAF/yr) to its residents. Half of this water passes to the wastewater collection system, is treated, and then returned to the river. The community's diversion is 100 KAF/yr but its consumptive use is only 50 KAF/yr. This is water that evaporates from lawns, gardens, drying laundry, cooling towers and such.

Suppose this same community implements a wastewater reuse program in which half of its wastewater is reused to water parks, street medians, and golf courses (Figure 2). Because 25 KAF/yr of water is reused, the total diverted from the river and pumped from community wells can be reduced to 75 KAF/yr, a significant reduction. But the amount returned to the river is now only 25 KAF/yr. Thus the community's consumptive use is still 50 KAF/yr. If the community receives return flow credit, the reuse does not constitute a conservation measure. The only way to conserve water is to reduce evaporative losses.

This same observation holds for reuse by individual households in this community, for example through gray-water recycling. It is true that using gray water to water the backyard tomato plants will reduce the household demand measured at the water meter. But it also means that less water is sent down the drain to the wastewater collection system and then back to the river. Therefore, the consumptive use by that

REUSE—*Continued on page 4*

REUSE—*Continued from page 3*

household remains the same. Remember, a gallon of water transpired by a tomato plant is a gallon of water lost to the atmosphere, whether it is high quality tap water or gray water from the bathtub.

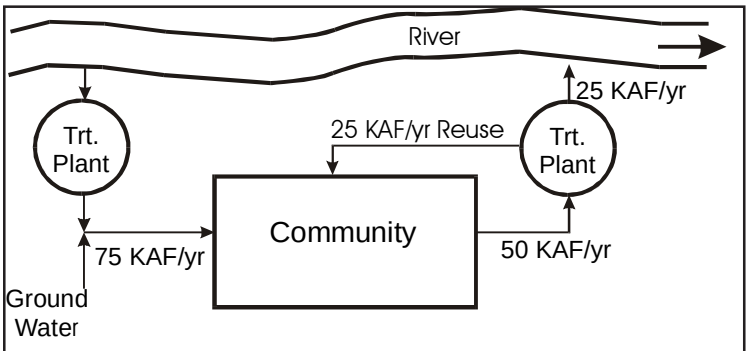


Figure 2. Summary of water diversion, wastewater reuse, and wastewater return flows for a hypothetical community practicing 50% wastewater reuse.

The conclusion that wastewater reuse does not constitute conservation is limited to locations in which water rights are based on consumptive use, and surface and ground water resources are conjunctively managed. If return flows cannot be claimed to offset demand, the benefits of water reuse increase. An example would be a community that uses septic tanks and absorption fields for wastewater treatment and disposal. If no return flow credit is given for wastewater infiltration from the leach fields, all of the water sent to the septic tank can be reused with no impact on water rights. The community would have a strong incentive to use every drop through an aggressive reuse program, although the actual consumption of water would still be the same.

When Is Reuse Beneficial?

If reuse does not achieve conservation, what are the justifications for its practice? The reasons justifying wastewater reuse include situations where:

- Return flow credit is not available.
- Wastewater reuse is cheaper than using tap water.
- Wastewater reuse offers hydrologic advantages.
- Wastewater is the only water available.

The first situation was discussed above; if the community does not receive return flow credits, wastewater reuse will enable it to use as much water as possible.

There are a number of ways in which wastewater reuse results in cost savings to the community. These are principally realized by substituting cheap, low quality wastewater for expensive, high quality tap water. These cost savings depend on many variables, but the most important are: 1) the cost of water and wastewater treatment, 2) the distance between the wastewater treatment plant and the reuse site, 3) whether the treated wastewater quality is appropriate for the reuse application, and 4) regulatory factors which affect discharge of wastewater to the receiving stream. The last point requires a bit of explanation. Some communities, when faced with stringent new discharge requirements, have found it to be cheaper to implement total reuse of their wastewater and discontinue its discharge than to build an expensive new treatment plant.

There are lots of tradeoffs when analyzing costs. For example, the scenario presented in Figure 2 would allow the community to build a smaller drinking water treatment plant though it might have to upgrade its wastewater treatment plant. Many of the best-known municipal wastewater reuse projects are located in coastal communities where return flow credits are not relevant. Orange County, California recently started a new wastewater reuse plant that will eventually treat 70 million gallons per day for ground water recharge. The reuse system was built because an economic analysis found that advanced wastewater treatment, aquifer recharge, and indirect potable reuse was a cheaper source of public water supply than desalinating ocean water.

Wastewater reuse may provide important hydrologic advantages by reducing the stress on the surface or ground water supply. By reusing wastewater the quantity of water pumped from the aquifer or river is reduced. This provides a cost savings by reducing the number of wells required. Water reuse is particularly advantageous if the underlying aquifer has poor hydraulic characteristics such as low conductivity, thus requiring construction of many expensive, low yielding water wells to meet the community's demand.

The last category is one that some small communities in New Mexico face They are out of water and the only water available is that from their wastewater treatment plants. Cloudcroft, located on top of a mountain in southern New Mexico, has constructed an indirect potable reuse system. While it will help the community meet its water needs, this system does not constitute a conservation measure. By eliminating the wastewater discharge to the creek, the community's consumptive use remains the same, but the wastewater is the only source of wet water around.

Perhaps the most important aspect of wastewater reuse is the increased public awareness it brings to the community regarding the value of our water. Parks with signs warning not to drink the water, and prominent purple plumbing fixtures (plumbing code for non-potable water) remind us daily of how precious our water is and reinforce our personal actions to preserve and protect this vital resource.

The authors may be reached at
bthomson@unm.edu
and
jshomaker@shomaker.com)

—Report from the Regions—

MRGCD Moves Toward More Real Water Accounting

by Lisa Robert

At a special meeting on May 29, 2009, the Middle Rio Grande Conservancy District passed a long-awaited revision to its disputed water bank policy. The amended rule represents an unexpected and vital first step toward real water accounting in the central Rio Grande basin.

The new policy differentiates between senior water rights (including Pueblo and pre-1907 rights) and MRGCD water bank leases made to lands from which the vested rights have been severed. The distinction marks a change in ideology for the district, which previously operated on a "parity" basis regardless of whether water had been transferred from a parcel of land, a practice that eliminates all possibility of priority administration.

Under the new rules, leases will be made on a one-year basis, and delivery to lease lands can be curtailed in times of shortage. The district is also stepping up its effort to obtain from the State Engineer a list of middle valley properties from which pre-1907 water rights have been transferred. Letters will then be sent to owners of any retired lands that are still being irrigated. In order to continue receiving water, landowners will have to show proof of another source of supply, such as a leaseback agreement with the City of Albuquerque, or a water bank contract with the MRGCD.

The policy also puts the OSE on notice that the conservancy intends to do priority administration, and that it must have access to the state's accumulated data on water right transfers. Authority for such action is contained in existing conservancy statutes.

Reversing a Trend

In 1988, the State Engineer asked the MRGCD for a Proof of Beneficial Use on the 123,000 acres purportedly served by the district works. Since then, repeated extensions have been granted for filing the PBU, and neither entity has been particularly conscientious about tracking senior water rights. The conservancy traditionally nixed transfers beyond its boundaries, but in recent years it has failed to protest such losses, even as the State Engineer approved numerous transactions to strip senior water rights from parcels inside the MRGCD as offsets for groundwater pumping both within and outside of the district. Notification of such supposedly retired properties has seldom been communicated to the district. The result is that more rights have undoubtedly been promised as offsets than actually remain in the mid-Rio Grande basin, and that "double-dipping" is occurring on retired lands to the detriment of senior right holders, Rio Grande Compact deliveries, and even the viability of basin ecosystems.

In 2008, the MRGCD formed a committee to revise the water bank rule originally adopted in 1995. The new policy is the work of that committee, which included then-Chair Gary Perry, and board members Janet Jarratt and Jim Roberts. It is no exaggeration to say that the redraft is the most significant action undertaken by the conservancy district in decades.

"The revision makes it clear," says current MRGCD board chairman Janet Jarratt, "that [water bank water] is a fluctuating supply." Under the old rule, individuals who sold their water rights could continue irrigating with leased water at a minimal cost and on an equal basis with historic lands. "That seemed unfair to those who *haven't* sold," Jarratt said, because it abetted the transfer of irrigation rights to groundwater pumping, which is far less subject to the whims of nature than are surface flows. During drought, pumping continues unabated while surface right holders are subject to shortages and tightly regulated via irrigation rotation. Maintaining surplus MRGCD permitted rights as surface water in the water bank provides insurance against an unpredictable supply, and ensures there will at least be carriage water and ecological flows in drier-than-average years.

A Comparison

There are salient differences between the previous water bank regulations and the newly adopted rule. The current policy specifies that leases are to be for agricultural and related purposes only. The old policy was not restrictive about how the water could be used.

While the former rule allowed for five-year leases, the revised policy stipulates that all leases will be made on an annual basis, in acknowledgement of the fact that the supply is variable from year to year.

The amended policy allows for pre-1907 leases to be administered by the district, but rates can be negotiated between private parties. In the old policy, pre-1907s were leased at the same price as other water.

Under the earlier rule, the conservancy board could modify or terminate a loan agreement after a 30-day notice. The new policy offers much greater leeway for keeping pace with actual conditions, mandating that the board meet at least once a month during the irrigation season to determine whether there is a full supply of water, and requiring only a five-day notice prior to modification or curtailment of water bank leases.

The new policy is explicit that water bank leases are *junior in priority* to all other water delivered through the conservancy works, and contains further criteria to ensure that the water bank does not interfere with individual senior water rights. It should be remembered

Big Changes—*Continued on page 6*

BIG CHANGES—*Continued from page 6*

that the district predates the Rio Grande Compact, and that district rights are senior to most pre-basin groundwater rights.

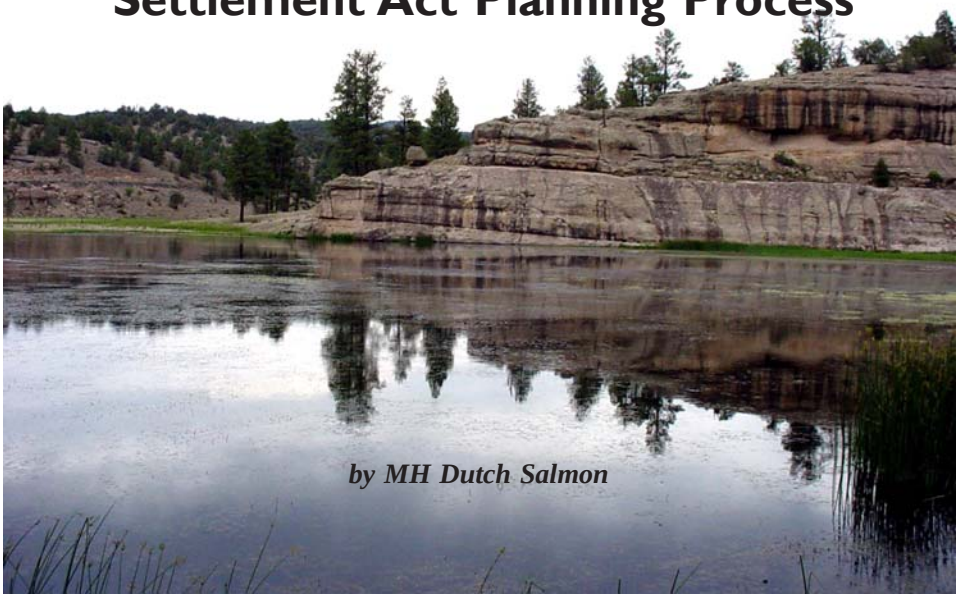
In addition to the revamped policy, the conservancy also adopted a resolution outlining a method for beginning priority administration in compliance with the water bank policy, and obligating the MRGCD to an ongoing assessment of water availability.

Who Wins

The new water bank rule garnered a single 'no' vote from then board member Bill Turner, who contends the district doesn't own any water rights. For Turner and other water right brokers who will have to work harder to convince farmers to part with their liquid assets; for those who have already sold their rights thinking they can continue to irrigate for free; for developers used to cashing in senior water rights and marketing the dried up lands as "irrigated" ranchettes; for municipal leaders envisioning future "growth" based on an endless supply of senior water rights; and even for some at the Office of the State Engineer, where fuzzy accounting will no longer suffice to airbrush hydrologic truth, the conservancy's revamped water bank probably feels like a blow. For everybody else, the new rule is a welcome banner proclaiming that the law *does* matter, and that the MRGCD *can* lead.

Adapted from an article in the August 2009 "Watermark", newsletter of the Assessment Payers Association of the Middle Rio Grande Conservancy District.

Gila River Update: Arizona Water Settlement Act Planning Process



by MH Dutch Salmon

As part of the Arizona Water Settlements Act (AWSA), signed by the US president in 2004, the four-county area of southwest New Mexico (Catron, Grant, Luna and Hidalgo counties) would receive $66 million for any water utilization project(s) "that meet(s) a water supply demand" and up to $62 million more if a Gila River "project" (read diversion of up to 14,000 acre-feet per year with off-stream storage) is built. Further, this diversion would involve an exchange of a like amount of water from the Colorado River to go to the Gila River Indian Community (GRIC) near Phoenix, the exchange costs – currently about $1.5 million per year – to be paid by New Mexico.

Since the fall of 2007, at the request of Gov. Richardson for an "open, inclusive and transparent" planning process, a stakeholders group has been the core entity designated to provide alternatives and possibly consensus as to how to use the water and/or money under the terms of the AWSA. Composed of the NM Interstate Steam Commission, NM Game & Fish, and US Bureau of Reclamation as the principal agencies, the stakeholders group also includes a variety of interest groups and individuals, from farmers and municipalities to environmentalists and local business interests. State funding of some $800,000 has already provided us with an economic study, supply study, and science and ecology forums. Remaining allocations of $171,000 each for a demand study and a study of the relationship between surface flows and aquifer levels in the Gila basin are in the works, and a deadline has been set for November 30, 2009 for each or any stakeholder to have ready their preferred alternative.

In 2012 the $66 million will begin to arrive in $6.6 million yearly increments, and by 2014 New Mexico must inform the Secretary of Interior if it intends to construct a "unit" or "project" on the Gila. All stakeholders favor the $66 million payment and agree it would be a benefit to the region's water future, though the preferred use of the expenditures vary. Extra funding for a major diversion dam with off-stream storage and all the infrastructure (canals and/or pipelines, pumping station, roads and power plant) is, not surprisingly, disputed - especially since the Gila River is New Mexico's last main stem river without a major water development.

It is interesting to look at the rationale each side uses to justify, or skewer, a major Gila diversion. Primarily, water development interests argue two things: We can't allow the 14,000 acre-feet of water to be "lost" to Arizona, and we

need to regain some of the water rights "lost" in the 1964 Supreme Court ruling in *Arizona v. California*.

The first argument has validity only if you regard instream flows as lacking a beneficial use; otherwise it's one beneficial use against another. While diversion and consumption mark the traditional paradigm of beneficial use, a new generation of New Mexicans find the fish, wildlife and recreation values inherent in instream flows of equal worth and at times a clearly superior use economically. I see this issue as a test of wills and personal preference and a chance for water in the stream to take its equal place in the state's water debates.

As to the "lost" water rights, New Mexico claimed some 57,000 acre-feet of yearly consumptive use in the Gila/San Francisco basin in the 1960s litigation. The court awarded some 31,000 acre-feet per year. This court decree was based on the report of Special Master Simon Rifkind (the Rifkind Decree, 1963) wherein Rifkind noted that the great majority of New Mexico Gila/San Francisco water claims were junior to claims downstream in Arizona. Under the prior appropriation doctrine, New Mexico would have received a fraction of its current uses upon adjudication. Instead, Rifkind went by the doctrine of "equitable apportionment" and granted New Mexico its current uses but restricted additional uses with an eye to protecting senior water rights holders in Arizona from further loss. So did Simon Rifkind skewer New Mexico or Arizona, or was he merely trying to be fair?

Even today the Gila San Francisco basin in New Mexico holds barely 5,000 people; at 31,000 acre-feet that's 6.2 acre-feet for every man, women, and child in the basin. And currently only 27,000 acre-feet of the allocated 31,000 acre-feet is being used "beneficially."

Over the divide in the Mimbres Basin, the two principal cities – Silver City and Deming – hold water rights far in excess of current use. Aquifer supplies in the basin are rated at from 40- to 70 million acre-feet with substantial natural recharge. Both agricultural water consumption (due to drip irrigation) and mining water consumption are down.

Capital costs of the project, estimated at $300 million, are more than half of the proposed subsidy. It is hard to see a real need for additional water development on the Gila River, and it is just as hard to see how New Mexico, currently in debt, might come up with the $100 to $200 million in capital costs, over $5 million/year in operating costs, plus the yearly exchange cost mentioned earlier. But the old paradigm of "Don't let Arizona get the water" remains strong. Ideally, AWSA planning will give us the answers we seek, and some sensible alternatives. As Bob Dylan said: "The wheel's still in spin."

~~~~~~

SWP Update—*Continued from page 1*

into the SWP. The ISC conducted a study that compiled all 16 regional water plans for comparison purposes and summarized a statewide water supply-demand gap. A "Draft Compilation of New Mexico Regional Water Plans" is available by request at the ISC. The study found many inconsistencies in data-gathering and includes the following recommendations for the regional planning program in order to improve integration with the SWP:

1. Increase stakeholder involvement, especially from water providers

2. More consistent methodologies

3. Stronger linkages to 40-year municipal plans and local land-use plans

4. Greater dialog with neighboring regions

5. Use of scenario planning to reflect uncertainty and variable conditions

6. Greater emphasis on planning for drought

7. Greater emphasis on constraints to water delivery

8. Greater emphasis on potential environmental impacts

9. Greater emphasis on energy considerations

10. Increased focus on implementation of key programs and projects

11. Regular updates

12. Annual progress reports

13. Need for ongoing funding for regional plans

All regional water plans, the State Water Plan, the Review and Proposed Update of the State Water Plan, and the meeting notes from the 2009 public meetings, as well as other planning-related documents such as a brief report comparing our state's water plan with other western states' water plans, are posted on the Office of State Engineer/Interstate Stream Commission website at http://www.ose.state.nm.us/isc_planning_division.html.
~~~~~~

Amendments Proposed to New Mexico's Water Quality Standards

The federal Clean Water Act (CWA) requires a review of New Mexico's water quality standards every three years. The New Mexico Environment Department (NMED) has prepared proposed amendments and a narrative explanation which includes consideration of public input received in August 2008. The proposed amendments will be considered by the New Mexico Water Quality Control Commission (WQCC) in December 2009.

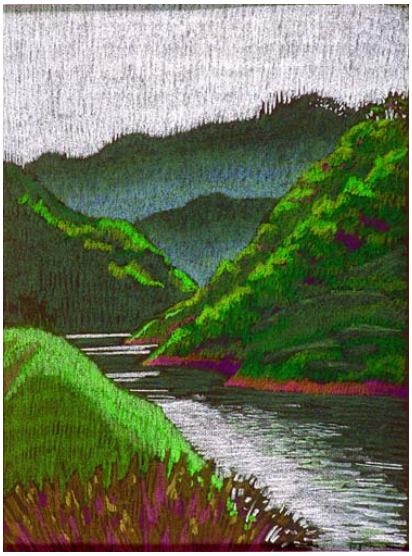
The full text of NMED's proposed amendments and the basis for amendment, as well as other information about the status of the triennial review, are available on the Surface Water Quality Bureau's website at www.nmenv.state.nm.us/SWQB/Standards/.

The NMED proposes amendments statewide for the following standards:

- Narrative Biocriterion
- New Public Water Supply Use
- New Coolwater Aquatic Life Use
- Revised Domestic Water Supply Criteria
- Revised Standards for Unclassified Ephemeral, Intermittent and Perennial Waters
- Revised UAA Provisions
- Revised Segment Descriptions to Exclude Tribal Waters
- New/Revised Criteria Based on EPA Updates
- Clarification of Designated Contact Uses
- Simplified Statement of Numeric Criteria

In addition, the NMED is proposing amendments to specific segments of the following rivers:

- Goal statement and benchmarks to prevent salinity increases in the Lower Pecos
- Revised boron criterion on the Pecos River below Malaga



- Revised pH criteria for Lower Sulphur Creek
- New radionuclide criteria to protect public water supplies on the Rio Grande
- New Rio Puerco segments
- Revised contact use for Pecos Arroyo near Las Vegas
- Pre-2005 uses and criteria for Corrumpa Creek
- New classified segments for Lake Alice and Lake Maloya
- New classified segment for Lake Farmington
- New classified segments in the Zuni River Basin
- Pre-2005 aquatic life designations for the Dry Cimarron

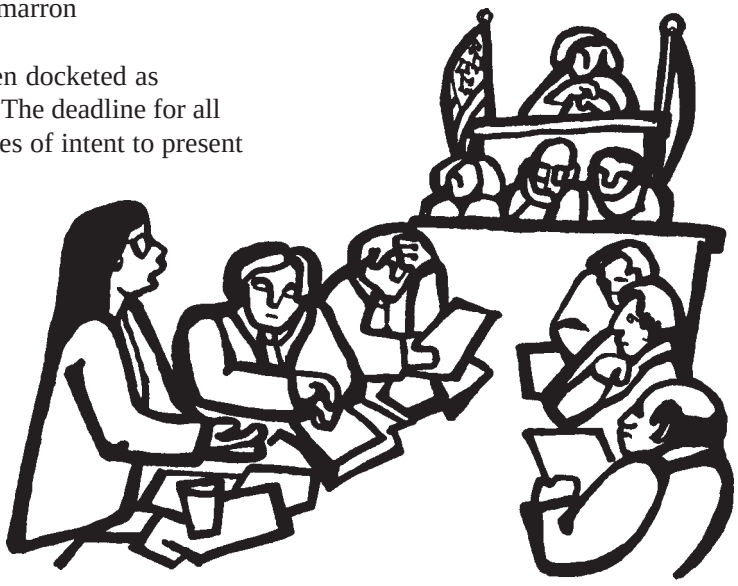
The matter has been docketed as WQCC 08-13 (R). The deadline for all parties to file notices of intent to present technical testimony was Friday, August 28, 2009. The hearing is scheduled to begin December 8, 2009. A Scheduling Order listing other important deadlines is available on the NMED website referenced above.

The pleadings filed in this matter before the Hearing Officer on behalf of the WQCC include 65 entries from both public and private entities. Contact information for the Hearing Officer appointed in this matter is as follows:

Felicia Orth, Hearing Officer
c/o Joyce Medina, WQCC Administrator
New Mexico Environment Department
1190 Saint Francis , P.O. Box 5469
Santa Fe, New Mexico USA 87502
Tel: (505) 827-2425
Fax: (505) 827-2836
E-mail: joyce.medina@state.nm.us

More information on the standards and the changes proposed for the Triennial Review can be obtained from the NMED Surface Water Quality Bureau by contacting:

Pam E. Homer, Standards Coordinator
NMED Surface Water Quality Bureau
Phone: (505) 827 2822
Fax: (505) 827 0160
pamela.homer@state.nm.us



DRAFT AGENDA

State Water Planning: A Path Forward?

The New Mexico Water Dialogue

16h Annual Statewide Meeting
January 14, 2010
Indian Pueblo Cultural Center
2401 12th Street NW, Albuquerque

8:00 On-site registration

8:30 Welcome and introductions

8:45 Keynote "No Universal Remedies: Place and Politics Matter in Water Governance" - Helen Ingram, Research Fellow, Southwest Center, University of Arizona and Warmington Chair Emerita, University of California at Irvine

9:45 Break

10:00 Panel – Facing Conflicting Priorities and Other Challenges

12:00 LUNCH

1:00 Panel – Exploring Conflicts and Political Issues Raised by Water Transfers and Public Welfare

2:15 Break

2:30 Panel – Competing Interests in the Face of Future Changes

3:45 Summation and Nominations for the Dialogue Board of Directors

4:00 Close

Check on the website www.nmwaterdialogue.org for agenda and other updates.

New Mexico Water Dialogue 16th Annual Statewide Meeting

"State Water Planning: A Path Forward"
Thursday, January 14, 2010
Indian Pueblo Cultural Center – Chaco I & II
2410 12th Street NW, Albuquerque

Registration includes lunch catered by the Indian Pueblo Cultural Center and morning and afternoon beverages and snacks. The early registration fee (prepaid before January 9, 2010, is $30. Registration at the door is $40. The fee for panel members who prepay is $20. Payment may be made by check or purchase order. Fill out this form and send it to NMWD c/o Bokum, 1300 Canyon Rd., Santa Fe, New Mexico 87501 or paste it into an email and send to bokatz@cybermesa.com (you will still have to mail in your payment since we are not equipped to accept plastic).

Early Registration Form

Name(s)_____

Organization (optional)_____

Title (optional)_____

Address (street or box)_____

City, State, Zip_____

Phone_____ Email_____

[ ] Early registration for ____ person(s): Amount $_____
By registering for the annual statewide meeting, your name will be added to our mailing list to receive the *Dialogue.* If you wish to receive the *Dialogue* electronically, please check this box
[ ] .... and make sure you have provided your email address above.

[ ] I'd like to support publication of the *Dialogue* with a year's subscription (generally 2-3 issues) to *Dialogue* ($15 for individuals, $30 for non-profits, acequias, etc.; $50 for government agencies, businesses)
$_____

[ ] I am making an additional tax-deductible contribution to the Dialogue of $_____

See preceding page for draft agenda.

New Mexico Water Dialogue
c/o C Bokum
1300 Canyon Rd.
Santa Fe, NM 87501