

A JOINT MEMORIAL

SUPPORTING AND ENDORSING CONTINUATION OF THE STATE ENGINEER'S POLICY OF PROHIBITING THE TRANSFER OF NATIVE RIO GRANDE WATER RIGHTS LOCATED ABOVE THE OTOWI STREAM GAGE TO BELOW THE LATITUDE OF THE OTOWI STREAM GAGE.

WHEREAS, acequias are an essential part of the fabric of the cultural heritage and communities of northern New Mexico; and

WHEREAS, transfers of water rights from acequias undermine the culture and communities associated with the acequias; and

WHEREAS, transfers of water rights from one region of the state to another region threaten to remove the water rights base and harm the local economy and culture of the region of origin; and

WHEREAS, acequias in northern New Mexico seek limitations on transfers of water rights out of the acequia systems in order to preserve and protect acequia culture and communities; and

WHEREAS, many acequias and historic agricultural communities are located on the Rio Grande and its tributaries in northern New Mexico north of the Otowi stream gage; and

WHEREAS, New Mexico's annual obligation under the Rio Grande Compact to deliver water to the Rio Grande at Elephant

Butte reservoir is based on the flow of the Rio Grande at the Otowi stream gage near Pojoaque; and

WHEREAS, New Mexico's delivery obligation under the Rio Grande Compact would generally increase if water rights were transferred from above the Otowi stream gage to below the gage; and

WHEREAS, procedures of the office of the state engineer regarding transfers of water rights have been guided by an informal policy that discourages applications to transfer water rights from above the Otowi stream gage to diversions below the Otowi stream gage; and

WHEREAS, the state engineer's informal policy has helped keep water rights within acequias and thereby has helped to preserve the culture and communities associated with acequias;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that it find that it is detrimental to the public welfare of the state of New Mexico for the office of the state engineer or any other relevant state agency to approve water right transfer applications designed to move the point of diversion or place of use of water rights from above the Otowi stream gage to a new point of diversion or a new place of use below the latitude of the Otowi stream gage; and

BE IT FURTHER RESOLVED that the legislature support the

long-standing policy of the state engineer to prohibit such water rights transfers; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the office of the state engineer and to the interstate stream commission.