

**New Mexico Interstate Stream Commission (NMISC)
Acequia Bureau**

**Presentation to the Land Grant Committee
October 3, 2024**

**by
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Acequia Bureau Chief**

NMISC Acequia Bureau

Background:

The Acequia Rehabilitation Program has been in existence within the agency for many years dedicated to the rehabilitation of acequia infrastructure statewide. For numerous years it was staffed by 4 individuals dedicated to acequias full time. During the economic recession, the staffing dwindled down to 2 employees who also had other responsibilities within the agency in addition to the administration of the Acequia Rehabilitation Program. Over time, the Acequia Rehabilitation Program gained popularity amongst the acequias in the State and the workloads continued to increase exponentially. A request was made by several acequia advocates, including the New Mexico Acequia Association (NMAA), to have an Acequia Bureau formed

within the agency dedicated to acequias due to the growing popularity of the program and its importance to the culture and heritage of the communities within the state that rely on acequias for their livelihood. In April 2023, the agency formed an Acequia Bureau within the NMISC with a commitment to increase staffing to support the bureau. The agency now has five employees on staff dedicated to assisting acequias with their infrastructure projects and managing the funding streams available to them.

The work that staff performs entails providing technical support and project management assistance to the administration of the Acequia Rehabilitation Program working with all acequias and community ditches, as defined by state statute. Staff performs field visits with acequia commissioners to review their needs, reviewing and approving the proposed construction projects, overseeing construction activities, providing technical guidance, and ensuring all projects meet the requirements of all the funding agencies involved. Staff is responsible for drafting all funding agreements, acceptance of project designs, periodic project oversight, approval of invoices for work performed, and frequent and time-consuming support for the education of acequia commissioners.

Personnel:

Acequia Bureau Staff:

- Jonathan Martinez – Bureau Chief
- Kerri Roybal – Staff Manager
- Max Villa – Acequia Projects Manager III
- Julia Kliglich – Acequia Projects Manager II
- AshLee Leyba – Acquia Projects Manager I

Legal Support

- Taylor Chavez – NMISC Staff Attorney

Acequia and Community Ditch Infrastructure Fund

During the 2019 Legislative Session, Senate Bill 438 was passed and signed into law creating the Acequia and Community Ditch Infrastructure Fund (ACDIF) Act and appropriates \$2.5M annually to be administered by the NMISC. During the 2023 Legislative Session, Senate Bill 176 was passed and signed into law amending the ACDIF Act to allow for funding for disaster response recovery and hazard mitigation, removal of the requirement for any local cost share for the acequia and community ditches and allows for the use of the funds to match the cost-share requirements of state and federal funding programs for acequias and community ditches. Funding use is allowable in the following categories:

- Planning
- Engineering
- Construction
- Disaster Response Recovery and Hazard Mitigation
- Staffing

Guidelines on the administration of the ACDIF were developed in close collaboration with the New Mexico Acequia Commission and the New Mexico Acequia Association and can be found on our website (https://www.ose.nm.gov/Acequias/isc_acequias.php).

Basic Eligibility Requirements:

- Current Bylaws
- Valid Water Rights
- Federal Tax ID Number
- Bank Account
- Financial Compliance with Executive Order 2013-006
 - Audit Compliance with OSA
 - Budget Reporting Compliance with DFA
- NMISC Loans in Good Standing

Application Deadlines (https://www.ose.nm.gov/Acequias/isc_acequias_guidelines.php):

- Engineering Design Services – March 31st by 3 PM
- Construction Funds – May 9th by 3 PM

All applications are ranked in accordance with criteria set out in the application packet and incomplete applications will not be considered for funding.

Construction Cost Share Programs:

- Acequia Construction Grant Program
- US Army Corps of Engineers Sections 215 and 1113 Programs
- NM Association of Conservations Districts (NMACD) Regional Conservation Partnership Program for Acequias (RCPP)
- Other Funding Programs

Funding History:

- Fiscal Year 2022 (Initial Year of ACDIF Program)
 - Engineering – 11 Acequias
 - Construction – 4 Acequias
 - Total FY 22 ACDIF Work Plan - \$848K
- Fiscal Year 2023
 - Engineering – 19 Acequias
 - Construction – 10 Acequias
 - Total FY 23 Work Plan - \$2.1M
- Fiscal Year 2024
 - Engineering – 12 Acequias

- Construction – 28 Acequias
- Total FY 23 Work Plan - \$6.5M
- Fiscal Year 2025
 - Engineering – 12 Acequias
 - Construction - 24 Acequias
 - Total FY 23 Work Plan - \$5.8M

Capital Outlay

- Individual Capital Outlay Awards to Acequias:
 - 2019 – 67 acequias totaling approximately \$6.93M (does not include \$2M CIP to NMISC for acequia projects statewide)
 - 2020 – 72 acequias totaling approximately \$4.62M
 - 2021 – 30 acequias totaling approximately \$2.74M
 - 2022 – 57 acequias totaling approximately \$5.56M
 - 2023 – 56 acequias totaling approximately \$5.59M
 - 2024 – 28 acequias totaling approximately \$2.24M (does not include \$5M CIP to NMISC for acequia projects statewide)
 - **TOTAL 310 individual appropriations totaling approximately \$27.7M**
 - **Average of 52 appropriations annually - \$4.6M**

NMISC Loan Program

NMISC Acequia Bureau offers low-interest loans to acequias for maintenance, repairs, emergencies or to assist with cost share requirements of other funding program(s) the acequia or community ditch may be involved with. These loans can be for amounts up to \$50,000, with an annual interest rate of 2.5% and typically for a period of 10 years. Loans requested for amounts greater than \$50,000 require the approval of the NMISC at one of its regularly held meetings.

Disaster Response Efforts

The Acequia Bureau has assisted acequias within the Hermits Peak/Calf Canyon Fire and Black Fire areas that were impacted by the 2022 wildfire season in New Mexico by utilizing an on-call contractor to provide preliminary planning assessments of the impacts of these fires on the acequias and community ditches in the affected areas. The preliminary planning assessments provided information to the acequias on damages sustained and estimated costs for repairs to support their applications to the New Mexico Department of Homeland Security and Emergency Management (DHSEM) and the Federal Emergency Management Agency (FEMA).

Acequia and Community Ditch Fund

The Acequia Bureau staff also provides technical assistance to the Chairperson of the NMISC who sits on the Acequia and Community Ditch Fund (ACDF) Act Committee. The ACDF Act is

established to provide financial assistance to acequias and community ditch systems to develop hydrological studies, acquire technical and legal research, and other services necessary to conserve and protect water for New Mexico's future through the adjudication of water rights.