

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE JOINT MEMORIAL 2

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

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

1 on transfers of water rights out of the acequia systems in  
2 order to preserve and protect acequia culture and communities;  
3 and

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

7 WHEREAS, New Mexico's annual obligation under the Rio  
8 Grande Compact to deliver water to the Rio Grande at Elephant  
9 Butte reservoir is based on the flow of the Rio Grande at the  
10 Otowi stream gage near Pojoaque; and

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

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

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

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
24 STATE OF NEW MEXICO that it find that it is detrimental to the  
25

underscored material = new  
[bracketed material] = delete

1  
2 public welfare of the state of New Mexico for the office of the  
3 state engineer or any other relevant state agency to approve  
4 water right transfer applications designed to move the point of  
5 diversion or place of use of water rights from above the Otowi  
6 stream gage to a new point of diversion or a new place of use  
7 below the latitude of the Otowi stream gage; and

8 BE IT FURTHER RESOLVED that the legislature support the  
9 long-standing policy of the state engineer to prohibit such  
10 water rights transfers; and

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

14 - 3 -  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25