

## CALL TO ACTION: RESTORE WATER PROTECTIONS IN CANNABIS BILL SB 100

Dear House Members,

We, the undersigned, are calling upon the House of Representatives to restore water protections to the Cannabis Regulation Act (CRA). SB 100 (Lopez-Romero) was originally intended to increase plant counts and other “technical” changes. However, a hostile amendment by Senator Pirtle in the Senate Judiciary Committee stripped essential water protections requiring that an applicant have valid water rights as a condition of being granted a license to grow cannabis. **We are asking the House to remove the Pirtle amendment and restore existing water protection requirements of the CRA.**

We know that these protections are necessary because other states with legal cannabis (California, Oregon, Colorado, etc.) are struggling with illegal water uses. In New Mexico, many new producers mistakenly believe they can:

- 1) use domestic wells for commercial production,
- 2) pump surface water from acequias or rivers without a valid water right,
- 3) use residential water from mutual domestics for commercial production.

**OSE Director of Water Resources Allocation Program has recently stated that the CRA’s water validation requirement is working to prevent water theft by cannabis producers and results in less agency resources being expended in the long term:**

- 85-90% of applicants *“have presented invalid water rights, need to reconfigure the water rights or plan to use a domestic well, which is not allowed for agriculture,”* Romero advised.
- OSE also advised that removal of the existing water protection requirement is *“going to make it that much more difficult on the agency when we’re already resource-strapped.”*

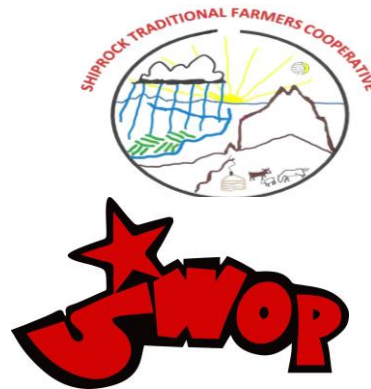
\*Source: <https://nmpoliticalreport.com/2022/02/15/senate-passes-cannabis-law-changes-adds-new-water-rights-language/>

**Moreover, the water protection requirements ensure water equity.** Tribal and Senior water rights holders in NM are from historically underserved and marginalized communities which will now be put at greater risk of unlawful uses of surface and groundwater impairing their senior water rights. **This is an issue of water equity.** Requiring validity checks for water actually ensures water equity for rural and tribal communities such as acequias and water providers such as mutual domestics.

Finally, the **Legislature has required OSE water rights validation and use oversight for other industries:** NM Subdivision Act, specifically Sections 47-6-11, 47-6-11.2, and 47-6-11.4 NMSA 1978; Section 72-12-5 NMSA 1978 pertaining to use of non potable deep aquifers in multiple sectors; and the Mine Dewatering Act, Section 2-12A-5 NMSA 1978.

New Mexico is now in an era of long term aridification, where we need more careful stewardship of our limited water resources and cultural integrity. By removing the water protections, rural entities, such as mutual domestics and acequias, who are entrusted with managing water at the local level, will bear the burden of enforcement. This would put our precious water resources at risk. **We are urging you to remove the Pirtle amendment, restore existing water protection requirements, and allow time for a meaningful analysis during the legislative interim.**

Thank you for your consideration.



**Signatories:**

**NM Cannabis Justice Project**

**Pueblo Action Alliance**

**National Latino Farmers and Ranchers Trade Ass.-NM**

**National Young Farmers**

**New Mexico Acequia Association**

**Western Landowners Alliance**

**Trout Unlimited**

**Agri-Cultura Cooperative Network**

**Rocky Mountain Farmers Union**

**N.M. Association of Conservation Districts**

**NM League of United Latin American Citizens**

**Shiprock Traditional Farmers Cooperative**

**El Chante**

**Southwest Organizing Project**

**American Friends Service Committee**

**Tewa Women United**

**Yucca**

**Los Jardines**

**Earth Care**

**Black Farmers and Ranchers NM**

**Bueno Para Todos Farm**