



## New Mexico Acequia Association LEGISLATIVE PRIORITIES (Updated 12/19/2022)

For more information, contact Paula Garcia at [paula@lasacequias.org](mailto:paula@lasacequias.org) or 505-231-7752.

### Budget Priorities

The NMAA budget priorities build upon existing programs with a successful record of assisting acequias statewide. The first four recommendations address acequia infrastructure investment and the increased needs for acequia disaster response and recovery.

1. **Increase funds for the Acequia and Community Ditch Infrastructure Fund (ACDIF)** for planning, design, and construction of acequia projects and amend the ACDIF Act to include a role for ISC in disaster response and recovery. Increase the annual appropriation from the Irrigation Works Construction Fund (IWCF) to the ACDIF from \$2.5 million to \$5.0 million.
2. **Create an Acequia Bureau at the Interstate Stream Commission (ISC).** Increase staffing pattern from current level of 1.0-2.0 FTE by adding three for a total of 4.0-5.0 FTE including a Bureau Chief. This is needed to effectively administer the Acequia and Community Ditch Infrastructure Fund (ACDIF) and Capital Outlay projects as well as to serve the emerging role of the ISC in disaster recovery. We estimate this would cost \$300,000 for 3.0 FTE.
3. **Increase funds for technical assistance for acequias** for the Acequia and Community Ditch Education Program line item in the DFA Local Government Division. This funding is used to contract with NM Acequia Association to assist acequias with governance, infrastructure planning, financial compliance, and disaster recovery. Increase the annual appropriation from \$398,000 to \$800,000.
4. **One time special appropriation to address 2022 wildfire and flood disasters.** Appropriate \$10 million to the Interstate Stream Commission for disaster recovery from post-fire floods in the Hermits Peak Calf Canyon and Black Fires where an estimated 70 acequias were damaged as well as other flash flooding around the state. This could help cover cost share requirements for FEMA or DHSEM programs.
5. **One time special appropriation to match Army Corp of Engineers earmarks for acequias.** In the recent federal budget bill, Congress appropriated \$9.6 million for acequias through the 1113 Acequia Program, which requires a 25% cost share. We recommend \$2 million to provide the required cost share.
6. **Increase funding for the Acequia and Community Ditch Fund (ACDF).** The ACDF was created in the 1980s to support acequias through the adjudication process. Acequia leadership has identified needs related to the complexity of negotiations as well as the need for continued funding for settlement implementation. We are proposing that the fund be expanded with an **additional \$250,000 per year** in recurring revenue.
7. **Support staff request for NM Acequia Commission** of 1.0 FTE to assist with policy analysis and recommendations as defined in their enabling statute.

### Positions on Key Water Legislation

8. **Retain Water Protections in the Cannabis Regulation Act (CRA).** The CRA enacted in 2021 include statutory water protections. This was in the form of a requirement that an applicant for a cannabis producer license has to demonstrate legal access to a water source. This is good for rural communities to prevent illegal use of water for cannabis, such as use of domestic wells, use of residential water from mutual domestics for commercial production, pumping water out of rivers without a water right, etc. NMAA will oppose any legislation that seeks to remove water protections from the CRA.
9. **Adhere to due process requirements in the Water Lease Use Act (WULA).** The OSE has been implementing an unlawful administrative practice of approving water lease applications through a process they have coined

“preliminary approval” that circumvents the protest process and violates due process. A recent district court decision holds that the OSE is not authorized to grant preliminary approval on water leases. NMAA supports legislation that adds clarifying language to the WULA that protects due process. NMAA would oppose any legislation that would seek to codify preliminary approval or expedited leasing.

**Endorsements of budget or policy initiatives:**

1. **Water Quality.** NMAA supports creating a Surface Water Quality Permitting Program. NM is only one of three states in the nation without a program and depends on EPA to implement permitting. This creates complications for communities dealing with water quality problems such as industrial pollution and municipal effluent. Funding recommendations are likely to be in the Executive Budget for establishing this program.
2. **River Stewardship Program.** NMAA supports expanded funding for the River Stewardship Program at NMED which is a versatile program that can be used for river restoration projects that benefit the watershed and downstream acequias.
3. **Forest and Watershed Restoration.** NMAA supports additional funding proposed by EMNRD for forest and watershed restoration. This is important to improve watershed health, reduce risk of catastrophic wildfire, as well as to engage in restoration projects in burn scars where erosion control and reforestation will be needed for years to come.