

Keynote Speakers Counsel Nurturing Natural Systems

Summarized from Conference transcripts



Courtney White, Quivira Coalition, keynote speaker

What are New Mexico's "Prospects for Sustainability in a Century of Uncertainty?"

That question, along with an appeal to "be provocative," was posed to two of the state's most distinguished environmental thinkers at the New Mexico Water Dialogue's 14th Annual Statewide Meeting earlier this year. Author and planning-with-nature advocate V.B. Price, and ecosystem restoration activist Courtney White of the Quivira Coalition, both suggest that human prosperity and survival in the arid southwest hinge on a renewed respect for natural processes.

"The growth economy of the American west, of modern America in general, is based on cheap water, clean water, and cheap and plentiful gasoline. Anyone in his right mind can read the tea leaves now. We are running out of cheap and plentiful water because of warming, waste, and overuse; and of clean water because of decades of hidden and denied groundwater contamination just starting to appear. This is all

and a new *ethic* will not have caught up with our needs. And our needs are likely to be severe." So says V.B. Price, whose urban planning background has left him somewhat pessimistic: "I come from a world in which nobody has listened to the plans everybody has made." Even so, Price believes we have access to the knowledge required to reverse environmentally unsound trends.

"We live among people whose ances-

happening at the same time we are running out of cheap and plentiful fuel. No matter how hard we try to adapt to this coming situation—and the powers of the status quo, I believe, are NOT trying to adapt at all—we will be left with a *transition*, a barren period where new technologies, new values, new laws, new politics,

tors have survived here from between 450 and 1,500 years or more... They knew how to be sustainable, and still do by and large, and yet we rarely, if ever, pay any attention to their extraordinary expertise and staying power... These survivor cultures *understood what the land could afford them, and what it could not, and resisted demanding more.* They engineered the landscape, to be sure, quite vigorously and thoroughly, but they never worked *against* it. They preserved their surpluses as best they could, as they knew hard times were always just around the corner, and they made sure their systems, particularly their water and food systems, had built in *redundancies*, so not everything would fail and leave them helpless. Times of plenty were times to *save*, not to spend." 'Sustainability' argues for designing *with* nature, not against it, says Price, who acknowledges "important contemporary thinkers from those traditions today who have already created a

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THE DIALOGUE

Summer 2008

The *Dialogue* is a publication of the New Mexico Water Dialogue.

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Layout and production:

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Printing:

Downtown Printing

Major funding for the *Dialogue* is provided by the McCune Charitable Foundation and the SB Foundation, with project support from the Seidman Family Foundation. Copyright ©2008.

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Updates from ...

Consuelo Bokum, President, Board of Directors

First, I would like to welcome two members to the Dialogue's board of directors: Jason John from the Navajo Nation and Alex Puglisi who works for Sandia Pueblo. We are very thankful to both of them for enriching the membership of the Dialogue's board of directors.

Since the last issue of this newsletter, the Dialogue held its 14th Annual State-wide meeting in January which focused on "Prospects for Sustainability in a Century of Uncertainty." This issue includes a summary of the key note talks by V.B. Price, one of the state's best historians and columnists, and Courtney White, president of the Quivira Coalition and - it turns out - a leader in educating people about the rapidly emerging energy crisis. We were very fortunate to have them both participate in our annual meeting. Once again, Lisa Robert has transcribed the conference, so you can find the full text of both of the talks and the rest of the conference on our web site.

Late last year, a recurring appropriation for updating regional water plans was deleted from the proposed budget for the OSE/ISC that was to be submitted to the legislature in January. When this was discussed at the annual Dialogue meeting, Rep. Andy Nuñez offered to carry a bill to at least get an appropriation for this year. The committees that heard his bill (HB 85) were very supportive, but the amount of money available was much less than in recent years and because most of the available funding was already committed, the bill failed. The Dialogue will be working with others to get \$345,000 added to the agency budget as a recurring item next year. This amount with the \$55,000 al-

ready in the budget would enable four plans to be updated each year. We need help getting this passed. If you can offer any help, please contact me at admin@nmwaterdialogue.org or call me at (505) 982-4342.

The board continues to work on several major projects. One of them is to figure out what is important to include in updates of regional water plans. There was a panel at the last Annual Dialogue meeting of regional water planners who talked about their experiences in four different regions and outlined what they felt was important for the next round of updates. Angela Schackel-Bordegaray, who works for the ISC on planning issues, and Patricio Garcia, an Interstate Stream Commissioner, joined the panel to add their perspectives and responses to the discussion. During this year, the Dialogue will continue work on this project. We would welcome addition input.

The Upstream-Downstream Project (see the web site or prior issues of this newsletter) drafted a statement of work, and DB Stephens and Amy Lewis are hard at work completing the outlined tasks. The two goals are to identify pathways to achieving consistency in the data between the three regional water plans in the Middle Rio Grande basin and to identify methods of assessing progress towards implementation of regional plans. This will be a first step in moving toward planning for a basin level that includes three separate regional water plans.

As I sit here editing this column, it is raining, finally, after weeks of dry and windy weather. The rain is comforting after a long dry spell.

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map for us to follow,” among them, Juan Estevan Arellano, Gregory Cajete, and Rina Swetzell.

In their 2006 book, *Canyon Gardens*, Price and co-editor Baker Morrow outline “nine preliminary but basic points about sustainability and survival strategies in New Mexico’s past, ones that have particular validity in a world of approaching scarcity.”

- Avoid disrespectful growth, growth that overbuilds, sprawls, builds in the wrong places and does not understand—does not *want* to understand—‘what the land can afford us.’

- Maximize sunlight in every way possible, to heat, to energize, to nurture. Sustainable building demonstrates maximum orientation to sunlight and an ingenious use of it.

- Orient buildings, gardens, and water ways not only to maximize solar efficiency, but to protect the site from wind, winter shadow, and prevailing storms, from climate forces that sap energy and undermine human works. (“We, of course, still insist on building anywhere.”)

- Practice the ‘precautionary principle.’ Sustainability in the past was achieved through redundancy, through over-preparation, meticulous planning, meticulous consensus-making, and through following the plans that were made and creating numerous back up situations. Redundancy in agriculture meant understanding every microclimate and micro ecology in a region, and growing food in every single, suitable place to ensure against total crop failure. (“As the win-

ter storm last year about this time showed us, *we can’t last a week and a half without trucked-in food.*”)

- Tend toward clustering rather than sprawling. Archaeological evidence shows that *encirclement* was the cohesive building strategy. Cluster, conserve, connect, minimize waste, maximize communication and solidarity by creating a built environment that is designed to protect and nurture people rather than moving them around.

- Use the landscape itself as a guide. Traditional builders and farmers almost never placed built environments on land they needed to grow food.



Carolyn Stephenson



**David Groenfelt,
Santa Fe Watershed**



**Beth Bardwell,
World Wildlife Fund**

**Michael Jensen,
Amigos Bravos**



Frank Titus, hydrologist

They were guided by what the land could give them. (“If there was a seep running along a little canyon wall, they’d plant in it. If there was a lovely arroyo with sweet water running off the hills, they’d never stick a *house* there—they’d put in corn, or beans or squash.”)

- ‘Waste not water.’ In marginal built

environments (“and I consider any human habitation in a desert to be marginal,”) sustaining yourself requires minimum waste and maximum reuse, requires making use of water as a productive instrument that goes into life-sustaining enterprises and is never merely a commodity.

- Never create blockages or build in such away as to stop the natural flow, particularly of water, causing it to back up, undercut, flow over and flood; never denude soil, thereby creating erosional cycles and dust plagues; never place waste in drinking water or anywhere near it. (“And clearly, never mine *in situ* uranium or drill for natural gas or oil in drinking water supplies!”)

- Create a seamless integration between the built, the tended, and the natural environments so that they work to reinforce our chances of wholesome and productive survival. Seamlessness also includes a politics of integration and inclusion.

Encouragingly, Price sees “an emerging new leadership community, with deep experience and knowledge, represented by long term efforts such as the Dialogue’s. This new source of leadership is our hope against the stagnant, stalemated world of conventional politics, which seems to take development, manufacturing, water quality, oil exploration and agriculture as somehow being separate, not integrated.”

Quivira Coalition co-founder Courtney White closely echoed Price’s appeal to heed natural parameters. Based on his earlier essay, “Seven Dollar Gas in the New West,” *Headwater News*, (www.headwatersnews.org), White ticked off a short list of archetypal changes we can expect as a result of the energy crisis: “Don’t bet the economic house on recreation in the future, especially long-distance tourism... The juggernaut of ex-urban and urban residential development is going to slow down, and I wrote this *before* the sub-prime issues started kicking in... Our subdivision economy is based on cheap fossil fuel, and when that fossil fuel is no longer cheap, what happens to that eco-

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economic model? I think that you'll see economic hardship, and this has already started flowing upwards. You read in the *Wall Street Journal* that we can handle hundred-dollar-a-barrel oil...but if you're at the *bottom* end of the economic strata, what does that mean to you? I think you're going to see more local oil and gas development. That's kind of a no-brainer." And of course, "Water will become more expensive.

Has anybody done an analysis of the cost of fossil fuel used to deliver water, to pump it and move it?"

White referenced oil financier, author and Peak Oil lecturer Matthew Simmons, who details the coming clash between the rising demand for oil and shrinking global supplies. Oil production has plateaued at 73 million barrels a day, while worldwide demand in 2008 is projected to be 88 million barrels a day. Simmons concludes that "peak oil is probably past tense, and there is no Plan B," and that issues like global warming are not the greatest risk we face because the energy-depletion crisis "is going to happen faster." (White recommends: www.energybulletin.net for more information.)

Recalling the famous Chinese curse, 'May you live in interesting times,' White said, "We *are* living in interesting times, and I think we all know this. I tend to call it the Age of Consequences. I think what we did in the 20th Century is going to 'get us' in the 21st Century... We're going to have to deal with all the consequences of our behavior, due principally to what fossil fuel did to our economy and our way of life. Now that's not bad—it's a pretty good world we live in today—but the question is, 'What's coming next?'"

The answer may well be "this idea of resilience. I think while we work towards taking the CO₂ cap off of climate change if we can, and other things, we

also have to build, at the local level, a resilient community, ecologically and economically... The definition of resilience is how you handle or recover from change. I think principally it means reversing ecosystem service decline. Globally we've got all kinds of issues related to ecosystem services—water, food, fuel... They're all in trouble for a lot of reasons. Figuring out how to reverse that, I think, is going to be the biggest conservation challenge in the 21st Century.



Legislative Issues and Funding Panel
Callie Gibson, Danny Milo, Celina Jones, Rep. Andy Nuñez

"You're going to hear more and more about how to re-localize our economies ... how to get food and energy locally ... Farm and ranch land will become important again *as* farm and ranch land. There was a study done about a year ago. A researcher looked at how much of a nation's population should be dedicated to food production. It's about 20% historically—the amount of a nation's population dedicated to food production. What are we at now, 2%? Maybe less. Not only do we have to keep the current round of farmers and ranchers on the land, we've got to figure out how to add another 18-20%!"

White predicts county governments are going to rise in influence, as part of that relocalization. He got that idea from Patty Limerick, a historian at the University of Colorado, who feels strongly that over the next couple of decades, the most effective political unit will be at the county level. White also predicts "new models of public and private partnerships on public land." Restoration, he says, will become "an important business... We know there's a problem.

What do we do to fix soils and riparian areas that are in decline? How do we get these systems back to health and make them more resilient?"

Guided by New Mexico's legendary riparian restoration guru Bill Zeedyk, White and the Quivira Coalition have been actively engaged for over a decade in stabilizing, repairing, and restoring "ecosystem services on which human well-being depends." What that requires is getting the word out and building the capacity to do ecosystem restoration

work at a local level. "There are lots of watershed groups. How can we get them the resources to stay in business? We're trying to figure out how to do conservation as part of a business plan, how to make restoration work economically, so it's not always dependant on gov-

ernment grants, on philanthropy, or always a by-product of some other kind of agricultural activity. How do we make it pay in a positive way? And then, ultimately, it's about relationships. We *can* reverse ecosystem service decline. We're doing a tiny bit of it in just a couple of places, but I want to give you a sense of hope. We've got these challenges and they're going to get worse, but we've got a toolbox that works pretty well."

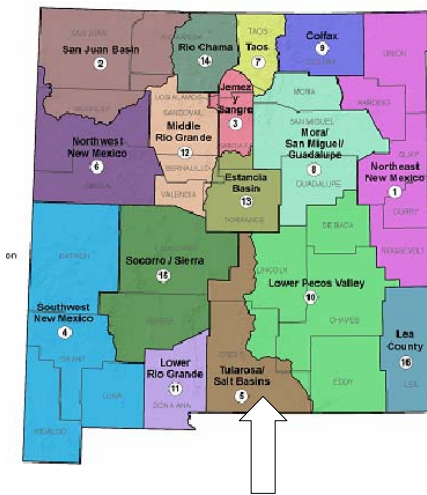
In conclusion, White paraphrased John F. Kennedy. "I think this represents the change that is happening between the 20th and 21st centuries... to ask not what the land can do for you. That has been the dominant paradigm: what can the land do for us? Provide us water. Provide us food. Take minerals, take this, take that. I think in the 21st Century we're going to ask instead what *we can do for the land.*"

[A complete transcript of the 14th Annual Statewide Meeting is available on the Dialogue's website, at nmwaterdialogue.org]

Reports from the Regions

Supply and Demand in the Salt and Tularosa Basins

by Elaine Hebard



Despite their small populations, the Salt and Tularosa basins face stresses similar to other water planning regions: supply not meeting projected demands; concerns about over-pumping; and friction with neighbors over covetous plans.

Declared as a basin in 2000, the Salt's estimated recharge is about 34,500 acre-feet per year (afy) on the New Mexico side, and 20,000 afy on the Texas side. The Sacramento Mountains supply a major portion of the groundwater that flows into the southern part of the basin and Texas. Population on the New Mexico side is expected to grow from 700 in 2000, to 1400 by 2040. Dell City, TX anticipates an increase of from 780 to 830 in the same time frame. Between 30 and 50 percent of the groundwater pumped for irrigation filters back into the aquifer, so a significant portion of basin usage is ground-water mining. New Mexico is responsible for about 11,242 afy in groundwater withdrawals, while Texas pumps about 100,000 afy. Some claim the latter use is causing the aquifer to decline; an annual one-foot drop in water levels has been observed along the state line. The neighbors manage their common resource under different legal regimes, making it difficult to coordinate administration of the basin.

In addition to existing water rights, applications are pending for another 150,000 acre-feet. Requests have been filed to extract additional groundwater, or to change present uses in order to pipe water to urban centers on both sides of the state line. The communities of Alamogordo, Chaparral and El Paso all include the possibility of obtaining water from the Salt Basin in their respective plans. At the same time, New Mexico's Interstate Stream Commission suggests water from the basin might be used to meet Pecos or Rio Grande Compact obligations. Concerns have been raised about potential oil and gas contamination of the aquifer beneath Otero Mesa. Such pollution could affect plans to use the Salt Basin to meet future water needs.

To the north, the much larger Tularosa Basin encompasses approximately 3.2 million acres in south-central New Mexico's northern Chihuahuan Desert. The basin is encircled by mountains, some as high as 12,000 feet. Estimated recharge for the Tularosa Basin is about 106,500 afy, not counting what is removed from aquifer storage. Seventy-five percent of the diversions come from groundwater. As the Tularosa and Great Salt Basins Regional Water Plan notes, although only a third of the annual recharge is withdrawn, to conclude that there are no water issues would be highly misleading. Serious local water shortages exist at the present time. One reason for this inconsistency is that the freshwater recharge mingles with highly saline water. "With some type of desalination processing of the water, essentially an infinite supply is available. This situation is the motivation for utilizing desalination as a major alternative to deal with drought conditions, to allow for growth, and to isolate the supply of water as much as possible from the variability of precipitation year to year in this area."

Closing the Gaps

Alamogordo's 40-year water plan regards reliance on surface water as "problematic under drought conditions"; adequate sur-

face water is not available to meet increasing City of Alamogordo's demands; the pumping of any additional fresh groundwater in this area is limited; and the city faces challenges to its existing water transmission pipelines from the surrounding canyons. The plan notes that the city has "implemented conservation measures and utilized reclaimed water to reduce potable water demands by more than three million gallons per day. Besides landscape watering restrictions, green-space irrigation with reclaimed water, and other acceptable water conservation measures, an aggressive water rate structure has been imposed to force reduced consumption. These measures have resulted in the City of Alamogordo having one of the lowest per-capita water use figures in the Southwest. The city is operating beyond the maximum water use restrictions acceptable to the public at the current time." Although it considered piping water from the Salt Basin, Alamogordo instead chose to address the "urgent need for new water supplies, management flexibility, and for the conjunctive management of separate sources of surface and groundwater made possible by the Alamogordo Regional Water Supply Project (ARWSP)." The plan to pump saline groundwater from a well field north of Tularosa originally drew a number of protests, but these have recently been denied by the District Court, and currently, the EIS process continues. The project is expected to provide between 2,860 and 7,200 acre-feet of potable water over the next 40 years, and includes a bulk water purchase agreement with the Village of Tularosa. In addition to Alamogordo's plans, El Paso's desalination facilities produce nearly 31,000 acre-feet annually, and Sandia National Laboratories and the U.S. Bureau of Reclamation have collaborated to operate the Tularosa Basin National Desalination Research Facility, providing a research and pilot site for

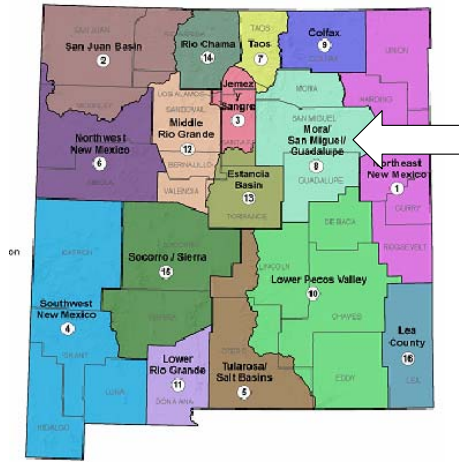
existing and new desalination technologies.

Another of Alamogordo’s water sources technically lies in the Pecos watershed. The waters of Bonito Lake serve Holloman Air Force Base and the City of Alamogordo via a 90-mile pipeline. Rights to this early 20th century interbasin transfer have been legally established, but future tension may arise as existing water supplies and rights fail to meet the projected needs of the village of Ruidoso. Options in Ruidoso’s 40-year water plan to close the gap between supply and demand include obtaining water from Bonito Lake, or piping it from the Tularosa Basin.

Another community straddling watershed boundaries, Cloudcroft has its own gap between supply and demand, and nowhere to pump *from*. Like Ruidoso, Cloudcroft has only a small number of full-time residents, but the resort town swells on summer weekends. Tourists can use more than a third of a million gallons of water on a single hot Saturday, but the village’s major wells produce only about 150,000 gallons a day. To make up the shortfall, the village has resorted to hauling water, which is expensive, inconvenient, and energy-intensive. Now, with the help of universities and state funds, Cloudcroft plans to implement complete re-use of its municipal effluent. After conventional treatments that settle solids and remove pathogens, the plant will use multiple filtration methods, including reverse osmosis, to remove chemical contaminants. The water will then be sent to a lined reservoir, mixed with groundwater pumped from village wells, and run through a final reverse osmosis process before distribution to the community.

"Start with the End in Mind"

by Frank Splendoria



water planning process is NOT a formula for success in my rural area of New Mexico. To be successful, I believe we need to add a third element, i.e. a Local Implementation Plan. The ISC could help us develop a local plan as they did the regional, but it would differ in one critical way. These local plans would identify specific tasks to be done, time frames for execution, and assign responsibility to the respective local entity for action. In contrast to the State Water Plan which is a policy document, and our regional plan which simply lists issues, provides a non-definitive description of water resources, and some ideas to consider for implementation, the local plan would be one of action.

As per author Stephen Covey in his book *7 Habits of Highly Effective People*, we must “Start with the End in Mind.” As a state we must create an unrelenting focus on implementation of water solutions in our local communities. We can only count success when water problems are actually solved, NOT, I repeat NOT, when we simply update documents.

As a parciante on an acequia in Mora County, it’s good to know we have a State Water Plan and a regional water plan. It’s good to know that our acequia has up-to-date bylaws and a good commission. But the most important thing to me is opening the ditch and putting water on my fruit trees and pasture.

In summary, once we plan, we must then IMPLEMENT. That’s what’s missing in the current water planning process, and that’s what needs to be added. The next step after a regional water plan should be a state-funded, locally developed, implementation plan.

Ralph Waldo Emerson provides a good summary for all of this: “Good thoughts are no better than good dreams, unless they are executed.” My point, exactly.

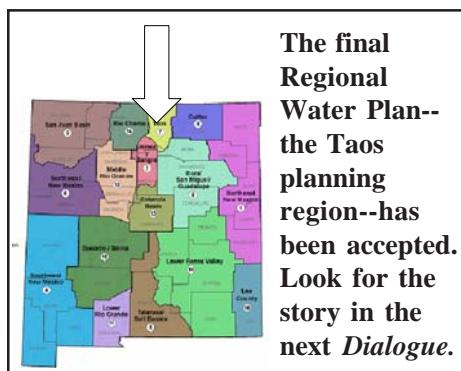
From my perspective in San Miguel County, water planning in New Mexico seems like virga. You can see the State Water Plan, and the Mora-San Miguel-Guadalupe Regional Water Plan sitting on the shelf, just like clouds in the sky. And, like those evaporating raindrops, few changes on the ground.

The Interstate Stream Commission ends the water planning process when a single or multi-county, “regional” plan is completed. But actual resolution of water problems in our part of the state is local, not regional. This may be bit harsh, but it’s almost as if state does the “Pontius Pilate routine” when the Regional Plan is done, and walks away when we most need its help.

Our three county regional water plan was approved almost four years ago. We were told to form a committee, which we did, and make things happen. We were given no resources, no money, and, of course, no authority. And as expected, very little if anything, has changed.

Though local governments have the authority and responsibility to implement water solutions, they often lack the expertise and money to do it, not to mention local politics which can and does get in the way.

Bottomline: The state’s current state



Cases to Watch

Judge Rules Domestic Well Statute Unconstitutional/State Engineer Appeals

by Consuelo Bokum

For much of the 20th century, the assumption was that groundwater would provide enough water even when rain and snow weren't plentiful. As the state faced the reality of limited groundwater supplies beginning sometime in the 1990's, the "domestic well" statute became contentious. The statute requires the state engineer to approve automatically all applications for "domestic wells," and it was passed in 1953 to ease the administrative burden on the office of the state engineer of reviewing those applications for impairment to existing users for what was considered *de minimis* uses.

For many years, domestic well applications were numbered in the hundreds and this administrative practice seemed to work, but as the number of new domestic wells permits approved automatically grew to four and then eight thousand a year, concerns grew that these automatically approved wells were beginning to impact existing users and supplies needed to meet interstate stream compact delivery requirements.

Six of sixteen regional water plans indicated concerns about the uncontrolled drilling of domestic wells, and one additional plan was concerned about the water quality problems resulting from domestic wells. A domestic well bill that would have prevented the uncontrolled drilling of new wells in vulnerable areas was considered and defeated by the legislature each year from 2002 to 2005 despite increasing state-wide support. In 2006, the office of the state engineer adopted rules that would have allowed the state engineer to prevent some of the negative impacts, but he has yet to implement the provisions in the rules.

With no protection coming from the state engineer or the legislature, Jo and Horace Bounds filed a lawsuit seeking to prevent loss of the use of their water rights in the Mimbres Valley of New Mexico. On July 10th, District Court Judge J.C. Robinson agreed with the Bounds. He ruled that the domestic well statute was unconstitutional and required the state engineer to give domestic well applications the same scrutiny required for all other applications for new water uses. On July 23, the state engineer appealed Judge Robinson's decision, and the judge's order that it was time to subject applications for domestic wells to review for impairment was stayed.

It is likely there will be one or more bills that address domestic wells during the next session which is likely to occur before a decision from the New Mexico Court of Appeals and certainly before a ruling from the New Mexico Supreme Court.

State Engineer must look at extinguishing water rights

by Elaine Hebard

In late 2006, the New Mexico Supreme Court set aside an OSE decision to approve a transfer of surface water rights from Valencia County to be used as an offset for groundwater pumping in the community of Placitas in Sandoval County, some distance upriver, and many feet above the floodplain (see *Montgomery vs. Lomos Altos*, 2007-NMSC-002, 141 N.M. 21, 150 P.3d 971, www.supremecourt.nm.org/pastopinion/VIEW/07sc-002.html)

The Court held, among other things, that an impairment analysis must include both a consideration of existing water rights and the extent of depletion at the move-to location, and when making such an analysis, the OSE should consider all existing water rights at the move-to location, whether or not they were involved in the protest, or formally extinguish the rights, through a forfeiture proceeding or an abandonment action. The court's concern was that "by not formally extinguishing these non-party declarants' water rights, the State Engineer risks over-appropriation of surface water at the move-to location."

Because this case had been decided on a motion for summary judgment, it was ordered back to the district court for a *de novo* proceeding to (1) consider all existing water rights at the move-to location or extinguish those rights; (2) determine the extent of depletion at the move-to location and whether that depletion constitutes impairment of existing rights; and (3) determine whether the applications are contrary to water conservation or detrimental to the public welfare of the state.

Since the Supreme Court decision, Lomos Altos has filed to have the status determined for all water rights utilizing springs in the region, and water-right holders have been given 30 days to show why their rights should not be abandoned. Of interest will be how the district court determines whether the applications are contrary to water conservation or detrimental to the public welfare of the state. A trial is tentatively scheduled for November, 2008.

Lucy Moore Receives Annual Award



Dialogue Board members, past and present, and former staff members, come forward to root for Lucy Moore. Conci Bokum, Dialogue president, is at the podium. Michael Benson, far left, presented the award.

Lucy Moore, a founder and animator of the New Mexico Water Dialogue, accepts Dialogue's annual award. Charlie Lujan adds his support.



Lucy at work.

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