

MORNING SESSION

WATER CONFERENCE PANEL DISCUSSION

May 3, 1979

Panel Members:

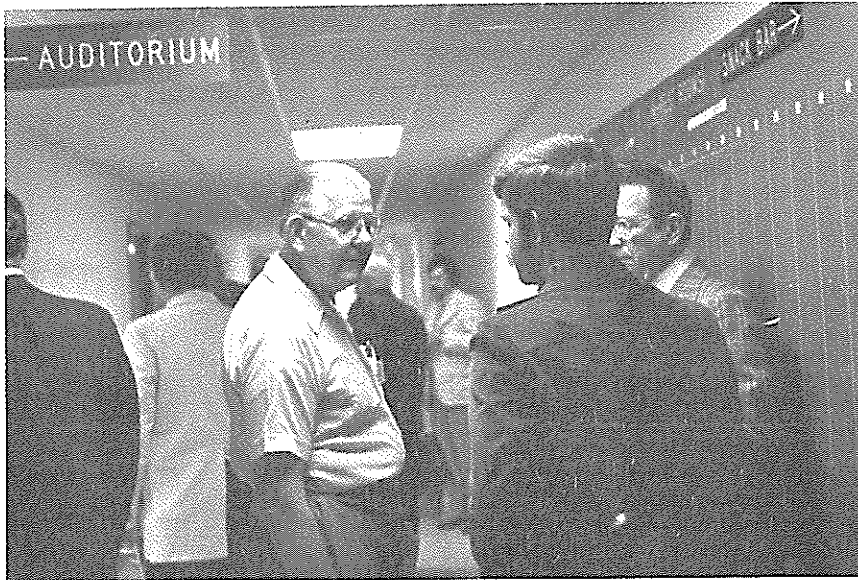
Mr. Gerald Seinwill, Deputy Director  
U.S. Water Resources Council

Mr. Steve E. Reynolds  
New Mexico State Engineer  
New Mexico Interstate Stream Commission

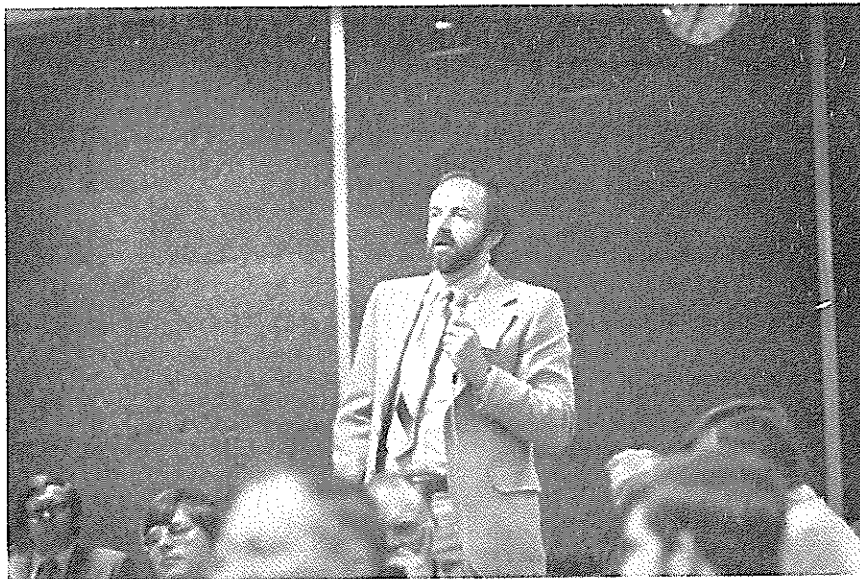
Mr. Hal Brayman, Professional Staff  
U.S. Senate  
Environmental and Public Works Committee

Dr. Garrey E. Carruthers, Professor  
Ag. Econ. and Ag. Business Department  
New Mexico State University

Moderator: Ms. Jo Carol Ropp  
League of Women Voters



Productive discussions took place during the breaks as well as during the formal sessions.



Questions from the floor.

PANEL DISCUSSION - MORNING SESSION

- Jo Carol Ropp: In order to get things started, I will ask the first question. Does the federal government have any interest at all in managing state water resources?
- Gerald Seinwill: The federal government has a very positive interest in seeing that state water resources are managed, but by the state. Some states are doing a bang-up job; others are not. We obviously aren't going to name the names, but we are going to make the opportunity available to people who want to do better, to do a little more. We are essentially saying that we'll cost-share dollar for dollar with your increased effort.
- Jo Carol Ropp: Anyone else care to respond to the question?
- Steve Reynolds: I might add this to it. I am pleased by the apparent retraction of a position of the federal government in early 1977. I think it has become clear to the federal government that the states are capable of managing their water resources. I think the fight is not over yet.
- Al Utton: I have a question for Hal Brayman. You talked about the need for getting the states more actively involved in the establishment of priorities, and also of getting rid of benefit cost approaches. Would you care to elaborate on how we might involve the states more on the priority establishment?  
(University of New Mexico Law School)
- Hal Brayman: Well, there are all sorts of ways to do this. A very simple way would be to evolve the current program into a state block-grant program, somewhat the way the EPA program is, and require that the state develop a priority list for the work that goes on within the state. This would require that the state make the judgement as to where they wanted to spend their money, rather than leaving that to the ad hoc approach of whether funding happens to get into the appropriations bill. Just make a certain amount of money available to the state every year and say, "Here, go to it!" Now, that's not necessarily the only solution, but it's one that would involve the state a great deal more than they are currently involved. It would enable the states to determine their own priorities and go after those priorities at the pace they wanted to. If the state wanted to spread the money out over ten projects in a given year, it could do that. If you wanted to build Brantley in two years you could

go out and say that Brantley is the biggest thing, the most important thing that we have to do, and we are going to build Brantley by the end of fiscal year 1980. Now that may not be a particularly good example, but giving that kind of authority and responsibility to the state probably, in the long run, would produce better projects than a perpetuation of the current confrontation with the executive -- this "pork barrel" approach -- that we currently have.

Wayne Hall: I cannot resist the opportunity to respond a little bit farther to that question.

Jo Carol Ropp: Would you state your name, please?

Wayne Hall: I'm Wayne Hall, Chairman of the Missouri River Basin Commission. While I concur with the concern I think I hear from both of these gentlemen about the way we are now doing business and setting priorities, I would hesitate to sanctify, at this conference or anywhere else, the block-grant approach that we have used with EPA. In fact, I think GAO had some reports condemnatory of that process that they have prepared themselves. It is one approach, however, I do agree with that. I think it is not an approach that people from New Mexico would find very acceptable. It would, in fact, reduce itself back, sooner or later, to the same kind of, I believe the expression was "pork barrel" that we have seen in the past. When these block-grants are created, they won't be created on the basis of what New Mexico needs or what Utah needs or what New York needs, they'll be created on the basis of political power. They'll be created on the basis of authorizations and appropriations developed by Congress, and that will be an expression of political power. There are other processes of sorting out priorities. The administration has suggested one in the cost-share proposals. I think, from what I have learned, that that proposal is hardly acceptable to anyone among the states. I think it will be dealt with in that way, but it is one attempt to get at the question of priorities. Another attempt to get at priorities is through the regional approach that was written into the Water Resources Planning Act of 1965. It was required that if the states agreed to enter into a regional body with the federal agencies working in that region, they would then be required to work collectively to set priorities, first in the states of the region, and then in the region, and then those priorities could be so named, so identified and then built in from the ground up into the agencies' budgets. That has yet to work very effectively, but I believe it is beginning to work. I see some signs

that that is beginning to happen. That would have cut off the "back door" approach to the powerful interests to powerful people in Congress, and that sort of change was not really wanted. I feel that the current debate over cost-sharing and other elements of the national policy will eventually lead to some sort of compromise that does cut off that back door approach. I think that's really the agenda before the nation right now in regard to setting priorities.

Jo Carol Ropp: That almost turned into a mini-speech. Would some of you like to respond to that? Mr. Brayman?

Hal Brayman: I was just going to say one thing - you imply that New Mexico is getting more than its fair share now of the dollars and therefore don't mess with the system. New Mexico, I think, in the fiscal '80 budget, with all the water development programs, the Corps, the Bureau, etc., is getting something slightly over one-half of one percent of the federal investment in water resources. Now when you consider that New Mexico is approximately three percent of the land mass of the United States and that its population is approximately a half of one percent of the population of the United States, any formula that creates some emphasis on land alone will give New Mexico two or three times as much money a year as it's likely to get under the current system. While you say a block-grant approach might not work well for New Mexico, and I'm not saying there's anything magic about a block-grant approach, but a block-grant approach probably would dramatically increase the money available to the state of New Mexico from the federal government every year for water resources development.

Jo Carol Ropp: Anyone else care to respond? Steve?

Steve Reynolds: Just a couple of points. First off, if you transfer to the states the power of decision as to what project and when, you are going to create some unmanageable interstate problems. We would be very concerned about Colorado, Texas, Arizona, what they might do without our having some political voice. The next problem would seem to be, what does this cost the states. I think it's implicit that in a block-grant program, using EPA as the analogy, you are looking at 25% local cost, which is not minimal. But, more important, the bottom line, this would seem to shift, that is allow the state to set its priorities as to Brantley, Hooker, Animas-La Plata, for example, it would seem to shift the political benefits and costs in the "pork barrel" sense, from the federal to the state level. I'm not sure that that would be better, and I'm not sure that many senators would want it that way.

Jo Carol Ropp: Anyone else care to respond? I think there's a question over here.

(Resources  
Conservation  
Co. of  
Seattle)

Terry O'Neal: I see that I have missed 23 previous conferences. I wonder if some or all of the panel members would be so kind as to define or expand on the projected situation at Alamogordo. Is there a - can someone tell me what is going to happen there in the next years.

Hal Brayman: You are talking about the saline program?

Terry O'Neal: Yes, I am.

Hal Brayman: The Office of Water Research and Technology came up with a study identifying, I think it was 38, project proposals for the saline demonstration programs around the country. The top priority project was Virginia Beach, Virginia, and the second priority was Alamogordo. They've indicated that they are going into more active design on those two projects and the estimated cost, as rough as you can get it at this point, is \$3 to \$4 million for Alamogordo and \$6 to \$8 million for Virginia Beach. I guess my answer is that we hope we can get some funding so those projects, both of them but particularly the Alamogordo one, can begin construction work toward the end of fiscal year 1980, so that the project can be built sometime early in the 1980's. Whether that will happen or not will depend basically on whether or not we can get an appropriation.

Terry O'Neal: Sir, could you expand on your word "demonstration"? What do you mean by that?

Hal Brayman: Demonstration is a word the Congress uses to go ahead with something when Congress is afraid the public may fear a regular program would become too big; they call it a "demonstration." What it is designed to do, at least in theory, is to demonstrate in three, four, or five areas of the country, a practical application of saline technology that then can be picked up and used elsewhere by showing -- in Garrey's sense that now that it is practical -- let's go ahead and do it. We've proven the economics of it, other cities can go ahead and do it on their own. It's something less than a program that is available to everybody; it's a program that's supposed to have a short life and do a few things and then disappear. Of course, as often happens in demonstration programs, they begin to snowball and five years later they become national programs. I don't believe that's the intent of this program. The intent is to actually get out and show that this can be done.

Jo Carol Ropp: Anyone else care to respond?

Steve Reynolds: We might go just a little further on that one, if I may, and Hal, you may help me. The construction costs would be borne by the United States. The community is responsible for providing rights-of-way, easements, electric connections, a water supply, and disposal of the brine effluent from the plant. This demonstration would go on for, as I recall, three to five years, and after that time the community would take over and operate and maintain the plant and bear all costs. I'm not quite as cynical as Hal about it. I think demonstration simply means to take a proven technology and then prove it in practice.

Jo Carol Ropp: Any other questions?

Ernest Steinhoff: I've been singled out as one who promotes desalinization. I, in fact, do. I have had a plan in my office going from 1955 to 1957 which desalted water in several locations, and at that time it was not at all as successful as one had hoped, but I think it gave us quite a bit of hope. I would say that the state university now has a medium-sized demonstration plant. The New Mexico Research Institute has about a thousand gallon per day desalting plant on a loan basis for its work. I think that both ways to look at the direct use of salty water for all kinds of economic projects are necessary. It is also necessary to go on into desalting, because I can see a lot of things which can positively contribute to the economy of New Mexico if we desalt the water. I think I will pick up the club here which Garrey threw, that we compete in both of our areas. He, using the salty water, and promoting the plans for better genetic efforts, which amounts to teaching the plant to use more salty water. I think I will continue to promote getting the salt out of the water and using higher quality water for drinking and agriculture. I think both of these uses are uses which, in the long run, will promote the economy of this area and also promote the crop yields which we can achieve. Thank you.

Jo Carol Ropp: Questions or statements? Mr. Ogaz?

Adrian Ogaz: I guess we all realize that the biggest problems of water are either flood or drought. I see some people here from Washington, and I was wondering what the status was of the project they had about five or six years ago of getting water from the Missouri Valley Basin and the Columbia Water Basin. They were trying to get some of that water into the  
(Mesilla Valley Farmer)

Southwest; Texas, New Mexico, and Arizona. That was pretty "gung ho" at that time, about seven or eight years ago. Now, I haven't heard anything about it. What happened to all that study and research that was done on that project?

Hal Brayman: I can answer that two ways. First of all, the Columbia River diversion is probably the one example of true thought control by the Congress. They legislated and said that no member of the Executive Branch is allowed to think about such a horrendous idea. That legislation was sponsored, surprisingly, by a senator from the state of Washington. I think the ten year period expired, or is about to expire, so that maybe people can start to think about that again at the federal level.

Steve Reynolds: It was to quit at ten, but they have set it up for another ten years.

Hal Brayman: In connection with the Missouri, I think the Ogallala study that the Corps and the EDA people are doing now, at least in theory, is going to consider possible transfers out of the Missouri. As I understand it, only ten to fifteen percent of the Missouri water is allocated now, so there is a potential to move a great deal of water out of the Missouri to other regions. Whether that is ever likely to happen is hard to say.

Steve Reynolds: I might add to that. The Corps of Engineers has undertaken reconnaissance studies for possible transfer from areas of surplus to the High Plains, so that will go ahead. Some of you may recall that Senator Domenici introduced the bill that set up this High Plains Study in the six High Plains states, and authorized appropriation of six million dollars for that study which did include importation from areas of surplus to the High Plains. That study, after some delay, is rather active and going ahead.

Jo Carol Ropp: Any other responses?

Gerald Seinwill: Maybe just a facetious comment, but Garrey asked for my help to get some emphasis on research. I'd be happy to work with him. If he can develop that salt-resistant tomato, we'll get the Department of Agriculture to name it "Salty Pete," and maybe we can get the public works image over to something else and get political support for research.

Garrey Carruthers: Pete Domenici will take all the promotion he can get.



- Jo Carol Ropp: Some other comments, or maybe statements, from our audience?
- Randall Hanson: Would Mr. Seinwill please reply to a comment by Steve Reynolds that the mining doctrine is not evil, and how the federal policy is developing around that, especially with respect to reduction of costs of water rights litigation in interstate cases and Indian affairs.
- (W. K. Summers & Assoc. - Socorro, NM)
- Gerald Seinwill: (to Steve Reynolds) Did you put him up to that?
- Steve Reynolds: No, I think he's running at me, and doing it through you.
- Gerald Seinwill: Steve says that we say that groundwater mining is intrinsically evil. I hope that's not the case. Our concern is that, if states mine groundwater with the hidden agenda that as soon as it is gone they can turn to Uncle Sugar and come in with a federal fixit project, then there is indeed a federal interest. Mining can be, is necessarily, a wise and proper use in some places, if it is coupled with a follow-on program. The problem we are facing, or will very soon face, in the High Plains is that we have mined groundwater from the Ogallala with wild abandon, with very little attention, if any, to what we are going to do when the proverbial well goes dry. The major study that's ongoing out there now, as I understand it, is not so much a technical study of the groundwater itself, but of the economic impacts of what is going to happen to those farmers and that economy when that aquifer is dried up locally and regionally and, hopefully not, totally. So we are not saying that groundwater mining ought to be never looked at or used, but we are saying that you ought to look at it with both eyes open and without assuming that there will be some bail-out coming shortly after.
- Steve Reynolds: I'd only take exception to two words - those are "wild abandon." I don't think that's the nature of groundwater mining in New Mexico from the Ogallala or in the other Ogallala states. I think that the farmers, the people that have invested money in it have gone into it with their eyes wide open. Certainly, it has been a subject of discussion in New Mexico for forty years, I'm sure. Everybody knows what they are doing. You've made two or three generations of livelihood for families and contributed a great deal to the balance of trade between the United States and foreign countries, so I think that it is no more unwise than mining oil, coal, gold, or anything else. Everybody knows that when it's gone, you quit, and you find something else

to do. Obviously, we are going to leave the door open for "Uncle Sugar" to come help and see what we do with those people who have contributed so much. I dare say it's going to be more economic to bring water from the Arkansas River than to send those people back to the New York welfare system, and we'll give you an opportunity.

Jo Carol Ropp: Any other questions? There's one over there.

Rayford Guffey: I'm an old well driller without rhetoric or diction or delivery, but I'd like to ask a question with your permission, pertaining to the livelihood of the waters in the aquifer of this valley. My questions include withdrawal, recharge, construction, and storage. I think there have been a few panic buttons pushed. I've read articles in the paper where hydrologists said we are going to be completely without water in a few years, but it's just as simple as monitoring your water level. You can go out and watch the Del Rio Drain, the flow of it is still there, some of these other drainage ditches, if it is not running at present you can dig down with a shovel a foot or two and hit water. I don't think we have touched these subjects in these meetings about this rich valley. They use the Ogallala and up there in Arizona a speaker suggests it's down 160 feet. In this valley our transmissibility and recharge is very great. These panic buttons these people are pushing, I don't think that we should compare this valley with the other valleys without monitoring the capabilities of this valley. Thank you very much.

(Guffey and Sons Drilling Contractors)

Steve Reynolds: Obviously you should not compare this valley with the Ogallala formation on the east side of New Mexico. This is not a groundwater mining situation. There's an intimate relationship between the aquifer and the river, and there are abundant supplies in storage in this valley. But you must recognize that groundwater withdrawals here do affect surface flows and if too concentrated, not wisely distributed, could have mutual interference between groundwater users. But clearly, it is not an Ogallala situation.

Jo Carol Ropp: Anyone else have a comment or want to ask a question? Mr. Dawson?

George R. Dawson: I don't have a question. I just want to make a comment. We've observed something this morning that's of interest, I think, and I wouldn't want it to slip by. We've had our first speaker who originally came from a state and took a posture on the national water plan when he was a statesman. When he became a bureaucrat he took a totally opposite view, and I think we want to take note of the expertise of our statesmen in New Mexico, and if we play our cards right we'd better make sure

he stays here to counteract those who do move to Washington and change their posture.

Steve Reynolds: There's no way they would have me in Washington. I'd like to make one comment here and sort of volunteer. I'm surprised that somebody hasn't challenged the apparent contradiction in my position that we don't want any federal money in water management, but we want a bunch of federal money and federal help in water projects. There's a certain conflict there, but there's an explanation for it. When a federal water project is authorized, the law carefully limits the authority and discretion of the agency that is going to construct and operate it, and the state plays a major, if not determinative, role in what the law says, both looking after its own resources in New Mexico, as well as the interstate relation involving those waters. They are two much different propositions, although apparently in head-on conflict.

Jo Carol Ropp: Some other questions from the audience?

Al Utton: I'd like to just follow up, Steve, on your last comment regarding the block-grant approach that Hal has talked about. Do you see that approach as offering more danger for federal intervention or intrusion on water planning and decision making in the state, or less?

Steve Reynolds: Certainly not more, as described by Hal. It could be less, but it confronts some serious problems over the interstate considerations. I think that's where you are going to get into the most serious problems - if you turn any state loose to build whatever projects it wants to whenever it wants to build them. I don't know what recourse the states have except open warfare, and I don't think you'd advocate that. If you turn them loose, that's what you'd have. The National Guard, in New Mexico's history, has been sent down to the Gila River to control the gates down there. That was a long time ago, but these interstate problems can't be brushed aside.

Al Utton: Would you care to give an example, a hypothetical example?

Steve Reynolds: No.

Jo Carol Ropp: We have another question here.

John Vandertulip: I'd like to get back to your title of the program, "Will this policy work in New Mexico." Because of the diversity of water problems throughout this country, would a policy that worked in New Mexico work in New England and vice versa?  
(El Paso)

Jo Carol Ropp: That's a good question. Who wants to respond to it?

Gerald Seinwill: That ought to be my job, I guess. Well, it has got to. We have got to make these decisions about whether we are going to invest more in New Mexico and less in New England, or in neither, and put it all in Minnesota. As Hal has pointed out, there is an awful lot of back-scratching going on in making these decisions now. Our approach recognizes that that will continue and maybe is proper when what we are doing is spending each other's money to what we hope is our mutual benefit. The President, I think, initially was motivated by the fact that we could do this a great deal better, and that we could, within the same limits of that \$5 billion annual investment or in that range, by proper project selection, adding some state management and some new approaches to solving our federal water problems, that we could buy more solutions for the same money. So the policy, perhaps one of its faults is that it glosses over some of the differences between regions, but it does recognize that those differences exist and, at least on the state basis, permits each state, within what I think are some very reasonable guidelines, to tailor-make that state water management program that they will be cost-sharing for and to tailor-make the water conservation technical program that they want, so it meets their needs as perceived by the people in that state. I think we've tried to leave flexibility without total looseness and just a grand undisciplined giveaway.

Jo Carol Ropp: That's such a good question to end the morning session with. Would some of the other panelists please respond? Oh, I'm sorry, there is another question. I beg your pardon, sir.

Willie Abeele: Could you please tell us more about the impact of  
(Los Alamos  
Scientific  
Laboratories) continuous use of saline waters on soils?

Garrey Carruthers: No, I can't personally do that. Dr. Wierenga, who is here and an expert in that area, might be able to help you with an answer. I don't think we know all the answers. Dr. O'Connor, also from agronomy, is versed in that subject. I can't respond, however.

Jo Carol Ropp: We'll get the two of you together after this morning's session. Would anyone else like to follow up on that last question that Mr. Seinwill responded to? Are there any further questions before we break? No? Then we'll see you back here at 2:00 this afternoon.