

WHO ARE THE OUTSIDERS?

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Who are the outsiders? I've picked that title because while it sometimes seems that we are surrounded increasingly by outsiders, demanding scarce New Mexico water, the designation as outsider also seems a matter of perspective. How well we solve the current problem of surplus on the Rio Grande, as well as how well we solve the larger water issues hanging about the periphery, may turn on how we view this matter of outsiders and insiders.

In a normal year, this conference would be on some other topic and we would not be here. New Mexico is seldom wet. Our problems began in 1985 with a heavy snow pack and, then, high rainfall right through the summer. Last winter seemed better at first but southern Colorado got high snowfall and then unseen tectonic motion apparently moved New Mexico into an equatorial rain forest zone. Have you ever seen such rain? The range has been green all summer. Of course 1985's water didn't just disappear, much of it still sits in reservoirs along the Rio Grande system. What will the winter of 1986-87 bring? Well, this hasn't exactly been a dry October.

For a moment, let's review some of the events and issues that got us here. When the water came in 1985, downstream farmers felt great. Not only did the reservoirs from Elephant Butte to El Vado swell, but most got extra rainfall directly on their fields. With reduced irrigation demand, the bonus proved even bigger. Many, however, worried about letting go of any of that God-given bounty. Seize the opportunity, said farmers.

Of course, opportunity cuts many ways. The Bureau of Reclamation, for example, had its own problems, mainly not enough capacity in the Rio Grande channel below Elephant Butte Reservoir. Unable to release even an amount of water equal to the reservoir's inflow, the bureau let the whole river system back up. Last winter's dredging eased the problem somewhat by boosting channel capacity to 5,000 cubic feet per second. But that does nothing for the extra water already being held in the system.

Upstream in 1985, the surplus was seen as less than a blessing. Lakeside residents watched land go underwater, boaters saw favorite rapids drowned, perch trees used by wintering bald eagles were killed and the state scrambled to save its small recreational pool at Elephant Butte. That water, being last reserved, would be the first lost if a spill had been required. To save the pool, the water was traded through water accounting to Abiquiu and later Cochiti

reservoirs upstream. That, of course, simply sharpened the debate between upstream and downstream interests over how to manage the surplus. (Since then, the recreational pool has been spilled and lost.)

The surplus had other effects. The most important was the cancelling of all debts under the Rio Grande Compact for Colorado, New Mexico and Texas in 1985 and 1986. And while that gave Colorado farmers relief, it also aggravated the management debate. Non-farming interests along the Rio Grande accused the Compact Commission, the Bureau of Reclamation and the Army Corps of Engineers of engaging in an unspoken conspiracy to zero out compact debts -- regardless of the effects on other riverside uses, such as wildlife and whitewater boating.

Who was right remains a lingering question. The most interesting aspect of the water surplus, however, was the nature of the debate. Water, as we all know, is for fighting and the surplus had a way of setting off battles better than cannons. Much of the debate was not about problems and how to solve them, but over who was right. A lot of energy went to convincing the media that logic, if not God, was on one side or the other. Of course, if logic was not enough, both sides found other methods useful as well. Recreationists, eager to stop upstream flooding, predicted a disastrous flood at Truth or Consequences, which

sits just below Elephant Butte Dam, if surplus water was not released quickly. The last time I checked, T or C is still on the map. The corps, on the other hand, gave media tours of swollen Cochiti Reservoir and pretended that very few eagle-perch trees were killed by the rising water. An on-sight count showed otherwise, at which point corps officials countered that related wildlife damage would be insignificant. Such blustering by both sides did nothing to further the debate.

In fact, the debate quickly hardened into a battle of upstream versus downstream, recreationists versus farmers, Texas versus New Mexico. Most of all, the lines were cast as insiders versus outsiders. You know who the insiders are -- if it isn't you, it is surely the guy sitting next to you.

Most of our water law and institutions were created by insiders, people who needed the water long before Albuquerque ever had an interstate highway, let alone more exit ramps than you can count. Farmers, miners, the State Engineer Office, the Bureau of Reclamation, the Corps of Engineers -- all had a hand in shaping those laws and customs. But the surplus brought into the largely self-contained water world a raftload of outsiders -- city slickers, environmentalists and even the larger public. To them, all this hubbub seemed strange. The water laws

driving the agenda seemed even odder.

The seemingly intrusive introduction of outsiders into such issues, reflects larger changes going on in western water. The El Paso suit, for example, is only perhaps the most well known example of these changes. Recent court rulings have created a brave new world for once stable western water law. At the same time, water projects have faced tougher scrutiny. Driven by concerns over the federal deficit, Congress has grown ever more reluctant to foot the full bill for project construction. And, of course, still hanging in the background as a huge and unsolved issue is the question of quantifying Indian water rights.

These outside forces are not going away. Already other states have changed some of their water laws in response or anticipation of the changes these issues will bring. They raise even more troubling issues than the already confounding issue of surplus. And, it seems to me, these outside forces show that sticking to the insider-outsider labels of water may prove a hindrance. Farmers in Arizona, for example, stuck to their us-versus-them guns when that state's ground water code was overhauled in 1980. For their stubbornness farmers were rewarded with a law that clearly gave them the short end of the stick in the future division of dwindling water supplies. Insiders versus outsiders

stands just next to winners versus losers, which is fine -- if you win. So, how well we deal with the surplus issue may presage how we deal with these other issues as well.

There are hopeful signs that neither the surplus issue nor these larger questions need slip into blood and guts battles. The U.S. Fish and Wildlife Service, for example, worked with the Bureau of Reclamation for timed water releases below El Vado Reservoir to protect downstream fish hatcheries on the Rio Chama. Also on the Chama, an agreement in principle between the bureau, the Middle Rio Grande Conservancy District, the state of New Mexico and the city of Albuquerque will enable Chama boaters to enjoy a longer season. This agreement still has some problems, mainly because of continued excess rainfall and related storage questions. Still, both cases offer clear lessons on how dropping the insider-outsider approach and working together can produce results that please everyone.

Outsiders versus insiders. Think about it as you read the conference proceedings on the issue of surplus water on the Rio Grande.