

SPECIAL INTERESTS IN WATER PLANNING: A PANEL DISCUSSION

The Panel Discussion of the water conference provided a forum for questions and answers based upon written questions submitted by conference participants. Questions were to be considered starting points to a general discussion and would allow for audience interchange. The videotape of the discussion is available on loan from the New Mexico Water Resources Research Institute. The following has been transcribed and edited.

Panel Moderator:

Tom Bahr, Secretary, Energy, Minerals and Natural Resources Department and Director, Water Resources Research Institute

Panel Participants:

Herbert Becker, Assistant U.S. Attorney, Office of U.S. Attorney, Albuquerque

Tom Davis, Manager, Carlsbad Irrigation District

Vickie Gabin, Special Assistant Attorney General, New Mexico State Engineer Office

Maxine Goad, Water Resources Specialist, New Mexico Environmental Improvement Division

Wilfred Gutierrez, Commissioner, Chicos Ditch Commission, Acequia de Garcias

Cleve Matthews, Land Operations Manager, Sandia Peak Tram Company

James Mitchell, Director, Citizens' Equal Rights Alliance

Phillip Wallin, Director, River Network, Portland Oregon

DR. BAHR: We have a very well-rounded group of panelists here today. I know that some of the panelists have some prepared remarks while others do not. Let me start with some questions and there will be an adequate opportunity for panelists to

present prepared remarks if they would like. Questions will not be directed to any one individual; anyone can respond. Here's the first question.

Question 1:

There is a great need for a quick determination of whether or not and what type of water rights are attached to a parcel of property. This information is necessary for persons wanting to borrow money and who must indicate to the lender whether the property has "water rights." Appraisers also need this information to provide an accurate appraisal to the financial institution. Municipalities must advise would-be subdividers whether a parcel of property has water rights that are transferable to the municipality, or whether the subdivider would have to purchase transferable water rights.

That's a two-problem question relating to quick turnaround time and getting meaningful information about water rights.

MR. BECKER: As part of the process here, I need to give the normal disclaimer. I'm Herb Becker with the U.S. Attorney's Office. The comments you are going to get from me are not necessarily those of the U.S. Attorney's Office or the Department of Justice, for whom I work. I will take the first stab at answering this question because I think some things are missing from it. There exists a great need for a quick determination of water rights. Mr. Steve Reynolds, state engineer, would agree with me, I think, that we are not going to have quick determination of water rights as long as the major water rights player is missing from this conference. And that player, of course, is the various Indian tribes in the state who, in a few years, are going to be the possessors of the largest block of water rights in the state. They have to be involved in any future planning. From a water quality standpoint, tribes must be involved because under the Clean Water Act, they are equivalent to a state for administrative purposes. Tribes have the same broad power to control water resources on the reservations as the state does outside of the Indian reservations.

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The question talks about "quick." We've just finished litigating a portion of the Hondo case and part of the Pecos case on behalf of the Mescalero tribe. That case initially was filed in 1956. So if 32 years is any indication of quickness, you're not going to have a quick resolution of any water rights if you go to court. There have to be other mechanisms developed outside the courts that allow for quick determination of water rights.

We have not seen the state forthcoming in any cooperative manner, willing to recognize that Indians are human beings, that they have a need for water now and in the future. The Attorney General's Office constantly litigates with the state and I think it's been very acrimonious litigation at times. That results in hardening of positions by everyone; and as a result, we do not have quick or orderly determination of water rights.

MR. MITCHELL: If the Aamodt case is any indication, I have to agree with Mr. Becker 100 percent, which means we need to do something differently than to get the federal government involved in our water rights. I would like to pick up on John Folk-Williamses' ideas about working from the bottom up in our planning process. It's too bad that we allowed the federal Justice Department to step in and dictate how we should settle our water rights problems.

If we had made up our minds 25 years ago in the case of the Aamodt water lawsuit, we would probably have a decision by now. What I would like to see us do is quit beating around the bushes and really talk about fairness and justice for all citizens in this state, not just our Indian citizens. If we had been allowed to meet and develop a planning process with our Indian people on the basis of sharing water equally with fairness to all, we wouldn't be having litigation costing the taxpayers of the state of New Mexico enormously and years of trying to negotiate settlements.

MR. GUTIERREZ: I'm going to tell you about my title as "Doctor of the Acequias." Last night about four people asked me, "How come we don't have any speakers on this program to address the issues of the northern part of the state, after all, the title of this conference is planning from the bottom up." This morning I questioned why. I said that I had told those people last night that essentially all the speakers here have a long list of degrees. I told Tom Bahr that I feel that I have a degree from the Hard Knocks University of Velarde. That's why he gave me the title of Doctor.

To address the question, for years I've been hearing all these amounts of water that we have in the state in the different areas, and yet I have not seen a real comprehensive report on this water. I remember when I was in high school, back in the 1950s, hearing that there was a tremendous amount of water in an area called the Ogallala aquifer, and it would never be exhausted. There was no way that this aquifer was going to be exhausted. A few years ago, we started seeing different theories on this aquifer, that it was being mined and it was becoming too expensive for the farmers. As you well know, at least, I hope most of you know, how expensive it is for a farming enterprise, and how the small farmer has to spend a tremendous amount of money farming.

What does this do to the people who have invested their lives, their earnings and the future of their kids, and then all of a sudden, we don't have any water? Or, as the El Paso case comes into mind, where other states are going to be wanting our water, it'll be transferred out. I think it's unfair, and I agree with this gentleman here. I've lived with Indians, gone to school with Indians, I have very good Indian friends, but I think we have to equalize this some way. I was instrumental in convincing the senator to give us approximately \$465,000 for the Aamodt case. I should be ashamed to admit that I had any say-so because as soon as the attorneys saw the money, it became nothing but a ripoff. I think we have to develop a different system to find out who has what.

MS. GABIN: Herb Becker has been a very active litigant on behalf of the Indian tribes and pueblos. I don't want to respond to everything he said, except to say the process takes too long. I think we can talk about streamlining the process of litigating water rights. But I don't think anybody can point at the state and say that we, as a policy matter, won't negotiate, and we cause deliberate delay. We certainly are interested in getting water rights settled. I know it's been discussed that maybe we ought to have some kind of statutory provision like they have in Montana, where, roughly speaking, you sit down around the table to negotiate before you even think about court. That's something I'd personally like to see, and as with Herb, I speak for myself, and not necessarily for the State Engineer Office.

But all these gentlemen are right. The process takes much too long, it's much too cumbersome. Lawyers don't need to be involved in the great majority of water rights determinations. However,

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lawyers are trained to litigate to the extent that Indian water rights are defined under federal law, and they have a right to do that. But I think it's getting to the point where it's all an adversarial process and it shouldn't be an adversarial process, in most cases. I think that when we talk about consensus, part of that consensus is the first step toward change in the perception of water rights adjudication.

I want to address what I think the sense of the question is. The question states that there is a great need for a quick determination of whether or not, and what type of water rights are attached to a parcel of property. I know that Herb came with a prepared statement on Indian rights, and some of these people here have an interest in that area. But this question asks how a person can find out what kind of water rights are attached to a piece of property. Why isn't there a quick way to find out? That is in the sphere of our office, the State Engineer Office. The reason why until now there has not been a quick determination of whether or not and what kinds of water rights are attached to a property is that the job is a very cumbersome and labor-intensive one. The State Engineer Office, for the last several years, has been in the process of putting all this information in a data base on a computer. Very soon we should have a way to call up that kind of information and get a state-of-the-art current readout on the nature of the water right for any property that has adjudicated water rights or permitted water rights in the state.

MR. BECKER: If I may, I'll respond to that briefly. I think there are several things that are very wrong with Vickie's statement. First is the fact that there are approximately 13 adjudications going on in this state involving almost all the systems, involving or brought by the state of New Mexico, except one.

The state of New Mexico made a conscious decision not to sit down with the tribes and dragged them into court along with the federal government. We know from the U.S. Supreme Court that even though the rights belong to the tribes, the tribes do not have to be involved in cases that adjudicate their rights. That obligation falls solely and squarely on the United States itself.

In a number of adjudications, the tribes have sought to and have intervened as a party. However, if they were not a party, it would not make any difference because their rights would still be determined in the process. That's the response to Mr. Mitchell. When the United States is involved, we represent some constitutional authority, the interest

of the United States, for the Indian tribes. We do not support one group or another as certain groups around the country would like us to do.

Secondly, with respect to the question, the people want to know that types of water rights are attached to particular pieces of property. There are no solid water rights attached to any property until you have a plan of adjudication under New Mexico state law. Therefore, until everybody's been given an opportunity to object, you don't have a water right. You have in one sense this, an agreement with the state to recognize, with a non-Indian water user, what their rights are.

When you make a request with the State Engineer Office, the state initially attempts, and I think, correctly, to determine what rights an individual has. The state tells that person, "Here is what we think your right is." If that person is satisfied with it, he signs off on it and goes home. If he's not, he comes and knocks on our door and tells us what he wants.

Therein lies the problem. In reviewing judgments or agreements between the state and non-Indian parties, the United States is seeing that the law is being followed fairly. Where it's not, we have an overriding obligation to see that the law is followed fairly. We will come in and file objections with the court, saying these grievances are wrong because there's no evidence to support it. That frustrates the entire process of determining in quick fashion a person's water rights. Under the bifurcated system the state follows, it takes years and years unnecessarily to arrive at that conclusion. Until the final judgment, people are not going to know what water rights attach to a parcel of property.

MR. DAVIS: Let me address this question in light of the Carlsbad Irrigation District. The position of the Carlsbad Irrigation District, and it's supported by the Bureau of Reclamation, is that we have definitely established water rights within the county and the Irrigation District, and these water rights are attached by acre basis to certain acreage within the district boundaries. This means people can obtain a very accurate determination of location of Carlsbad Irrigation District water rights.

We are contacted on a daily basis by financial institutions, appraisers, realtors, and title companies as to different tracts of ownership. They need to know what amount of irrigation district water rights are attached to those ownerships. We respond accordingly. I feel that there is a very quick response time and accurate information available to

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these entities by contacting Carlsbad Irrigation District.

MR. GUTIERREZ: I think I have a problem with the word "attached." To me, "attached" means that the water rights come with the land. If the water comes with the land, the water rights cannot be sold separately. But this is not true in the state of New Mexico. Water rights can be sold separately. This is one of the things that I don't like about our water law at the present time because it puts a burden on us if water rights are sold in an irrigation system. It adds to the cost of that delivery for the farmers in the state because the fewer the water users in a system, the more their respective share of the cost.

MS. GABIN: I don't know how many of you know how the water statutes in New Mexico work. The statutory process authorizes the Attorney General to bring a lawsuit to determine the water rights on a stream system and, granted, that has turned out not to be the most efficient thing to do. Although, the state of New Mexico brings that lawsuit, it doesn't have any stake in the suit itself. The state brings the action, sits back, not really a stakeholder, and watches the parties supposedly litigate these matters out. It's a statutory process that's been around for years and years and we are just now coming to see the consequences of what this kind of protracted litigation can bring. I'm not really satisfied that it's working well. I think it's up to a lot of people to start thinking about alternatives and talking to their legislators.

As far as the statutes go, the State Engineer is charged to follow the statutes. We bring these suits as a plaintiff and we adjudicate defendants' water rights out of the stream system. That's why the poor, hapless souls who are defendants seem to be in an inferior position in the lawsuit. They're defending themselves from the lawsuit where the state is the big guy with the big stick. I agree, it's an antiquated mechanism and not a very efficient one.

In some of the lawsuits, for efficiency's sake, we allow the United States to become a co-plaintiff, so you've got two big sticks on one side against non-federal, defendant water users. The defendants see this as an unfair situation. But it's to accomplish a very simple matter, to determine what claims people have to water which they've been beneficially using. Over the years, it's evolved into lawsuits with lawyers, and lots of time and money is spent. Here are the people, look around you, who are going to form

the next consensus, the next coalition of people who are going to adjudicate water rights.

DR. BAHR: Does anyone in the audience have a comment on this question?

AUDIENCE: I'm Gilbert Garcia, from Belen. I hope I'm better at managing water resources in Belen than I am at communicating. That was my question. I didn't have any question about federal courts or adjudication, or Indians. My question was a very simple one: several times a week a would-be subdivider shows up and says, "I might buy that parcel of property and I'd like to subdivide. Do you happen to know what kind of water rights are attached to it?" All I can do is shrug my shoulders. They are asking for guidance, and I can't really direct them. I tell them to call the State Engineer Office but they are not looking for adjudication or for a two-year wait. They want to know whether a parcel of property has community or separate water rights, no water rights, or none of the above.

Then secondly, from the standpoint of someone who's been charged with appraising property for banks for the purpose of making loans, and owner says, "Well, it has water rights". In the infamous words of Steve Reynolds, there's a difference between rights to water and water rights, and we all understand that. But water rights to John Q. Public doesn't mean the same thing that it does to people who take time to learn something about water rights.

We need to know what type of water rights and whether or not there are any water rights available for a particular parcel of property. We need a quick way to do it, and Vickie, I congratulate you, you hit the nail right on the head. If that data base is going to be available to municipalities, that's the answer right there. It'll be extremely important if the information can be obtained by plugging in metes and bounds.

AUDIENCE (STEVE REYNOLDS, STATE ENGINEER): I want to ad lib to Vickie's answer to the mayor pro tem's question. Certainly, we are trying to get a data base for water rights. It takes time and money. What you asked is available now, but it may take several days instead of several minutes.

We have a system where we'll certify what our files reflect with respect to a certain parcel regarding water rights. As I recall, we charge you about ten dollars, maybe five, for each five files we have to review. However, in giving that information, we don't warrant that parcel has a water right. We tell

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you what the file says. If the purchaser is a little nervous, he might want to hire a lawyer to look after what that file means, and he might want to hire an economist to see whether it's a good buy.

MR. MITCHELL: I just want to comment on Steve Reynold's statement. They'd probably already have a data base if they hadn't had to try to keep the U.S. Justice Department in line all these years.

MR. GUTIERREZ: May I ask a question of Mr. Reynolds? How does this apply to the Pecos case where there is some question as to whether or not New Mexico will compensate the state of Texas with money or water? If we must compensate with water, what good did it do people to know what water rights they had twenty or thirty years ago?

MR. REYNOLDS: On the Pecos, we're engaged in a basin-wide, from the headwaters to the state line, hydrographic survey and adjudication. Our answer cannot be final until the case is adjudicated. That's the problem with adjudication. We can't enforce priorities until we have all rights adjudicated in the same decree. We have several adjudications that we've done on the Pecos. But if, in fact, we have to pay off with water, the only way we can do it is through enforced priorities. To enforce priorities, the watermaster has to know the priority of each of the rights involved.

I might add to that, and to what Vickie said, concerning Herb's comment about the state not negotiating with the Indians. As a matter of fact, we must make the hydrographic survey, and sometimes we can't get on Indian lands to do that. But we do make the hydrographic survey, and about 90 percent of the time, individual water rights are settled on the basis of that hydrographic survey. Our people sit and talk with the owners and in some cases, the water right claimant says, "Well, this is wrong. This should be over here. Actually, I've got five acres instead of two." Our people go back into the field and check, and if the claimant is right, we reach agreement, sign off on the judgment, and that's the end with respect to that water user and the state. But everybody else, you see, has a chance to challenge what we have agreed to, as Mr. Becker has said.

Indians' water rights do not depend on state law, they depend on federal law. Therefore, you can't look at our files and tell what the Indian water rights might be. The theory of Indian rights is much different than those under state law.

AUDIENCE (DENNIS RAWSON, ROSWELL): Even though the water rights have been adjudicated and filed in the office of the State Engineer, you cannot rely on that information. The reason being that a farmer often sells his land and water rights and provides a warranty deed to the buyer. He files the deed with the County Clerk, and that's it. Unless he files a change of ownership with the State Engineer, the State Engineer's files have no way of reflecting that change. So it's a practical matter that whoever is advising in the sale should make sure the change of ownership is filed with the State Engineer or they're in trouble.

DR. BAHR: In other words, let the buyer beware. Let's move on and shift gears to water quality.

Question 2:

How should local planning procedures be structured to protect ground water quality and to prevent siting of polluting activities in sensitive recharge areas?

MS. GOAD: As you probably all know, potentially polluting industries are controlled under various state and federal laws. However, rules on siting, land use and special protection for vulnerable areas here in New Mexico is done on the local level. Counties and municipalities have the authority to control such matters; some counties and municipalities have exercised their authority and others have not.

I think the question is sort of narrow, it asks how the planning process can be structured. I want to broaden that a little bit and look at the things that ought to be looked at, not just vulnerable aquifers. A key fact is that prevention of ground water pollution is much more cost effective and technically feasible than cleanup after pollution has taken place. Planning should always stress prevention of problems and not count on later remediation.

Another thing I think is terribly important is that there be good communication among the various facets of the local government that's trying to lay out plans. We heard yesterday that the Portales planner didn't realize that the city sewage treatment plant was already at capacity. We have heard lately about planners in certain cities putting in a new city well while some other part of city government intends to put an industrial park adjacent to the new well. It is a local decision where landfills are put. Landfills have been put in extremely unsuitable places, either over vulnerable aquifers or near city wells. I think communication inside the local government,

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particularly in planning is terribly important. Obviously in many of these cases, one hand did not know what the other one was doing.

When officials sit down to make plans to protect their vulnerable aquifers, they first need information on where the aquifers are located. This is one of the things that Mr. Richard Perkins of the Environmental Improvement Division has been working on. Resources must be provided to local governments so they can determine where the vulnerable aquifers are, where the vulnerable areas around their city wellheads are, and then decide what to restrict in the vulnerable areas. Do they want to restrict facilities such as service stations, landfills, hazardous waste facilities or septic tanks?

MR. MATTHEWS: I represent two small patches of that quilt that John Folk-Williams spoke of yesterday, that of being a developer and also that of being an operator of a private water utility company. With respect to the utility company, we're not only concerned with quantity, but also with quality because of our responsibilities to our customers. As a developer, we also look for goals.

As far as how the government should be structured, there already exists a framework that was established by the New Mexico Subdivision Act. Most of the counties in New Mexico have or are working on a subdivision ordinance which includes zoning. By using these two ordinances, counties can limit or restrict the uses on known tracts of land that may have a vulnerable aquifer or have already had some type of contamination. Also, by the use of these ordinances, they can zone properly based on future uses and know what wastes could be generated from these types of zoning once they are developed.

I'm most familiar with Bernalillo County where they have arrived at a consensus-building procedure with the private and public sectors. Recently the county passed a liquid waste ordinance on septic tanks. The ordinance is more restrictive in the acreage required for use of septic tanks and is based on several factors such as water table, slope, and percolation rate of the soil. By passing this ordinance, the county has instituted some control regarding water quality. They also recently established a technical advisory committee jointly with the city of Albuquerque and Bernalillo County to come up with a plan for water quality for both the municipality and the county. A year ago, the county established a water standards ordinance for private utilities in Bernalillo County. The standards stipulate what utilities have to do to protect well water

and ground water, and how those systems are to be constructed.

The framework is there, I think. If forums such as this conference are an awakening process for state and local governments, it should be clear that planning needs to come from the bottom up. There's no question about it, that's the only way it's going to work. That's where the impact is. I think the days of the developer coming in and raping the land and walking away are gone. There's an obligation now and the local governments are more attuned to that obligation. Local governments can require the developer to consider water quality in their planning process. In Bernalillo County now, to go through the development process, it takes almost a year before you can turn that first shovel of dirt. County commissioners are going to have to bite the bullet and enforce the authorizing statutory responsibility act.

MR. MITCHELL: The planning process will be completely stymied until the American public, citizens of this state, decide to consider deeper issues involving federal authority. That doesn't mean that I'm against the Indian people. We have to understand that there are other people out here, as well as Indians. Somehow we have to establish a dialogue that will allow us to plan. I suppose most people don't realize that the tribes have the authority, although many of them have not done so, to zone within their reservations and areas, and stymie any regional planning for pollution and environmental controls, or whatever. Somehow or another, we've got to solve this from a political standpoint. We've got to have some equity and allow the county and the state governments to operate without interference from the federal government and the tribe themselves.

MR. BECKER: I'd like to follow up on Cleve Matthews's point. Section 506 of the 1987 Clean Water Act requires that Indian tribes be treated as states. That's the federal law. I assume, at least since the Civil War, people know that the federal law is supreme. The Clean Water Act permits the Environmental Protection Agency to issue regulations. In Bernalillo County, and other municipalities along the Rio Grande where pueblos are located, Indians have the statutory authority from the water act to issue their own standards. The Indians get together with the state to determine if they can arrive at consistent standards for sewage plants and other water quality problems that may be based on a common stream.

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Tribes are empowered by this act to have their own regulations and rightfully so. The state, of course, has their own authority. The thing that has to be kept in mind is that the tribes were here long before the Europeans came. They have their own independent authority, which has been reaffirmed repeatedly by United States Congress and United States Supreme Court. What you see now is more and more federal legislation in recognition of that authority. Included within all acts are provisions for Indian tribes to exercise that authority. There are also provisions for regulations to be issued so that the tribes and states can work out their differences in a friendly manner so agreements are in the best interest of the tribe and the state.

In Bernalillo County, as Cleve Matthews mentioned, the planning process is the first step. Because the county has Isleta Pueblo to the south and Sandia Pueblo to the north, the county has legitimate concerns about water quality. The Indians have to be brought into the process. By the Water Quality Act, the mechanism is in place for this search for equality. Indian tribes really should have been part of this conference.

DR. BAHR: The next question is a fairly simple question, and it deals with acequias. It's a question, really, from the acequias to the State Engineer.

Question 3:

Why does the State Engineer Office require acequia bylaws to meet current state statutes in order to receive financial assistance? These requirements often force the acequia to change their bylaws and traditional operation of the ditch. Wouldn't a signed affidavit by the acequia indicating their existence as a community ditch suffice?

MR. REYNOLDS: This is a current issue. The legislature authorized the State Engineer to make grants and the Interstate Stream Commission to make loans to community ditches. That authorization is legal only if the community ditch is a political subdivision as per a statute enacted in 1965. That statute was enacted to make the ditches eligible for grants and loans from state funds.

If the State Engineer has that responsibility, he needs to be sure the community ditch is a political subdivision. If the community ditches' bylaws do not conform to the state statute, then we can only presume that they are not a political subdivision. The State Engineer then becomes liable for unlaw-

ful grants and loans. This is a very important concern when we invest the \$53 million Corps of Engineers funds for the ditch rehabilitation program.

For that reason, we have recently been just a little more meticulous about ensuring that the ditch commission really believes it is a political subdivision by adopting bylaws in conformance with the statute. It's possible to read many statutes differently. I must, of course, rely on the interpretation of the statutes given to me by my attorney.

DR. BAHR:

Question 4:

Adam Smith, in The Wealth of Nations, said, in effect, that "hardly anything is more useful than water, but it will buy scarce anything; however, a diamond is useful for very little, but will buy a great many things." Has society, or is it now seeing the reversal of this idea? If not, when will water be as valuable as a diamond?

MR. WALLIN: I think it was former Governor Lamm of Colorado who said something like, "In the West we talk about water as being precious and in fact we treat it as if it were useless, as if it had no value, as if it were a free good like air." What we're realizing is we can't afford to treat water as if it were unlimited, and we are seeing that water resources planning has got to be a matter of using water more than once, maintaining its quality so that we can use it more than once, and of allocating water according to its highest use in the public interest.

I have been hanging my hat in Oregon lately, and there's a neat statute that was passed in 1987 by the Oregon legislature that I think is kind of a model. We'll let them make all the mistakes and iron out all the bugs, and then we'll look at it as a model. The statute enables a farmer to adopt conservation measures, whether it's for a delivery system or irrigation system, and to document that those measures actually conserve water. The farmer then has a severable right to that conserved water, which, of course, is difficult to measure, as Steve Reynolds would tell us quite readily. The farmer is allowed to market 75 percent of that conserved water to another user, as long as 25 percent of that conserved water is dedicated to instream flow on behalf of the public.

What that means is, number one, there's an incentive to conserve, to treat water as a diamond. It actually has a value because it can be severed and marketed. Number two, it frees up water for other

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uses; water that might otherwise result in some of the waterlogging problems that agriculture has had in the Middle Rio Grande District, for example. Water is freed for municipal and industrial uses or for instream recreational wildlife uses. This is kind of a reworking of traditional water laws to give water a value, to give people an incentive to conserve, and to make sure that water gets allocated by the system to the highest-value uses. That's one example we ought to look at.

MR. MITCHELL: I'm a *pro-se* water defendant. I'm doing all of this on my own. Nobody's paying my salary to be here. Water, to me, is valuable. That's why I'm in this. It's worth more than diamonds to me.

MR. GUTIERREZ: Steve Reynolds and I have been on the opposite sides of the fence on many issues. In the worst, I consider him as a good friend. I consider him the "godfather of water in New Mexico." Of course, he knows that sometimes we refuse his deals. I have made the comment to him, "not with diamonds, or with a gold mine." I still hold true to that. If I had a gold mine someplace in New Mexico and I didn't have the water to drink so that I could work the gold mine, that gold mine would be worthless. I'd rather have a glass of water on my table than a diamond ring.

MR. REYNOLDS: In New Mexico, beneficial use is the basis, the measure and the limit of the right to use water. If there is a wasteful practice, we need to terminate it. That practice certainly should have no right to continue. Now, if you follow that Oregon statute far enough, you can get in a lot of trouble. We have gone this far in that direction. We've allowed an irrigator who wants to change his cropping pattern to extend his acreage with a reduced duty of water per acre, which goes a short ways in accordance with the change proposed.

MR. WALLIN: I think it's fair to predict that a statute prohibiting wastage of water in agriculture is not going to be enforced. We'd have to put everything else on a back burner, including all adjudications. We'd have to do nothing but enforce the non-wastage statute. I don't think that's going to happen.

Seems to me that in lieu of that, it would make some sense to let the market encourage more cost-efficient uses of water in agriculture. What Oregon's trying to do is just that, to create a market incentive for people to conserve water on the theory that the only thing that's going to enable a farmer to invest

in water conservation is his ability to recover that cost through the marketing of water.

Secondly, it seems to me that one of the biggest water concerns we're going to face down the road is the transfer of water from agriculture to municipal use. As Albuquerque outstrips the San Juan Chama project, which it will do someday, it is going to be in the market to buy water rights from agriculture. The laws are going to facilitate that one way or another. It's just going to happen. That being the case, it seems to me that we need to establish a system whereby Albuquerque can in fact buy agricultural water rights without disrupting agricultural communities, without retiring farmland and turning green fields into sagebrush. We need to learn from Phoenix. We need to start preparing for the future now. Albuquerque is already in the market and it's going to be more so as time goes on. Albuquerque needs to be able to buy conserved water. It needs to be in a cooperative effort with farmers so that it's not putting farmers out of farming. Albuquerque also doesn't want to be owning fallow lands all over New Mexico.

The system with which Oregon is experimenting is a way to do that; it's a way for agriculture and Albuquerque to be in a cooperative posture. Albuquerque essentially needs to be investing in water conservation in northern farmland or in the Middle Rio Grande Conservancy District as a means of freeing up water for municipal use.

DR. BAHR: I appreciate what Phil says and I'll be very interested to see how Oregon comes along with that particular statute. In New Mexico, I think we need to look at the type of irrigation that's going on in terms of conserved water. In the High Plains, you're using ground water, you're not using surface water. When you conserve water, you basically pump less. I've heard it said over and over again, and I believe it. The most powerful incentive to water conservation is the cost of that water. As you increase the pumping depth, your energy costs are going to go up. Most of the people in the High Plains who I've talked with say, "We're going to run out of money before we run out of water." It's a powerful economic incentive, at least in the ground water pumping areas, which is different from surface water diversion. Surface water goes downhill by gravity, and, as Steve Reynolds says, goes uphill to money.

MR. BECKER: The Supreme Court did everybody a favor in the Sporhase decision when they basically determined that water mining was an agreed-upon

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commerce. In the long term, that is going to dry up the wasteful water practices. You're not going to see wasteful practices eliminated through any other mechanism, I think, other than it being more economical for people to save water.

AUDIENCE (unidentified): One other thing needs to be considered within your premise that the cost is going to cause the farmers to conserve water. We're going to have to stop propping the farmer up with government subsidies paid for by the taxpayer.

AUDIENCE: I'm David Foote from Arch-Hurley Conservancy District. I think the last four questions have illustrated one thing. The main thing we need is education. Everybody needs to be educated more. We mention one question and we get 15 different opinions about the answer. They're all good answers, but none of them actually address the question. In Santa Fe, water usage was very low and the cost high. If we can drive the cost of water up, we can do a lot of things.

DR. BAHR: Here's an interesting question that deals with regional water plans.

Question 5:

Will individual regional water plans be coordinated under an overall plan (e.g., by basin or major aquifer)? Or will areas which produce plans first be able to have an advantage over those without plans? It seems like a piecemeal approach.

MR. WALLIN: Tom Bahr, I'm going to impose on you. I came here with a statement, and this is as good a place as any. This question seems to be the most closely related to my statement.

I was delighted to learn of the action taken last week by the New Mexico congressional delegation in designating the Rio Chama Wild and Scenic River. This action affirms our pride in the magnificent landscape of New Mexico, and our determination to preserve it for our children. To put that in perspective, I might add that Congress in the same week designated 41 new Wild and Scenic Rivers in the state of Oregon.

It's good to see water resources planning become a priority in New Mexico. Two years ago, the United States Senate conducted a hearing here in Santa Fe on the bill to protect the Rio Chama. At that hearing it became clear that there had been no comprehensive planning for water resources in the Rio Grande basin.

Now that "water planning" is being proposed, we need to ask: "Planning by whom? and Planning for what?" In the case of New Mexico today, planning appears to be motivated by the ground water claims of the city of El Paso. Planning is intended to support our claim that we need every drop of unappropriated water for our own consumptive use.

But planning for water resources needs to be more than an inventory of demands for consumptive use. It needs to consider the broad public interest: what patterns of water use and stream flow will be most conducive to the long-term quality of life and livelihood for New Mexicans?

It has become very clear that recreation and tourism are vital to the public interest in New Mexico, and the water in our streams and our lakes and reservoirs is vital to recreation and tourism. Tourism is New Mexico's biggest growth industry. Our unspoiled mountains and streams, and the fishing, boating and hiking they provide, give us a natural advantage over other states.

As New Mexico becomes more urban, and tourism continues to grow, there will be more demand for river-related recreation. This means there will be a growing demand for flowing water in our streams in the late summer and early fall. It's going to require careful planning and management to provide water for recreation in the right quantities, at the right times, but it can be done.

The Rio Chama, below El Vado Dam, is a perfect example of a stream that should be managed consistently for wildlife and recreation as well as for consumptive uses. There is an outstanding opportunity for water managers to schedule water deliveries from Heron and El Vado Dams to provide flows for weekend river boating throughout the late summer. That opportunity has still not been taken because, I maintain, the state and federal agencies that manage the Rio Chama and Rio Grande do not consider river recreation an important use of water.

Another outstanding example: The Rio Grande Wild and Scenic River, between the Colorado border and the village of Pilar, has developed into one of the foremost boating rivers in the western United States, with segments that are wilderness, segments that have easy access, and segments that are wild whitewater. The Rio Grande Wild and Scenic River has become a playground for Albuquerque, Santa Fe, and many of the tourists who visit New Mexico. A small but steady commercial rafting business has developed on the upper Rio Grande, generating \$1.5 million in gross revenues in 1987.

In 1988, the water disappeared from the Rio Grande, and so did the boating. In June, at the

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same moment that flows above Alamosa exceeded 3,000 cubic feet per second (cfs), the flow across the Colorado, New Mexico state line was less than 200 cfs. In one sense, that was the result of a spill at Elephant Butte Dam and the cancellation of Colorado's debt to New Mexico on the Rio Grande. In another sense, it was the result of the prevailing attitude among water managers, that it is foolish and wasteful to allow water to escape across a state line, except under legal compulsion.

If recreation and tourism were important to water managers in New Mexico, serious attention would be paid to summer flows in the Rio Grande Wild and Scenic River. Managers would use some creativity. For example, could the Closed Basin Project of the Bureau of Reclamation supplement low flows in July? Or if ground water is going to be pumped from beneath the Baca Grande in the Closed basin, could it be exported to municipalities in the middle and lower Rio Grande Basin, so as to make up for depletion of Rio Grande flows by farming in the San Luis Valley?

These are questions, not answers. There is a need for planning and management to provide reliable flows for recreation and wildlife. Before that planning can occur, however, the agencies that manage water in New Mexico will have to decide that recreation and wildlife are valuable uses of water. And someone will have to provide leadership.

The governor and the legislature need to help by reforming our water laws to encourage instream flows for recreation and wildlife. New Mexico is now the only western state that fails to recognize the validity of water rights held for instream flow. That needs to be changed. Beyond that, the legislature might consider the example of Oregon, which has created a way for farmers to make money by conserving water and leaving it in the stream. Under a 1987 statute, if a farmer adopts conservation measures that free up a certain amount of irrigation water, the farmer can sell or lease 75 percent of that conserved water to another user, so long as 25 percent is dedicated to the public as instream flow. This creates a financial incentive for a farmer to conserve water. It frees up water for other uses and for instream flow, without removing agricultural land from production. Applying that model to New Mexico, farmers in the Rio Grande basin could conserve water by lining acequias and sell that conserved water to Albuquerque, without taking any fields out of production. To put it another way, Albuquerque could obtain water rights

for the future by financing water conservation measures for farmers.

This is the kind of creativity that could weave together the interests of farmers, cities, recreation and wildlife. It will require enlightened political leadership to reform our water laws to encourage conservation and provide the flows that are needed for recreation and wildlife.

I would argue that a first essential element of water resource planning is to recognize river segments that are outstanding for their natural and recreational values. These are streams whose highest and best use is to remain as they are, to provide life corridors for wildlife and to enrich the lives and spirits of those who float, fish, hike and hunt along them.

Last week, the Rio Chama between El Vado and Abiquiu Reservoir was designated as a National Wild and Scenic River. Planners now know that it is "off limits" for dams, diversions, or other development. They can take that fact as a "given" in their planning, much as Abiquiu Dam and El Vado Dam are "givens." Those dams and the Wild and Scenic River are permanent parts of the landscape that we can all rely upon, and our planners can plan around them.

In the Pacific Northwest, there is a planning body called the Northwest Power Planning Council, with representatives from four states. This year, after a round of public hearings, the Council identified 44,000 miles of streams in the Pacific Northwest as "Protected Areas" that are "off limits" for hydropower development. The objective of this program is to guide hydropower planners and developers away from streams that have high value for fish and wildlife.

It seems to me some kind of assessment and recognition of our finest, most scenic and natural rivers is an essential first step for water resource planning. We need to take a comprehensive look at New Mexico's streams and identify those which have outstanding value in their free-flowing state. These would include certain segments of the Gila, the San Francisco, the Canadian, the Pecos, the Jemez, Costilla Creek, the Mora, the Embudo and others. Some should receive protection as federal Wild and Scenic Rivers, to protect them from development by federal agencies. Others should be included in a state scenic rivers system, to give notice to state and local agencies that these are streams with special value for all New Mexicans.

For water resources planning to work, it has to be more than a weapon against El Paso. It has to be more than a list of projects for storing and

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diverting more water for more consumptive use, which is the traditional approach. It needs to begin with recognition of streams that are precious to our people in their present state, that should not be dammed, channelized or dewatered. And it needs to propose creative changes in our outmoded system of water laws and management to make better use of the water supplies we already have.

DR. BAHR: Phil, thank you. Unfortunately, I'm a moderator and not a panelist. I would like to have followed up on a few of those comments. Let me simply make one comment here. The Rio Grande, in the region that's wild and scenic, is indeed a very precious resource. I think there is an expectation, however, that in view of the fact that it's wild and scenic, that there has to be a natural flow. What you really have is a very regulated system enforced by federal law in the Rio Grande Compact. I know that the Rio Grande Compact Commissioner, Jerry Danielson, from Colorado, is not here. Perhaps Steve Reynolds could give us an idea or address an idea of where Mr. Danielson might come from in terms of allowing additional water to come into New Mexico if he doesn't have to.

MR. REYNOLDS: He would simply say that Colorado cannot, under the law, allow water to be bypassed in a drought year. New Mexico cannot force Colorado to release water. That would take an amendment to the Rio Grande Compact which could be very dangerous. You might start out to do one thing but you never know how it's going to come out. I don't think anybody really wants to renegotiate the Rio Grande Compact.

MR. GUTIERREZ: I want to make a comment at this time concerning the statistic that farmers use 85 percent of the water in New Mexico. I believe that we should provide for all citizens of New Mexico but one thing has not come up during this conference. I'm referring to food production in the United States. As we look around the country, every state is losing valuable agricultural land to industrial, commercial, and housing developments. We also have not addressed the issue of the ozone layer; many scientists are worried about it and think it will change climate patterns in some of the areas where our food is grown. We saw the drought in the Midwest this summer and we've talked about the expense of mining water.

Yet here in this area of New Mexico, where we have gravity flow, where we could keep the cost of

food down, we have no comprehensive study of how to keep agricultural lands in production. We should keep the greenbelt areas for food production that we might need later, especially small farms in the northern part of the state. I'm concerned about the poor people, not those who can afford to pay a dollar an apple for Washington apples while they can get them from me for 15 cents. I'm talking about the poor people who are having trouble right now putting food on their table. What will it be like 20 or 30 years from now if we do not plan on keeping these agricultural lands as they are? I think farmers have become the whipping boy. If we looked at where a lot of that agricultural water goes, it goes back to you people as consumers of the food products you buy. It's not the farmer who is wasting water. It's coming back to you the consumer.

MR. MITCHELL: One of the things I have a grave concern about is the fact that we keep allocating more and more water. I don't propose to understand it, but we are obligated under federal law to live by the Rio Grande Compact. Speaking of farming, we're trying to make commercial farmers out of the Indian tribes. What's going to happen to the farmers who are currently using water given expanded Indian water rights? I'd like somebody to fill me in.

The Indians have proposed to build a commercial farm involving the most wasteful method of distribution of water that I know of; a sprinkling system. The system involves twelve thousand acres and roughly 48,000 acre-feet of water. If we're fully appropriated, doesn't expanded Indian water rights mean that to fulfill the obligations of the Rio Grande Compact, current New Mexico farmers will lose their rights?

DR. BAHR: Steve Reynolds told me one time that water is a very complex issue, and for every complex water problem there's a simple answer and it's wrong.

MR. REYNOLDS: If you are fully appropriated and your water committed, and the courts allow the Indians to develop additional water, somebody has to give up water. But you mustn't get the idea that Indian water rights are unavailable in the marketplace. This is a big concern in the Animas-La Plata project. The Indians' right to sell water for use off the reservation was the big issue. The Jicarillas are negotiating with the Interior and Justice Departments for a large part of New Mexico's share of the San Juan River flow with the right to lease or sell it

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for use off the reservation. If in fact the courts adjudicate to the Indians, amounts of water like Herb Becker claims for them, it sure better be available for sale, or the rest of us won't have anything to irrigate with or drink.

MR. BECKER: I think it's interesting that the Indian tribes are singled out here as some kind of culprit. I think that history shows that the culprit sits over in the State Engineer Office in Western states, by and large.

The reason for that is rather simple. In 1908, the U.S. Supreme Court told all the states, in the Winters case, that Indians are people and entitled to water. Despite that holding, states, willy-nilly, without regard to their obligation to Indians, without regard to the non-Indian people who were settling in areas where Indians lived, continued to issue permits for appropriations of water, allowed transfers, dams to be built, and allowed economic development. Not once did the state tell those people, "We put you on notice that tribes have the valid rights to water. Sometime they may put a call on that right. If you, knowing that, want to continue with your development, so be it." The states have never done that.

Now the states jump in horror when the United States, after dragging its feet for 80 years, is being brought into court. The tribes, since they've always been here, want their fair share. That is not going to deprive the non-Indian of legal Indian water. You have to have regional claims in regional systems to accommodate that. You cannot stop at artificial state boundaries, because waters don't stop at artificial state boundaries, they continue on.

You know what the systems are. You saw the Pecos system this morning drafted by Bob Lansford. You have to plan within the Pecos system in its entirety, not just in New Mexico. In a system like the Pecos, you have to take into consideration the valid needs of the tribes, states, and other water users. You cannot single out a user and say, "You're too late; you're not going to get any water." That's clearly not fair. Until the states give up some of their parochialism and realize that it's to the advantage of everybody in the system, regardless of size, to get together and have appropriate planning and discuss what Phil Wallin's talking about, you're going to continue having problems.

MR. REYNOLDS: Mr. Becker, there's nothing that I've said to allow you to infer that I see the Indians as culprits.

MR. BECKER: I was not referring to you, Mr. Reynolds, I was referring to comments made.

MR. REYNOLDS: Oh, certainly. I think Indians should have a right. Given what our economy has been like lately, I can understand why the Indians would rather sell the water than try to irrigate with it. So, as I said, I don't fault the Indians or the Justice Department for trying to get for the Indians every drop to which they're entitled.

MR. GUTIERREZ: The attorneys look at everything differently than I do, but I don't see how they can say that if the courts award water in the amount the Indians are asking, there would be any left for the non-Indians. It's just like the Pojoaque case. If the Indians get all the water they were asking for, there won't be any water left in that stream unless it's sold or transported out.

AUDIENCE: I'm Phelps White, from Roswell, a member of the Interstate Stream Commission, and I'd like to get back to the original question. Are we going to end up with a regional water plan? Are we going to have a conglomeration of a bunch of plans that are not going to help anybody? Are we going to have a statewide plan? I think we ought to deal with this question. I think it's pertinent to this conference.

When the Commission started talking about regional water planning, I had some very serious reservations about it because I could see a conglomeration of plans that was not going to do anyone any good. In fact, I was almost ready to make a motion that we give the money back to the legislature and really not get into this.

The more I've gotten into it, the more I really believe that the great benefit is not going to be so much in developing a solid forward plan in the next few years, but in the tremendous increase in public awareness of regional planning, water laws, and with what resources we have to work. I think the big benefit of regional water planning, and eventually statewide water planning, is going to be public awareness. Communities and all the parties that deal with water will be aware of what we have, what we can do with it and how we'll use it. To me, that's the big advantage.

AUDIENCE (MR. UTTON, CHAIRMAN OF INTERSTATE STREAM COMMISSION): I would just add to and agree with what Mr. White has said. Certainly you can look at the approach that New Mexico has taken, and in some ways it looks like a

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patchwork approach. I think that's a reasonable conclusion. However, in politics and public affairs, as someone said, the shortest distance from point A to point B is not a straight line. We've learned from past legislation that it is much better to have bottom up, community-oriented participation by all of the state voters, all of the actors, rather than perhaps a tidier approach from the top, which is centralized and directed by the state. Mussolini, I suppose, was able to make railroads run on time. The top down approach is easier, tidier. A state centralized approach might be more uniform and cohesive. But I think there's a value, personally, in going from the bottom up and having community participation and having the communities, themselves, have to wrestle with dealing with each other. They then determine what their water needs are going to be. It's a difference in philosophy.

MR. REYNOLDS: Be sure it's understood that the completion of a regional plan is neither a necessary nor sufficient condition to get a water right. That's a separate consideration.

MR. DAVIS: First, I must make a comment in reference to Mr. Wallin's prepared statement of river recreationists. I fully realize that in some areas there probably is some economic benefit associated with that type of recreational use. To my knowledge, there's neither the demand nor the economic benefits thereof of river recreationists in the lower Pecos region in the state of New Mexico. However, there is quite a large amount of economic benefit that can be derived from reservoir-type recreation in that area of the state.

Second, let me take a shot at this question. Yesterday, we heard Tony Mayne who's been involved in regional water planning. Basically, the financing that's received from the Interstate Streams Commission allows the plan to be developed, and then stops right there. It's nice to have a lot of regional plans and these plans need to be looked at closely for overlap. It's nice to have the plans, but unless they are implemented and eventually even have water rights attached to them, it's merely a nice gesture on behalf of the legislature to provide money for these plans. I don't know that there's any real value in the plans if they're not carried out fully.

DR. BAHR: Let me wrap this up by having each of the panelists very quickly address this general question: We've seen the beginning of some significant planning efforts. Water planning today, as

someone said earlier, is almost a household word; ten years ago, it wasn't. Plans are beginning to develop; there already exist regional water supply plans and I think we're going to see water quality planning soon. Where is this all going to lead? Are we going to have the evolution of a comprehensive plan and a consensus-building process spin off this?

MR. BECKER: To have what you've just suggested, we need to have some innovative thinking by various state and federal legislative bodies. We also need to have the authority in regional bodies to determine water rights. The impacts of the regional system are too great for any one state or any one group to control how the water's going to be allocated. Appropriate utilization of water in the future is necessary. Unless states are willing to give up the ability to determine for themselves in a vacuum, the extent of water rights and how they are going to be used, we're not going to have a satisfactory solution. We'll just have some plans, like so many other plans, on the shelf, to be looked at now and then.

MR. DAVIS: I think these plans must be done by qualified experts. We can't just allow any group to have a lot of money to do a plan. Even if the plans are quality, valid plans, plans are no good as plans. There's got to be some type of follow-up, to organize these plans into workable units statewide. There has to be some type of implementation that could possibly attach water rights to these plans if necessary or develop whatever follow-up is necessary to make these plans functional.

MS. GABIN: Yesterday, somebody asked how the public is going to get information in a useful, understandable manner. The inference from the question was somehow the state is going to pass out information to all its citizens to dutifully read. I can't disagree with that approach more.

The catalyst is for people to start demanding information from the bottom up; to assimilate that information and become educated planners. The process starts in communities and works up to the regional level. Eventually you get statewide coordination. We're looking at the bottom up approach. We've got to start from the citizens demand for knowledge. The state's not going to do it for you. If everybody going back to his home tells his community about the available means of acquiring information, and how to put that information to use, water planning will begin from the grass-roots level.

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MS. GOAD: I have been very happy during this conference to hear so many people acknowledge that water quality planning is an essential part of the overall water planning picture. In New Mexico, I think that some substantial planning at the state level is certainly appropriate. What the water quality control commission has done in designating and enforcing minimum standards in ground water is certainly an important and effective element of statewide planning.

There are other things that are best done locally. Zoning, determining where the vulnerable areas are and giving them extra protection, putting your landfills in the right place, and protecting wellheads are things that really need to be done locally. The thinking about this sort of thing has to have state leadership, a strong public backing and a good consensus. The Environmental Improvement Division (EID) has been making a great effort to provide information needed to accomplish that. Ms. Anna Deardorff of the EID spearheads the effort to get information out to the public in New Mexico about ground water problems, vulnerable aquifers and protecting wells.

MR. GUTIERREZ: On a small scale, I like to plan because I don't like to drink contaminated water, and I don't like to contaminate the water of my friends or my neighbors. But on the larger scale, statewide, I think it's not as simple. I think we're putting the horse in front of the cart. To me, to have a plan that really makes sense we must make sure all the adjudications are settled. Then we can decide who has control of what water. We can then come up with a plan that makes sense. Right now I can't build a \$2 million house. I don't have the money. But I can plan it. I'm going to have to make sure that I have water before I build that house. I think this is the problem with water planning; we don't know yet who has what. We've got to find out. Only then can we plan what we are going to do with it: sell it or drink it.

DR. BAHR: Let me just add one thing to what Mr. Gutierrez has said. Even if you did have the \$2 million, you better have clear title to that land you're going to build a house on.

MR. MATTHEWS: I think we're on the right track with the planning process, and I'd like to reinforce the statements that were made about public awareness. Instead of just awareness, there has to be an educational program. Also, there has to be the involvement of the private sector with the general

public in the preparation of those plans. Then that involvement should continue through the implementation of the plans.

MR. MITCHELL: I have to agree completely with Mr. Gutierrez. For years I was a bureaucrat and we used to prepare range management plans for ranchers. I saw those plans for years and years sit up on the top shelf. The plans sat on the top shelf simply because we didn't get the rancher involved enough in developing the plan. I think that the success or failure of any regional plans that we prepare will depend upon whether we continue to allow the federal government to assert itself. The federal government needs to back off and let the ordinary people of the state, who have to deal with the water, decide how the water should be used. All interest groups, including the tribes, environmentalists, ranchers, farmers and everybody must have a greater say into what water is going to be used, or we're doomed to failure. Until we force the federal government to back off and let the states manage its resources, I think we'll continue to have regional plans which are nothing more than a set of rules that sit on the shelf.

MR. WALLIN: I think the process is fatally flawed. I think the process isn't going to go anywhere. I think we're going to wind up with a bunch of patches and no quilt. I feel the state does need to take the first responsibility now. It's up to the state to provide the leadership, to provide the format, to provide the data base, and to specify what aspects need to be dealt with. It's up to the state to develop a process that holds true statewide. Public participation must be a part of this to make sure the process doesn't get captured by local dominant-interest groups. Everyone indeed should have an opportunity to participate. Basically, I think our problem is the same that I was ranting and raving about two years ago: there's no state agency in the state of New Mexico that has the clear lead as the authority on water issues. It's bifurcated between the State Engineer and the Department of Energy, Minerals, and Natural Resources. So what does the legislature do? Do they give grants to these local folks, agencies, and ad hoc groups, and whoever is willing to go out and do a plan for water resources? I don't see that approach coming together into a comprehensive, reliable, high-quality, statewide water plan.

DR. BAHR: For a while, there, until we started this panel discussion, I thought we had absolute

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unanimity and consensus. I thought we could say, "Hey, we don't need a water conference next year. Everything's been solved." I think we're going to have another water conference next year.

Thank you.