

PLANNING BY LOCAL GOVERNMENTS: A PANEL DISCUSSION

Six representatives of local southeastern governments addressed conference participants with their water planning concerns. Each representative devoted a few minutes to their special interests and then responded to questions posed by the moderator and the audience. The following has been transcribed and edited.

Panel Moderator:

Ron Cummings, University of New Mexico, Department of Economics

Panel Participants:

William F. Brainerd is now serving his second term as mayor of Roswell. He has been in private law practice since 1955 after graduating from The University of Texas Law School in 1952. He received a BBA from West Texas State University and during World War II served with the U.S. Navy in the Asiatic/Pacific theater.

Wendell Chino has served as president of the Mescalero Apache Tribe for 32 years and has been in office longer than any other Indian chief. was born on the Mescalero reservation and graduated in 1951 from Michigan's Western Theological Seminary. Since he was first elected, the number of tribal members has increased from 1,200 to 2,935.

Max Clampitt is serving his fifth term as mayor of Hobbs and his seventeenth year on the city commission. Clampitt recently retired after 25 years of service with the U.S. Postal Service. A lifelong resident of Lea County, he attended schools in Eunice and Hobbs and at one time owned a small business in Eunice.

Bob Forrest was elected mayor of Carlsbad in 1986. He is co-owner of Forrest Tire Company, which headquartered in Carlsbad and has branches in Hobbs, Roswell, Lovington and Odessa. He served as a Carlsbad city councilor for five years and is founder and president of the Carlsbad Association for Retarded Citizens.

Frank Potter is city manager of the Village of Ruidoso. Potter is a New Mexico native, born on a ranch five miles west of Ragland. He has lived in Ruidoso since 1958 and began working for the Village of Ruidoso in 1964.

Ernest Thompson has served as mayor of Artesia since 1972. He is chairman of the National League of Small Cities, U.S.A. and of the Southeastern New Mexico Economic Development District. Thompson also has been appointed to the Governor's Taxation and Revenue Study Committee and is active in many civic organizations.

MR. BRAINERD: The planning problems facing each community will vary considerably depending on the resources, size and type of basin in which they are located. Roswell is a very fortunate community in that it is in a recharge basin now experiencing higher water levels than it has experienced in many, many decades. Within the last three years, some springs that have been dry for probably fifty years or more started running in the city of Roswell.

To facilitate planning and the acquisition of water for future growth, the city has a water advisory board, an ad hoc committee of 25 members who are very knowledgeable in the water area. The board is chaired by Fred Hennighausen, a former employee of the State Engineer Office (SEO), a practicing attorney here in Roswell, and a Roswell city councilor. The board has been part of the city for many years and at its direction and with its valuable assistance, we have acquired a number of farms and ranches around Roswell. We have acquired the Kerr ranch for its water rights, now called the Kerr water field, south of here.

Before the basin was brought into balance, that is, when the pumping was greater than the recharge into the basin, we had to retire a number of city wells in the northern part of the city due to increasing salinity and brackishness of the water encroaching from the north and east. Unfortunately, each well-head had its own area to service and there was a real interconnection among wells so we had to completely rebuild the total water distribution system within the city. It has been a 20-year project.

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Our water rights acquisition program has been ongoing. We have water rights in the bank right now, which covers a population of 100,000. But in order not to retire the water rights and dry up the land, the farming areas acquired in the past are now leased to farmers at a cash rental. This is done to cover the cost of acquisition - hopefully the cost will be diminished over a period of time before we actually need to put the water rights to use.

The governor indicated earlier today that he wanted to keep the regulation of water quality at the state level and not the federal level. I heartily applaud that. Let me give you an illustration why. The Environmental Protection Agency (EPA) required the city of Roswell a number of years ago to chlorinate its drinking water to protect the people from bacteria that it might contain. It was not demonstrated that there was any bacteria, but that's beside the point. We just completed a new wastewater treatment plant two years ago, partially with EPA funds, partially with state funds, and a substantial portion with city funds. The EPA, in its wisdom, said before we could put our water into the wastewater treatment plant we would have to dechlorinate it; the chlorine wasn't good for the fish. We had a real headknocker over that. We said, "That's great. It's going to cost over a \$1.5 million. Where's the money?" They said, "That's your problem." This has been a persistent attitude. I'm sure some of the other mayors have encountered the same attitude. We pointed out to the EPA that the chlorine never reaches the Pecos River. It evaporates within a mile or two in the stream. It is not a problem to fish or anything else. The argument fell on deaf ears. The staff was sitting around one day discussing this matter and wondering if it were true that in order to seek employment with the EPA, the primary requirement was that you'd have to flunk the Rorschach test.

These kinds of regulations are increasing costs incredibly and unnecessarily. We are going to be confronted with all kinds of increasing costs if the regulations are merely reasonable. But when you put unreasonable regulations on top of that and then require cities to pass costs to consumers or to increase their tax rates, it's going to become so burdensome that it will be intolerable. One of the primary things we at the local level are going to have to do is to start defending ourselves against imprudent and irrational regulation. Thank you.

MR. THOMPSON: It is a pleasure to be here to talk about water in the city of Artesia. We do have problems. We are in the same basin as the city of

Roswell but I don't think they have the problems we have. About a year ago, people started calling city hall saying the water was smelling bad and discoloring clothes. We brought in a company to do a study. We found something in our water that had never been there before - manganese. We don't know where it came from; the engineers haven't told us from where it came. We also have iron bacteria causing a problem. The engineers estimate it will cost \$3.5 million to clean this up.

We are unique in Artesia in that all our wells are independent of each other - there is no central collecting point. Thus, we are going to have to put a treatment plant into each well. This will cost about \$300,000 per well. We don't have the money so we will have to raise our water rates, which by the way, are the cheapest in the state. It looks like we are going to have to double those rates. Like the city of Roswell, I think we can take care of our many problems with the fine people we have in our city.

We are trying to take care of the problems we have with the amount of money we have. Whatever happens, the city of Artesia will be happy to cooperate with the state, the federal government or whoever is going to direct our water in the future.

MR. FORREST: We are pretty fortunate in Carlsbad. A hundred years ago our city was discovered. The discovering families made the decision back then that if they could get water to the lower valley of Carlsbad, it would be a great place to start a new town. The first town was called Eddy, and later, when it was developed, they called it Carlsbad. Three flumes were built to get water from the upper part of Carlsbad to the lower valley. Two wooden flumes were built in the early 1900s and both washed out when the Pecos River flooded. Finally a concrete flume was built. It opened up about 14,000 to 15,000 acres of farmland, which became Carlsbad. Farming was our main livelihood until 1935 when the potash mines were developed.

We've kind of taken water for granted in our area. Fifty years after the concrete flume was completed, the Brantley family and other farmers in Carlsbad decided they needed to dam up the river. It took almost forty years for Congress to approve it and close to \$150 million was spent on it. Now we have a very fine dam above Carlsbad.

About five years ago when the economy was getting a little tough and the price of oil went from \$35 to about \$10 a barrel, we decided we needed to diversify the economy of Carlsbad. We called in some experts to tell us what we could do to develop our city to its best potential. After the \$10,000 study

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was completed, we were told our number one asset was the Pecos River. I guarantee you now, thirty years from now and fifty years from now, it won't be our potash reserve, it won't be our oil and gas, it's going to be our water that will provide economic health. The Pecos River is a tremendous asset to our city.

Recently we went to the legislature in Santa Fe. We are trying to develop a canal up through the downtown area like the San Antonio river mall. We were surprised by the Santa Fe legislators who gave us \$2 million for our \$8 million project.

I've been mayor for just three-and-a-half years and I wish I could take credit for our water situation. If we were in as good a shape with our economic development as we are with our water, we wouldn't have any problems. We enjoy about 25,000 acre-feet of water rights. Mayor Thompson, I'd like to challenge you to the lowest water rates in New Mexico. I think Carlsbad has them. We do have a good supply of water. We have not abused our water rights in the Capitan Reef. We have very tough restrictions including the casing of all wells in the immediate Capitan Reef area for any oil company wanting to go in and drill.

We are probably one of the few cities in New Mexico or the United States that did not have to ration water last summer because of the available water in the Capitan Reef.

Enough cannot be said about Steve Reynolds and the former Mayor of Carlsbad, Walter Gerrells for these water rights. We have enough water for a town of 75,000; we are about 25,000 right now. There is a lot of potential for water harvest in the Double Eagle system where there is about 8,000 acre-feet of water rights that we are not using. In the Capitan Reef, there is about 9,800 acre-feet of water rights being used. I think the easiest way to see the quality of water is to go through a city and look at the evaporative coolers. The rust on the bottom tells you the quality of water they have. We have about 12,000 acres of industrial water rights down the river. If the right deal comes along, and I don't mean a deal for 10 jobs, but someone who has 200 jobs they would like to bring to the Carlsbad area, we have about 12,000 acre-feet of water rights available for that industry.

We have had some problems at Brantley Dam this first year. We had a beautiful lake early in the summer but saw it depleted to almost 5,000 or 6,000 acre-feet of water. We are currently in contact with water rights owners in Texas to try and talk them into selling those water rights to New Mexico. We

will move those water rights up to Brantley Dam so we can take advantage of that beautiful lake.

The city of Carlsbad owns about 6,000 acre-feet of river rights downstream. We have done an excellent job protecting our water and our natural resources. I do not know of a city that is blessed anymore than Carlsbad with all of its natural resources: water, potash, oil and gas, salt beds, sulfur mines, beautiful Carlsbad Caverns, and two national parks. We have a lot for which to be thankful. We have a quality of life out here in southeastern New Mexico second to none. I've been to California and it's just a matter of time before we have to put a lock on the roads to keep the people from coming to Carlsbad and southeastern New Mexico.

We recently visited El Paso, as we are always looking for economic development opportunities. I made a trip to Juarez to visit a twin plant and watched as a little Hispanic girl about thirteen years old built a color TV. They paid her a dollar an hour. I don't think that is the answer to economic development. I think there are other ways to do things.

The more I see them the more I appreciate the potash mines. I appreciate the WIPP project. The governor got away before I could mention that if he doesn't get that thing open in his term, we're going to call it the Carruthers National Laboratory. Thank you for having us here today.

MR. POTTER: I was raised on a ranch about 5 miles west of Ragland, about 4 miles north of Jordon, New Mexico. Yesterday as I listened to the agriculture portion of the conference, I thought about the ranch on which I was raised. I was born in 1944 on that ranch and while I was growing up, the average rainfall in New Mexico was about 12.2 inches of rain. For about ten or fifteen years though, we got about 5 inches of rain a year, so we didn't really know what water was.

I'll provide you with a little bit of Ruidoso history. Ruidoso is located on the upper Hondo of the Pecos River drainage basin. The 1980 census revealed that the county of Lincoln was growing at a rate of 4.5 percent, Ruidoso represents approximately 50 percent of the population and was growing at a rate of 10 percent per year. The total 1980 economic output of all sectors of the Pecos River basin in Lincoln County was \$161.8 million and 37 percent of that was in retail sales. The agricultural economy of the Pecos River in Lincoln County represents about \$15.9 million or less than 10 percent of the total economic output. Thus, Lincoln County is not a big agriculture producing county.

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The total area of the Pecos River drainage basin in Lincoln County is 2,229,200 acres, about 74 percent of the county. Private lands comprise about 60 percent of ownership. The projected 25-year water demand is about .8 percent per year.

Ruidoso is unique in that we are in the tourism business. We are probably one of the only areas that will have a chance to charge the Texans for the water they use and hopefully offset the Pecos settlement payback. Seventy-six percent of the homes and businesses in Ruidoso are owned by out-of-state, Texas residents. Ruidoso has a very young water system. We did not have a water system until 1952 and as you can imagine, we had to start playing some rapid catchup. We have in the Hondo River basin some early water priority rights dating back to around 1870. Ruidoso was able to purchase some of those rights and we now have two primary sources of water. Water in the Eagle Creek Water Association, which is located in Alto, was purchased from the railroad commission after the war.

In the 1970s, we found that if we were going to continue to grow, we had to do some things to stay on top of tourism development in New Mexico. The first thing we did was a hydraulic analysis. Ruidoso is unique in that it is located in the mountains and has a water system that must serve an area that varies in elevation by 1100 feet. Ruidoso commissioned a hydrologic analysis of the system using that 1100-foot differential and an in-depth historical study. We combined the reports to determine how we could apply the findings. Probably the most complicated matter was the 27 different pressure zones we have in the system and how to apply the analysis to that area. We also looked at how to apply the results given the source of the water and the water rights we own. How to report data to the state engineer to comply with state statutes and our own water rights obligations was studied. We just finished a LOTUS computerized program that reports total water usage to the SEO in Roswell. Currently, we have about 16 diversion points on the program. The information needs to be calculated on a computer to benefit Ruidoso.

We are also happy to say that we think we have adequate water rights and if we manage our system properly, we probably can maintain growth up to 25,000 or 30,000 people. Geographically speaking though, we can not be much larger than that because we are bound on the south by the Mescalero Apache Indian reservation, to the east and west by U.S. Forest and to the north by Alto Village and state land. Thank you.

MR. CLAMPITT: Our problems in Hobbs are a little different than the ones mentioned this morning. The city of Hobbs doesn't have a river any closer than 69 miles to the west. All our water is produced by underground water sources from the Ogallala Formation. Wells are drilled to about 125 to 160 feet below ground. We have a good water supply and good quality water. We think we have enough water to carry us to our latest projections around the year 2020 with our current population. An increase in the population, of course, will cause our water usage to go up.

We have a problem with the policy of the SEO that limits our long-range water planning to forty years. Forty years might seem like a long time, if you are sixty-five years old. But for a city, we don't feel forty years is enough. We would like to see some changes made in that area. There is also a current policy allowing anyone to buy a tract of land with a minimum of 3/4 acre outside but adjacent to the city limits, drill a well and install a septic tank. Not only do we feel that these septic tanks are possible pollutants to the aquifer, the waste water is also going into our water supply.

We are getting better acquainted with the well-head protection act soon to be in effect. We feel it is a good act but it needs to provide sufficient funding to enable our service stations, oil companies, and others storing petroleum underground, to come into compliance. We have several private service station owners who have had to close down their stations because they simply could not afford to come into compliance with the regulations. I have no problem with the regulations--only the lack of funding that has been alluded to by some of the other speakers.

Another unique problem concerns cities in eastern New Mexico. We are competing with Texas farmers in the area for water from the same aquifer. The city of Hobbs is only 4 miles east of the state line. The Texas farmers in the area who have cotton farms, beet farms, all kinds of peanut farms, pecan farms and so forth have no restrictions on their drilling. We have restrictions with which I happen to agree. I think Steve Reynolds and his crew have done a good job over the years in controlling water production. Although the unlimited drilling in Texas is not a particular problem in Hobbs right now, it certainly is in some of the smaller communities around the state. The smaller towns do not have the resources or staff the city of Hobbs has to hire geologists and engineers to conduct a survey and develop a water program. These towns need a serious study on what is available in order to make long-range projections. We feel funds should be

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made available to these small towns. However, we will not turn down any requests for assistance from these towns.

It is fine when state agencies like EID or federal agencies like EPA come up with contamination findings as in the manganese situation. However, we would like to have programs that show us what to do along with some funding to help us come into compliance. Thank you.

MR. CHINO: The governor labeled his speech *View from the Top*. Will you give me the *View from the Bottom*.

One of the interesting things about the Indian people is the perceived condition of various Indian communities in the state. We are used to drinking good, clean water from streams and creeks. But in this high tax society of ours, we are amazed that anybody should take sewer water and put it into their drinking water and drink it again. That is difficult for us to understand, but I guess that is what is going on in a good part of the country. The Mescaleros have not started recycling water yet. We still drink water from the streams and clean wells.

I am grateful for the opportunity to participate on the panel this morning. In the context of Indian tribes, I am going to voice our views concerning planning and the use of water. In our opinion, the biggest obstacle to planning by local governments is the state of New Mexico. The Mescalero Apache tribe is a community which has done extensive planning for future economic development based upon the reservation's water resources. The state of New Mexico has taken every opportunity to defeat these plans even when it is clear that the non-Indian community will profit from development as well as the reservation.

In 1974 and 1975, the tribe constructed Cienega Reservoir into the development of the Inn of the Mountain Gods. The state of New Mexico took the tribe to court to try to stop the project. The reservoir was completed despite the opposition and the state's objections. Since that time, it has become clear to everyone that the reservoir has resulted in a more steady and reliable flow of water to all downstream water users. In addition, the development has brought increased tourism to the area to everyone's benefit. The state's fight against the reservation reservoir was short-sighted and contrary to everyone's interest.

For fifteen years, the state has poured money into attacking the water rights of the Mescalero Apache Tribe. The state has refused to negotiate or even discuss investment in common reservoirs for

the benefit of all. The State Engineer Office has spent nearly \$1 million in extra fees alone and more in attorney fees to attack tribal water rights.

The state legislature has expended more than \$500,000 to non-Indian parties to pay attorney fees and extras in attacking the tribe's water claims. This money would have been better spent working with the tribe to develop water supply streams that could benefit all of the communities.

Instead the state has done a disservice to all New Mexico citizens by denying access to major sources of good water. The tribe had planned to develop more than 10,000 acre-feet of water per year from a peak ground-water source that can be accessed only from the reservation. The proposed pumping from the Pajarito area would have had a negligible impact off the reservation even after fifty years of pumping. This evidence was presented at the trial in 1986 in the Lewis water case tried in Roswell. The ground water is pooled beneath the reservation in fractured rock areas which have stored this water, making it available for pumping on the reservation. This water cannot be pumped from locations off the reservation. The state hydrologist knew this and did not contest the evidence of the small impact of reservation pumping on non-Indian communities.

Nevertheless, the state attorneys vigorously fought the tribe's claim to this valuable reservation water resource. In July of this year, the state won that argument in district court. That water is no longer available to the tribe or to anyone else pending appeal of the case.

When the state of New Mexico ignores us, I throw right back, "Why attack these developments? It hurts everyone." Growth on the reservation helps the surrounding communities. It provides employment and pumps tourist dollars into local shops, gas stations, motels, and restaurants. The tribe has developed a ski area, the Inn of the Mountain Gods, the hunting and fishing industry, and recreational sites as part of their overall water development plan. We have done much, but there is much more to do if we are to reduce the high numbers of unemployed.

As local communities, we have in common the need for development of existing water resources. When the state of New Mexico repeatedly talks about cooperation and actively defeats the planning of communities for development of water resources, the state is hurting all of us, all of us will suffer.

DR. CUMMINGS: Before moving to questions from the audience, I would like to pose one question. I hope you share my enthusiasm with the breadth and depth of the discussions we have heard today. The

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biggest part of the discussions have focused on two major themes: water management and scarcity. In finding ways to possibly manage scarcity, Chris Nunn talked to us about markets and the potential for markets to solve problems. Bill Brainerd spoke to us about local development costs that are a major problem for cities as they deal with water scarcity, in particular with water quality. And then of course, Max Clampitt has talked to us about the problems of having enough time to plan adequately for cities.

A second major theme has focused on opportunities and challenges in terms of water resources management. Phelps White has talked to us about new state opportunities for economic planning. Bob Forrest just told us about the opportunities they face in Carlsbad. But what strikes me as overriding a large part of these discussions are problems perceived by people who are trying to deal with water resources planning and its interface between the federal and state government, and state and local governments. This morning we heard Tony Willardson essentially calling for a reexamination of the proper interface between state governments and the federal government. This brings to mind that for some time, Tom Bahr has been pushing the idea that if you characterize the nature of the partnership between the federal government and the state government prior to 1980, you could very simplistically describe the covenants of that partnership as the feds pay the bills and they call the shots. Post-1980, the federal government in some ways can be seen as having abrogated some part of that partnership. They no longer pay the bills, but to many, they still call the shots. The question that then arises is, should the states renegotiate, redefine this contract, this covenant of the partnership, between state and federal governments? Mr. would like also to see the partnership redefined between state and local governments.

When you talk about the interface between the federal government and the state government, what is your view of what that interface should look like? What do you want from the federal government, other than money, of course? How can the federal government help you in a productive way? How would you like to see that interface between federal and state governments improved?

MR. BRAINERD: Speaking strictly from Roswell's viewpoint, I have a very deep feeling that the federal government and the state are overreacting in the area of regulation. We have a hard time distinguishing between the state's Environmental Improvement Division and the federal Environmental Protection Agency in many areas. I would like to see the states

take on the responsibility entirely or get out of it. We just have too many regulations bestowed on us. Santa Fe is becoming as bureaucratic in certain areas as the federal government.

One of the biggest problems we see at a local level is a lack of funding for all the mandates coming from Santa Fe and Washington. To give you an example, the Community Development Block Grants that were set up years ago as federal aid to cities has diminished from \$55 billion annually to about \$17 billion. Meanwhile, the number of regulations and mandates coming down to the cities are increasing. We have absolutely no taxing authority at the local level other than that given to us by the legislature. So we are put in a terrible bind because we have all these mandates coming from the state and federal governments with absolutely no ability to implement or pay for them.

For this reason, in 1985 or 1986, the citizens in New Mexico passed a constitutional amendment saying in essence, if the state is going to mandate local government an increase in service or facilities, the state must provide a means to pay for it. This is the essence of the lawsuit the governor was complaining about saying all of us poor old mayors ganged up on him. The state made all these landfill regulations and then said, "You boys go out and do it like we tell you, but you pay for it." The lawsuit is not against the need for better landfills or that cities are unwilling to do what is necessary to bring those things into compliance. It is a test of that constitutional amendment to see whether it actually means, in a legal sense, what we feel it means. Otherwise, we are going back to the status beforehand. I would like to see if the states are going to regulate landfills, the federal government should get out of it. I am not certain whether the states can do a much better job than the feds. They have demonstrated an ability to screw up corn flakes.

MR. THOMPSON: We have a problem with landfills in Artesia. We are finding that for many years oil companies were putting waste in our city landfill and we did not know, nor did they, that it was illegal to dump some of the things they dumped. Now the federal government and EID people have come in and said, "You're wrong in what you've put out there." Okay, who has been wrong all these years, say back forty years ago? The city of Artesia is saddled with having to cleanup when no one knew thirty or forty years ago that what they were doing was illegal. Those people are gone, Artesia is saddled with the problem and its going to be mighty expensive because we have to drill four test wells in our present landfill. In the old landfill north of town, we

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will have to drill several test wells. These will be at our own expense. You can see that these problems are hurting smaller cities given their limited funds. Like Mayor Brainerd, I think if we are going to mandate something to cities, we should mandate a little financing with it. I think it's necessary to the things they are requiring us to do.

MR. CLAMPITT: Quite briefly, I would just say that we need one thing above all else. We need consistency and cooperation from our federal and state agencies when it comes to cleanup. The left hand needs to know what the right hand is doing. We get conflicting reports from the state and federal governments. Take the example of putting chlorine in the water. Somebody says to put it in, somebody else says that you have to take it out. That seems inconsistent to me. Apparently one time in a baseball game, an umpire was terrible and he kept making some really terrible calls against one particular team. The manager went out and complained, "Look, we know you're sorry, but be consistently sorry for both sides."

MR. FORREST: Just recently the cities lost their revenue sharing. In Carlsbad, revenue sharing used to be close to \$700,000 and that stopped about two years ago. I'm sure Roswell received close to \$1 million. I disagree with the governor when he says the one who releases waste in the landfill ought to pay for it. We had a case in Carlsbad. I am in the tire business in Roswell, Hobbs, Lovington, and Carlsbad. There is quite a problem with what to do with used tires. I know there are problems after you trade them in, but they came from you. At the landfill in Carlsbad, someone came up with the bright idea that they would start charging us a dollar for every used tire dumped. So when we would sell a set of tires, we would say, "Would you like to take your old ones with you? They make good swings and things like that." Pretty soon tires start showing up all over the city. Finally, the city decided to put these tires in the landfill and get rid of them right. The city did not want them stacking up on vacant lots, letting them create places of mosquitos to breed and that sort of thing. You are not going to wish the problem away and it is a problem that rests with everyone. It's like closing a cemetery - pretty soon the dead bodies start showing up everywhere.

DR. CUMMINGS: We would now like to invite questions from the audience.

MR. BLACK: I am Jack Black from Carlsbad with my friend James Lowry. We are representing a

newly organized group. We call ourselves the Eddy County Citizens Committee. We are mostly retired, although not totally. We are vitally interested in grassroots participation in working with our municipalities and commissioners on water resources management. I guess we are a special interest group in that we intend to represent the public welfare. I'll address my question to Mayors Thompson and Forrest. As we attempt to work, we try to identify the people with whom to work. Do you realize that across the nation the water problem is great and it exists in a lot of communities where planning has taken second place? Efforts have been made both in quantity and quality. If you had to identify one of the greatest mistakes that has been made in the past concerning planning, what would it be?

MR. FORREST: The biggest problem we have in Carlsbad is that the former mayor kept water prices too low. In our area, I cannot think of anything I would change, but I know we get a little criticism because our water rates are so low. We ought to raise them to conserve water, but the water industry is a big part of the income to the city budget. When you get retirees like yourselves in our city, and you try to raise water rates, or the garbage rates, the people come back with the fact that they have fixed incomes and that sort of thing. But I think the overall water picture in the city of Carlsbad, including how the water-well system works, and how the water-rights system was set up, I think we are very fortunate to have the system we have. Carlsbad is blessed that it enjoys the older water rights on the Pecos River. But with hindsight, I cannot see much that the city or the state could have done much differently. Winning the Pecos lawsuit, even if we have to pay Texas \$14 million, was a great victory for the state of New Mexico.

MR. THOMPSON: I think the regulations that keep coming down that we are not accustomed to are the biggest problem we face. Every year or so we have new regulations. These put quite a burden on our city as it does in the county. I know it is imperative that we have good, clean drinking water and plenty of it. We are often at a loss as to what is causing our water problems and certainly the engineers do not always know. Like Mayor Brainerd, we are concerned about dechlorinating water. We have never had to chlorinate our city's water. Now we have to put in a dechlorination system that is going to cost a lot of money. Regulations are eating our lunch.

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MR. BRAINERD: Let me make one comment that builds on what Ernest Thompson was saying concerning conflicting regulations. I can see one that will have a great impact on communities. The governor alluded to the fact that EID has put out its regulations on landfills and these regulations are very stringent. However, the EPA has not yet drawn up its regulations. Now, I will bet anybody here any amount of money that those regulations are not going to be compatible. Which do we follow? The feds say one thing, the state says another. Now we have a built-in conflict that will have to be resolved. I had hoped the state would hold off with its regulations until we find out what EPA was going to do this coming year. The regulations then could have been compatible. But, by moving out as they have without knowing what the feds are going to do, we are going to have a conflict on our hands and somebody is going to pay for it.

MR. THOMPSON: A short time ago I was told that the landfill problems would not be the city's problems. The state was going to institute regulations and put pressure on people who dump in our landfills. Illegal dumping was my problem. My reply was that with all the open spaces we have, given the regulations, county people are not going to worry about bringing material to the landfill; they are going to find some open space and dump it in the county. Then whose problem is it? I don't think it is the city of Artesia's problem if they are dumping into open county space.

MR. CHINO: The Indian communities face a problem when stringent solid waste disposal laws cause city disposal problems. We don't want wastes dumped on Indian reservation borders next to these communities any more than other folks who are dumping it on us.

MR. CUMMINGS: Are there any other questions from the audience?

AUDIENCE: Mayor Forrest, do you know the percentage of water you get from your wells out by Dark Canyon versus the water that comes via pipeline from the Ogallala? Is there thought of transferring land with unused capacity to potential users like the city of Hobbs or anybody that might be able to use it? My concern is that the Ogallala is being depleted. The renewable pump at Dark Canyon does get recharged. Is there is a possibility of using the renewable source and saving the nonrenewable source for other users at peak times?

MR. FORREST: We sell about \$1.5 million worth of water in the Dark Canyon to the Ogallala - a little less than what we use for the city. The city is almost at maximum water rights with Dark Canyon. Probably within the next year or two, we are going to try to transfer some of that water for use by city residents. We are also going to talk with the city of Artesia about selling them some of the water. We are looking for future uses of this water, but some of it will go to Carlsbad and we will be out of water rights within a couple of years. We do sell a lot of Dark Canyon water to the Double Eagle system, to a water flood system in the oil business. This is a water system Carlsbad purchased some fifteen years ago.

JAMES LOWRY: My name is James Lowry and I'm from Carlsbad. I receive a quarterly defense monitor from Washington, D.C., put out by a nonpartisan group of retired army and navy officers who monitor the defense expenses of this country. According to the defense monitor, the U.S. is spending several billion dollars a year more than they need to be spending on defense. You could solve some of your problems with that money. When are the citizens of this country going to wake up and become aware of this? When are they going to start raising hell with their congressmen and senators to cut out all that malarkey? Then you'll have more money for some of the things you need.

DR. CUMMINGS: Thank you very much. Any comments or any other questions?

AUDIENCE: I am with the Water Defense Association. I have a question for Mr. . My question focuses on the state cooperating with the tribe on some of the water issues you mentioned. You claim the state has not ended its attack for water from the tribe. The tribe claimed twice the amount of water that is available in the stream. The January court decision with the final order in July provided the tribe with a quarter of the water that is in the stream, increasing the tribe's water right by 62 percent. Don't you think the grievance filed on behalf of the tribe is a little bit out of line? The tribe showed an unwillingness to cooperate to a fair and equitable distribution of the available water.

MR. CHINO: Aamodt, 1986 or 1987, the day the State Engineer Office approved the use of ground water in the Eagle Creek area by the Village of Ruidoso for more than 8,000 feet of water per year despite the fact that it was argued against the Mes-calero water claim in the same area for 4,633 feet.

Planning by Local Governments

Well, these are some of the background inequities that I am aware of. I don't care whether it is the state or the federal government. I heartily agree with the gentleman that we don't need another moonshot. We are going to have to take care of where we live before we start thinking of where we want to live.

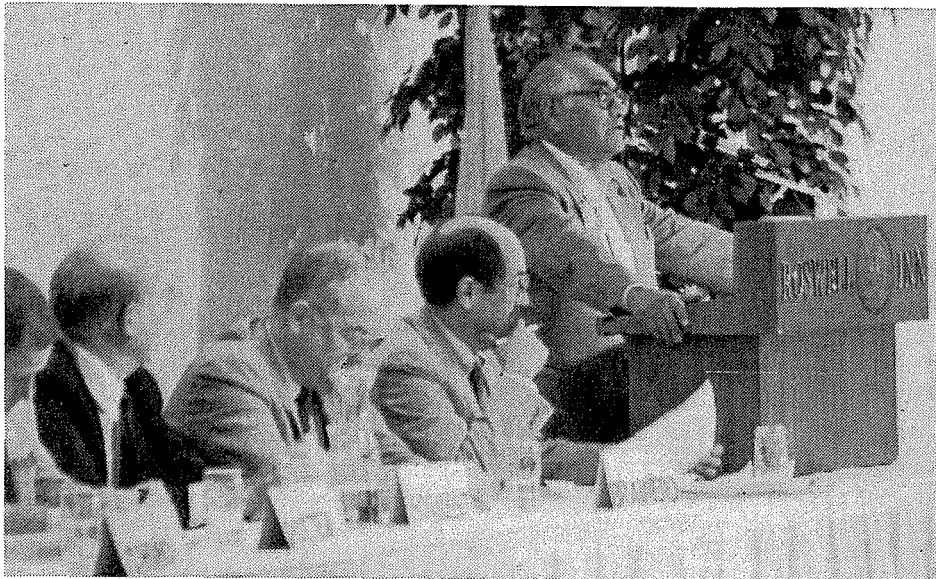
DR. CUMMINGS: Are there any other questions?

MR. MARTINEZ: I am Sammy Martinez, president of the Acequia Association. Las Vegas, where I'm from, is way up north on the Pecos River basin. It is up where the water originates, up there where you get from 10 to 25 feet of snow packed up in the mountains. When you live up on the mountain, you see the water come down when we get a good warm spring. We don't have underground water, but we have a lot of surface water from various creeks coming from the canyons. We have six or seven streams coming into the main river. The city of Las Vegas was curtailing water use this summer. I think the only water rights we have from the Gallinas River is for human consumption. I have heard that Roswell and Carlsbad have purchased property and

acquired water rights with the property. Also, we heard the mayor of Carlsbad say he has 12,000 acre-feet of water that he can go ahead and shift its use. Meanwhile, up here in the north where the actual Pecos River basin starts, where we have water flowing to you people here, we have a shortage of water. Also in the north, just like the Indian tribes, we are stepchildren to any dedication. We don't get much cooperation from the State Engineer Office when it comes down to problems. However, if we do anything wrong, the State Engineer Office and their attorneys are on top of us.

DR. CUMMINGS: Thank you, sir. Any response?

MR. BRAINERD: Just one thing, most of the recharge coming into this basin is from a huge area going all the way up into Estancia. Most of our water does not come out of the Pecos River system per se. It comes from the recharge into the San Andreas Formation, from a large, large area to the west and north. We are part of the system and I don't have any solution to your problem, but I just think it ought to be verified that most of our water, and Carlsbad's water also, comes from a different direction.



Wendell Chino speaks as (from left) Frank Potter, Bob Forrest, Bill Brainerd, and Ron Cummings listen.