

**WATER  
CHALLENGES  
ON THE  
LOWER RIO  
GRANDE**

National Water  
Resources  
Association  
Update

*Wayne Cunningham has been a member of the National Water Resources Association for 28 years, a member of the Board of Directors since 1976, and was elected president in 1995 and will serve in that capacity until January 1999. For the past 18 years, Wayne has been a soil and water conservation specialist with the New Mexico Department of Agriculture. Prior to that, he was Treasurer/Manager of the Elephant Butte Irrigation District for 22 years. He served on the Interstate Stream Commission for six years and the New Mexico Water Quality Control Commission for 17 years. Since 1976, Wayne has been president of the New Mexico Water Resources Association and since 1986, a member of the Western States Water Council. A long-time friend of the WRRRI, Wayne has served on the institute's Water Conference Advisory Committee since 1970. In fact, Wayne's very first public speech was given at the 1970 Annual New Mexico Water Conference.*

## National Water Resources Association Update

Thank you ladies and gentlemen for the opportunity to speak to you today regarding the National Water Resources Association. Before I began, I would like to give you a little background on Dr. Tom Bahr. In late 1976 or early 1977, Dr. Gerald Thomas, President of New Mexico State University, appointed three other gentlemen and myself to select a director for the New Mexico Water Resources Research Institute. There were in excess of 2,000 applicants for this position, and we worked for over a year narrowing down the candidates for Dr. Thomas' selection. When we met as a group, we had to refrain from mentioning names. The university provided a lady to guard a four-drawer file and all we were allowed to do was request a number, and the application or resume file would be given to us.

During that year I had the opportunity to look at Dr. Bahr's file and found he had a prestigious academic background, varied interests and numerous hobbies, such as woodworking, hunting and fly fishing, restoration of automobiles, and connoisseur of fine wines and wine making. Dr. Bahr was selected as Director of the institute, assumed his



duties in February 1978, and has served with distinction since that time. During my review of Tom's resume I came across one of his earlier summer jobs while he was in college as a campground director in Florida, and I would like to quote an incident that occurred during his employment. I title this incident, "B.C., A New Meaning."

My friend is a rather old-fashioned lady, always quite delicate and elegant, especially in her language. She and her husband were planning a week's vacation in Florida, so she wrote to a particular campground and asked for a reservation. She wanted to make sure the campground was fully equipped, but didn't know how to ask about the toilet facilities. She just couldn't bring herself to write the word "toilet" in her letter. After much deliberation she finally came up with the old-fashioned term "bathroom commode." But when she wrote it down, she still thought she was being too forward, so she started all over again, rewrote the entire letter and referred to the bathroom commode merely as the B.C. "Does the campground have its own B.C.?" is what she actually wrote. Well, Tom wasn't old-fashioned at all and when he got the letter he just couldn't figure out what the woman was talking about. That B.C. business really stumped him. After worrying about it for a while, he showed the letter to several campers, but they couldn't imagine what the lady meant either. So Tom finally came to the conclusion that the lady must be asking about the local Baptist church, sat down and wrote the following reply:

Dear Madam:

I regret very much the delay in answering your letter, but I now take pleasure in informing you that

a B.C. is located nine miles north of the campground, and is capable of seating 250 people at one time. I admit it is quite a distance away if you are in the habit of going regularly, but no doubt you will be pleased to know that a great number of people take their lunch along and make a day of it. They usually arrive early and stay late.

The last time my wife and I went was six years ago, and it was so crowded we had to stand up the whole time we were there. It may interest you to know that right now there is a supper planned to raise money to buy more seats. They're going to hold it in the basement of the B.C. I would like to say it pains me very much to not be able to go more regularly, but it surely is no lack of desire on my part. As we grow older, it seems to be more of an effort, particularly in cold weather.

If you decide to come down to our campground, perhaps I could go with you the first time you go, sit with you, and introduce you to all the other folks. Remember, this is a friendly community.

Sincerely,  
Tom Bahr

The roots of the National Water Resources Association date to the mid-1870s and the efforts of five governors and territorial governors to encourage the federal development of water resources in the west. Their efforts led to the enactment in 1902 of the Reclamation Act and subsequent legislation, which resulted in the construction of a number of important water resources projects throughout the western United States.

In 1932, governors Dern of Utah and Meier of Oregon convened a meeting of representatives from twelve Western states—New Mexico was one of those states—to establish an association of water users and project proponents to secure the continuance of reclamation as a federal policy and congressional appropriations for project development. The establishment of the National Reclamation Association (the name changed in 1970 to the National Water Resources Association) created a federation of state associations to promote, among other objectives, reclamation as a program of national importance. Today, after more than a hundred years of achievement, the National Water Resources Association, which has in excess of 15,000 members, still includes as one of its most important objectives the development, management, and conservation of our nation's water resources. The Reclamation Program has been a successful public and private partnership that is largely responsible for the development and economic stability of the arid west.

The National Water Resources Association supports the development and federal funding of

water resources projects that meet a demonstrated state, regional or national need or purpose and which meet the environmental requirements imposed by state and federal law. The most recent success story for the Carlsbad Irrigation District and the Elephant Butte Irrigation District was an amendment to the Fair Labor Standards Act, Agriculture Exemption. The Fair Labor Standards Act is a federal statute of general application that establishes certain minimum wages, minimum hours, overtime pay, and other employment practices. Requirements of the Fair Labor Standards Act are applicable except where exemptions are provided. As originally enacted in 1938, Section 13 of the Act provided that the provisions of subsections 6 and 7 did not apply with respect to any employee employed in agriculture.

A concerted effort was being made by the Department of Labor

to deny the exemption to any employee engaged by an irrigation district or canal company if it is found that any part of the water being delivered by the system of that district or company is being used off the farm for other uses, including the irrigation of lawns or gardens. It is submitted that this was not the intent of Congress. The courts are not in agreement

as to the interpretation to be given to this exemption and the costs of obtaining a court ruling are prohibitive for most entities involved in the delivery of water primarily for the irrigation of agricultural products. It also is clear that under the laws of most western states, the irrigation district or canal company cannot prohibit the use of the water delivered for the irrigation of nonagricultural plants. It is therefore necessary that Congress clarify this exemption by providing that the exemption does apply with respect to any employee employed in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, or operated on a share crop basis, which were constructed for and are now used primarily for the supply and storing of water for agricultural purposes.

**Today, after more than a hundred years of achievement, the National Water Resources Association, which has in excess of 15,000 members, still includes as one of its most important objectives the development, management, and conservation of our nation's water resources.**

*Wayne Cunningham*

**WATER  
CHALLENGES  
ON THE  
LOWER RIO  
GRANDE**

National Water  
Resources  
Association  
Update

The National Water Resources Association's position was to urge Congress to support Senate Bill 259 and House Bill 526 and amend Section 13 of the Fair Labor Standards Act to include agricultural employees. The following legislation was passed in 1997.

*Any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share crop basis and which are used exclusively for supply and storing of water, at least 75 percent of which is ultimately delivered for agricultural purposes.*

In closing, the National Water Resources Association is addressing current matters of importance to its membership and has adopted 35 Resolutions and Position statements ranging from the Reauthorization of the Endangered Species Act to Transfers of Reclamation Project Facilities.

Thank you.