

March 16 marked the end of the first session of the 54th New Mexico Legislature.

Numerous bills regarding water resources were among the legislative efforts of this session. How did these bills affect the Augustin Plains water grab issue? Below is a synopsis of those bills dealing with groundwater.

Gail Armstrong (R), representative to the New Mexico House of Representatives from District 49 (which includes Catron County), and Melanie Ann Stansbury (D), representative from District 28 (Bernalillo County, Albuquerque Metropolitan area), sponsored a bill entitled “The Water Data Act” (HB 651).

HB 651 defines water data as “measurements of basic properties relating to the planning and management of water resources, including streamflow, precipitation, ground water, water quality and water use in agriculture, industry and municipal uses and natural systems.” The bill, which passed both houses unanimously, will, if signed by the Governor, make data more readily available and accessible to decision makers and researchers.

Until now, much of the data regarding the Augustin Plains Ranch LLC’s (APR) application to mine water in the Augustin Plains basin has been provided by APR’s own paid experts. A decision about the Augustin Plains groundwater application must be based on accurate data, not on claims made by the applicant, especially as the requested appropriation of water, if approved by the State Engineer, may be transferred out of the area of origin. This bill, HB 651, significantly increases the chances of independent data being available for analysis by decision-makers.

Other bills relating to underground water resources were proposed, and included HB 374. Sponsored by Gail Armstrong (R) and Candie Sweetser (D -- District 32) the bill was titled “Providing additional requirements for appropriation of underground water to supply water to a municipality ...”. It did not get through the requisite committees and therefore never made it to the floor of the House for a vote.

Parallel bills, HB 576 sponsored by Representative Gregg Schmedes (R) from District 22, the East Mountains, and SB 435 sponsored by Senator Antoinette Sedillo Lopez (D -- District 16, Bernalillo) both “Requiring the identification of end users in applications for the appropriation of underground water; establishing prior water appropriation decisions as precedent” were passing through committees when time ran out to consider them.

HB 374, HB 576 and SB 435 all have significance to the APR’s request to transfer water from the Augustin Plains basin, and are certainly of importance to all rural areas of the state.

Often, when introducing new ideas to legislators, it takes more than one legislative session for those ideas to take hold. The bills referenced above, or a revised version of them, will re-appear in future legislative sessions. It is noteworthy that representatives from districts other than Representative Armstrong’s are aware of the need to further regulate groundwater, a scarce resource.

Doug Meiklejohn, attorney for community protestants in the Augustin Plains case, spent many days in the Legislature, monitoring and advocating for bills that would significantly improve water policy in the state. Watch for the bills on groundwater to re-appear in the next appropriate session of the Legislature.

This article was written with assistance from Jaimie Park at the New Mexico Environmental Law Center