

Comment by Jim Nelson on P3/APR

Focusing on P3 in the context of the Plains water project is like complaining that the mugger who slugged me and stole my wallet had dirty fingernails. It is not the subject of primary concern. .

Reviewing SB0077 (1) ... (the legislation) includes both surface and underground water.

I see that it adds a few requirements to those already required to be addressed by the OSE. However, I don't see that it presents special hurdles to the APR, and it also lacks detail in some areas:

(9) whether the entity in the receiving basin has prepared and implemented a drought contingency plan and an approved water conservation plan;

Approved by whom?

(3) benefits presently and prospectively derived from the return flow of water used within the basin of origin that will be eliminated by the proposed out-of-basin use;

What is return flow? Return from where?

(11) whether the source of supply can reliably sustain the diversion's anticipated firm yield considering the predicted effects of climate change on precipitation patterns and temperature in the basin of origin.

The APR, despite its greenwashing about capturing surface water for recharging the aquifer, admits that there is negligible natural recharge and has presented no evidence that it can achieve artificial recharge. It claims that irrespective of such activity (and thus of climate-associated changes to precipitation patterns) the water reservoir underlying the Plains contains 300 years' worth of pumping at the stated rate. So all it has to do to meet condition 11) is abandon the flimsy pretense that it will do any recharging.

Finally, if I were the APR, I'd guarantee Plains residents an ample supply of water at a nominal rate. My money's being made from the Valley communities, especially once they're dependent on "my" water to sustain the overdevelopment that its consumption permits. I see no problem doling out a few hundred acre-feet to keep the locals happy.

So what are you prepared to do when the APR makes this guarantee: never mind about your wells; we'll meet your water needs!

First, do you object to this situation? If not, where's the problem?

Second: if you do object to it, what in any existing or proposed water law gives you any legal ground to prevent it? I really think you ought to answer both of these questions. If you can't, this legislation business just invites pettifoggery on both sides by evading the real issue.

Happily, I don't see how the APR can expect to overcome the objection that wrecked their previous proposal: they have no end user and are merely speculating.

(1) Links to documents: referenced NM SB 77 link to NM.gov

NM SB 77 - <https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legType=B&legNo=77&year=16>