

# Tensions over Rio Grande escalate with Drought



Colorado Commissioner Dick Wolfe, right, asks a question during the Rio Grande Compact Commission's annual meeting in Santa Fe. Susan Montoya Bryan/The Associated Press



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Tensions were high Thursday as top water managers from New Mexico, Colorado and Texas gathered to discuss management of the Rio Grande in the face of severe drought and a legal battle that has the potential to leave farmers in the arid region without a much-needed source of water.

Members of the Rio Grande Compact Commission heard from several federal experts that the river has been stretched beyond its limits, leaving little for farmers, Native American communities and endangered fish to fight over as the dry conditions persist.

The commissioners indicated they were willing to work together to solve some of the region's water problems, but New Mexico State Engineer Scott Verhines was more direct about the battle his state is locked in with Texas over the river's water. He pressed for more communication and cooperation.

"We have a lot of really smart folks in the room, some of the most sophisticated water managers in the West. But I also want to say I'm generally disappointed in all of us, that we find ourselves in this place again," Verhines said.

As New Mexico's top water official, Verhines said it would be better to use the state's resources for solving the problem rather than litigating. But he added that New Mexico is still ready to fight for its citizens and water users if that's the only path available.

"We're confident in our facts and our practices and our position," he said.

Texas took its case to the U.S. Supreme Court more than a year ago, asking that New Mexico stop pumping groundwater along the border so that more of the river could flow south to farmers and residents in El Paso.

The federal government also has weighed in. In its motion to intervene in the case, the government contends groundwater pumping in New Mexico is tapping the shallow aquifer that would otherwise drain back into the Rio Grande and flow to Texas.

Stuart Somach, an attorney representing Texas in the case, said after Thursday's meeting that Texas is trying to defend itself and protect what it believes belongs to its citizens. The fight over the Rio Grande is not as simple as solving technical issues along the river, he said.

"The only way to actually solve the problem is to allow the court to tell us who is right and then we can take a look at the technical aspects of this thing and figure out how to remediate the wrong that exists," Somach said.

New Mexico officials are concerned that the federal government is attempting to gain control of groundwater in the lower Rio Grande by insisting that it be part of the Rio Grande Project — the massive system of canals and dams that deliver surface water to farmers in Southern New Mexico and Texas. That would threaten New Mexico's rights to manage underground sources of water, state officials say.

It could be years before the court makes a decision, but some experts say the case could set precedent when it comes to state rights in the drought-stricken West.

The case could also affect the ability of farmers in Southern New Mexico to use groundwater wells to irrigate their crops. In recent years, without enough water in the river, chile and onion farmers and pecan growers have been forced to rely almost entirely on wells to keep their crops and trees alive.

The river is governed by a decades-old compact that spells out how much of the Rio Grande the three states must share.

Verhines said New Mexico is meeting its obligations under the compact, but Somach argued that obligation involves more than putting water in Elephant Butte, the largest storage reservoir along the Rio Grande.

"We believe it includes not taking that water and intercepting it before it gets to Texas. That's the fundamental nature of the dispute," he said.