

Fact Sheet: Water Rights

The right to use water in New Mexico is based on the following principles of State water law:

1. The State of New Mexico has sole authority to grant or recognize rights to use waters of New Mexico.
2. The granting of rights to use New Mexico groundwaters and surface waters is based on beneficial use. Examples of beneficial use include agricultural, municipal, domestic, and industrial uses, among others.
3. The first person to put water to beneficial use has a prior right.

The agency responsible for managing water rights in New Mexico is the Office of the State Engineer (OSE). In order to withdraw groundwater or divert surface water, a user must have a water right or obtain a water permit from the OSE that specifies (1) how much water a user can withdraw within any given year, (2) the location and type of well or surface water diversion that will be used to withdraw the water, and (3) the use to which the water will be put. Water rights may be transferred, sold, or leased, but such transactions cannot impair existing water rights and must not be contrary to public welfare or conservation.

Surface water rights of the Rio Grande (the principal surface water source in Socorro and Sierra Counties) are fully appropriated. Therefore the most viable source of new water to meet future demand will be groundwater.

To aid in the management of groundwater resources, the OSE has delineated multiple “underground water basins” in New Mexico that require a permit for groundwater withdrawals (except for pre-basin water rights). Portions of eight OSE-defined groundwater basins fall within Socorro and Sierra Counties.

Because surface water rights in the basins are fully appropriated, much of the future demand may need to be met by transfer of water rights from existing water rights holders. Most of the large water rights that may be available for transfer are currently held for agricultural uses. Groundwater, both through new appropriations and through water rights transfers, will also be required to meet future demand.

Water in the middle Rio Grande area is subject to multiple demands for its use. Because of the growing demand for what is largely a limited resource, the OSE has set limits on the degree of water level declines in the groundwater basins. This not only affects the availability of additional appropriations, but also results in conditions being placed on water rights transactions (for instance, restricting use to certain months). Given the competing demands for water in the region, the effects of these limits, not only on Socorro and Sierra County users but on users in nearby regions as well, should be taken into account in water planning efforts.

Several other issues, most of which are related to the Rio Grande and its hydrologically connected groundwater, impact water rights in Socorro and Sierra Counties. These include the growing use of the Rio Grande by the City of Albuquerque, the aboriginal water rights of pueblos along the Rio Grande, and the Rio Grande Compact, which requires set amounts of water from the Rio Grande to be delivered to Texas. In addition, the outcome of litigation regarding the endangered silvery minnow, which may require maintenance of its Rio Grande habitat and in-stream flows, could affect the management of the Rio Grande water supply.

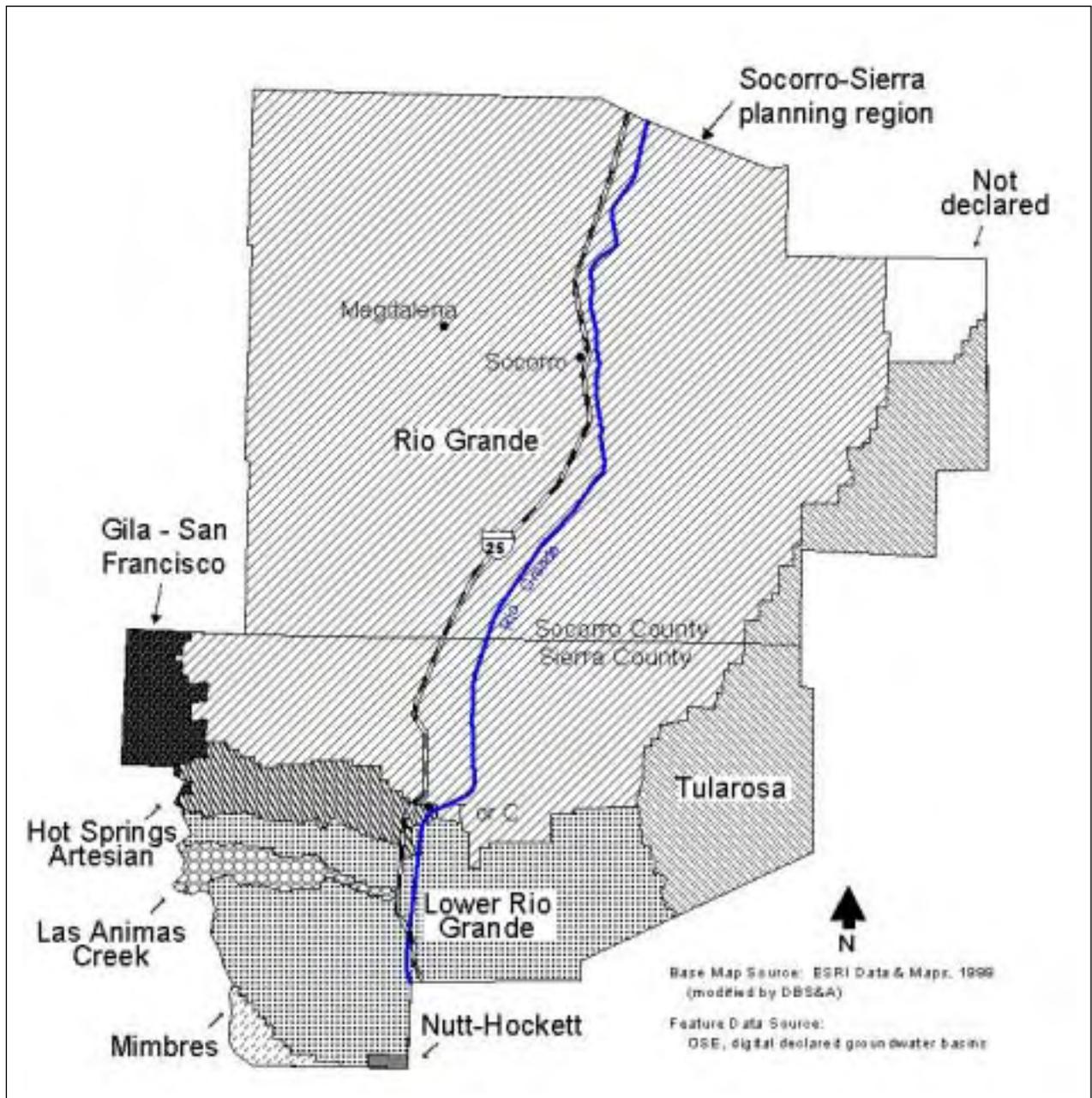


Figure 1. OSE-Declared Groundwater Basins in Planning Region



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