

Interview with Richard Cheney, CRWUA

Intro: This is Tuesday, August 8, 2006, we are doing this interview at the San Juan Water Commissions office in Farmington for the Colorado River Water Users Association and if you would introduce yourself. (Interviewer is Bonnie Leverton)

A. I'm Richard Cheney.

Q. Tell me about when and where you were born.

A. Well I was born in Spearman, Texas in 1937, I kind of hate to talk about that when mostly I've lived in New Mexico all my life, I was very young when we moved back over here. My dad was working on a building an elevator in Spearman at the time. I started school out at Grady, New Mexico, and graduated from Clovis High School and then New Mexico State University.

Q. Tell me about your education.

A. At New Mexico State University, I'm a civil engineer with a background in water and waste water treatment. As most civil engineers, I've worked at a lot of different projects from road construction, to bridges, to waste water treatment plants, and domestic water production facilities.

Q. Was that why you got into civil engineering because of the water issues?

A. That's a good question. I think I got into civil engineering kind of as a default. I grew up in the construction business and working on construction projects, just ended up in engineering school.

Q. Where you interested in water issues?

A. I really wasn't until I got into college. I was interested more in building construction and had a professor, Jess Lundsford, down at New Mexico State University that got me interested in water treatment; at that time particularly waste water treatment.

Q. Were there issues you were concerned about?

A. I just kind of liked the chemistry that was involved and the idea of being able to clean up waters to make them either where you could discharge them or for portable consumption.

Q. What was New Mexico like back then?

A. Well it wasn't as populated as it is now. I'm not sure what the population was. It seemed to me that it was a lot more rural at that time. I was very active in Boy Scouts. I've camped all over the state of New Mexico. In fact, I've walked from Willow Creek Ranger Station down in the Gila Wilderness all the way to the cliff Dwellings back before backpacking was a popular thing that was in 1955, along the west fork of the Gila and Iron Creek and those areas down there. And it was just like I say a lot more rural than it is now. I've camped in Holy Ghost Canyon and walked the high trail up to Saint Kathryn. I've seen a lot of New Mexico.

Q. How long did that hike take you?

A. Boy, I don't remember now but I remember about half way up some guy carved a note in the tree saying Lake Kathryn still four miles, turn back now.

Q. But you didn't?

A. No, we didn't.

Q. How did you end up in Farmington?

A. Well, we'd been in Lubbock, Texas for about five years with an engineering company over there. Had two businesses over there got wiped out by the 1970 tornado in Lubbock, they got them both. We were looking and thought we wanted to come back to New Mexico, thought that might be an omen. Those businesses were about five miles apart and wiped them both out. So we spent several years looking around and looking at New Mexico. My wife is a native New Mexican. Her family is a long time New Mexico ranching family. In 1975, when we were looking to come back, the Farmington area was really booming and Larry Brewer needed some help.

Q. Were you there in the tornados?

A. They didn't hit our homes. That tornado occurred about 9:45 at night and it didn't hit our homes but it really wiped out a large portion of Lubbock.

Q. So you worked for Larry Brewer?

A. I came up here working for Larry Brewer.

Q. And it's never been the same ever since.

A. That's right. He ruined me. I'd like to blame it on him but my wife would probably tell you that I've been this way forever.

Q. What did you do for Larry Brewer?

A. Larry had an engineering company here as well. He needed some help. He had a lot of business. We formed a partnership later on. Some other gentleman George Walters, Bob Echols, and Darrell Northup came into the company. Larry retired in '86 I believe. I've kind of forgotten right now. And George, Bob and I were partners up until about four years ago when I retired.

Q. I still think Larry still does some engineering.

A. He does and I do as well.

Q. So much for retirement.

A. I try to pick out people that I like to work for.

Q. What was your first awareness of water issues as water issues?

A. At the company, we got involved in water right transfers quite a bit. You know early on many years ago, I got involved in waste water reclamation. And of

course, I guess what was it? I might forget the year, '66, '68, when the Cuyahoga River caught on fire and burned. It burned down a couple of bridges and I got involved in waste water reclamation at that time and became extremely interested in it. My wife has been a good support. We've literally traveled all over the United States, part of Europe, looking at waste water treatment plants. That is the politically correct term, sewage treatment plants is what we used to call them.

Q. The river caught on fire?

A. It actually caught on fire and burned. You know we've done a really good job of cleaning up the rivers across the United States not to say we probably can't do more. We did it at great expense. Some of us feel that it could've been done in a much more reasonable fashion with the technology that was available. But we have done a good job at it.

Q. What was stopping you from doing it the right way?

A. I'm not a real fan of a lot of government regulation and I think that was it. Instead of telling the people that these are the standards that you have to meet and we don't care how you meet them. You get a lot of people in there that say you have to treat it this way or you have to have this type of equipment. And I think American ingenuity is really great and if they'd just say look these are the standards that you have to meet and we don't care how you meet them. I feel a little bit the same way about education. I think we ought to tell the schools that these are the standards that you will meet and we don't care how you do it. But we develop a bureaucracy that feels like they have to keep their hands and everything and fingers and everything and make it much more complicated than it needs to be.

Q. Is that one of the reasons . . .

A. That's political philosophy. That's one of the reasons I got involved in government. I've been involved in politics actually a long time. I hate to talk about how long. I got involved in politics of New Mexico in 1962.

Q. In what way?

A. Well we were helping to elect some folks. Of course, I'm a Republican and so we were helping to elect Republicans. I believe it was '64 over in Clovis when we won the first, a gentleman named Hoyt Patterson who later became the Republican Floor Leader in the House. He was the first Republican Representative that was ever elected from Curry County. I guess I was a little bit of a rebel. Everyone else was a Democrat so I was a Republican.

Q. In a Democrat state. Talk about your own political career.

A. I had helped run campaigns in New Mexico and been active in party politics. Then in 1984, there was a seat open here in San Juan County. Boyd Scott who had been a long time Representative up here was retiring and I had some folks here that wanted me to run for that and I did. I won the primary and the general election and I served through 1992. I retired after that period of time and thought I would be through with it. Then I let some friends talk me into running for Governor in '94, lost that primary by about twelve hundred votes and thought I was out of politics again. Until another gentleman that had been elected to the legislature here had some health problems and had to retire. And the County Commissioner asked me if I would finish out his term. So I did that and then

nobody seemed to want to run for that position the last time, so I ran and I'm finishing out one more term.

Q. Are you going to run again?

A. No, I moved out of my district.

Q. Have you found that your political career has helped you deal with some of these water issues you're involved in?

A. I think that it has. I think in the legislature that we've been able to move some issues along and try to keep people focused on them. I think it's . . . I was extremely disappointed this last year. We had a lot of extra money, six or seven hundred million dollars extra, and we could've taken about three hundred million of it off the top and solved a lot of New Mexico's water problems. At least gone a long ways towards solving them and done a lot of things that needed to be done but for some reason or another, we didn't do that. I really haven't figured out why.

Q. What did you want to use it for? What projects?

A. I think that we should have dedicated the money that we needed for the Navajo Indian Water Rights Settlement. I think the Pueblo Settlement. I think the Ute Lake pipeline from Ute Lake down to Clovis and Portales and some of those areas down there. I think we could've gone a long way towards funding those projects, at least New Mexico's portion of them, and show the federal government that we are really serious about trying to address these problems.

Q. Like you say, you had three hundred million that you could've used for all that kind of stuff and you don't use it for that, does the federal government tend to say wait a minute?

A. Well I think they look at it and you know everybody wants to depend totally on the federal government anymore it seems like to solve all of their problems. And I think that they, I think it would've encouraged the federal government to move forward with their programs really in the long run.

Q. What do you see as the major water issues in New Mexico?

A. We have some environmental problems. I think trying to deal with some of the endangered species like Silvery Minnow; I forget the names of the ones down on the Pecos. It'll come to me here in a minute. I think the Pecos River Pup Fish is one of them. I don't think we try to deal with those realistically and cost the cost. Species come and go and they die. I don't think the Endangered Species Act was ever meant . . . in fact Congress in their own words said we don't think we can save everything. We just don't think it's feasible. I think when they passed the law, there were like ten or fifteen on the endangered list. I don't know if any have ever been saved but I think there's over four hundred now that are on the list. I kind of lost track over the years and my numbers might now be accurate. It's proliferated and I think that while we'd like to maintain the rivers and we would certainly like to keep as many species as we can, you have to be realistic about it. If the Rio Grande is going to dry up then there might not be anything that we can do about it, if we're going to supply the human population. I guess if we don't want to do that, we'll do like China. You're limited to one child and they can't live in New Mexico because we don't have the water.

I'd like to see some realism brought into some of these endeavors like the Silvery Minnow down on the Rio Grande. We had some issues with the Pup Fish on the Pecos River that just kind of blew my mind because they weren't based on science. Somebody decided we want thirty cubic feet per second going past this particular gauge and when you really did the history and researched back, the fish proliferated at ten cubic feet per second. So the only thing that we were doing was letting more water go down the river to Texas.

Q. Which is now gone.

A. Which is gone forever.

Q. There's not that much water in New Mexico I wouldn't think.

A. No there isn't. We definitely face a shortage and I think we're going to have to look at reuse. Do it realistically. There are ways to reclaim water and I think we have to start an educational program to start letting people know that we can reclaim waste waters and do it in a manner that is acceptable and safe and economical.

Q. Have you seen the way people deal with water issues change over all the years you've been dealing with it yourself?

A. That's a really good question. I think that there are more people that are aware of the problems and are certainly more interested in it. I think some municipalities; local governments have begun to address the problems and realize that they do need to quantify and identify the amount of water that's available and how they're going to protect it and provide it for the future.

Q. If I understand how the water works in New Mexico, there is a certain amount that is allotted to it and you can have nature help you and everything else but that's it, nothing all. Yet at the same time, the state is growing. The Southwest is growing.

A. That's right and I don't know how to stop that, the growth. People are going to come and we're going to have additional population growth and that's going to continue. So what we're going to have to do is make sure that we're much more efficient in the use of our water. And if we have to reclaim it then we have to make waste water treatment plant that reclaims water to a potable condition then that's what we'll have to do.

And we may have to look at other sources like some of the underground salt water deposits that we have and desalination of whatever means. There are vast quantities of salt water down there. And I think that we probably need to look at the technology that's available and we are doing that by the way. New Mexico is doing that down at Alamogordo taking a look at the various technologies that are available to see if we can reclaim that salt water for domestic purposes.

Q. Is there water up in this area? Is it salty also?

A. There really have not been any in the four corners area itself. There are not any underground basins that have really been discovered. We're almost totally surface water up here.

Q. What do you see as the state's biggest challenges?

A. Well I think . . . when I was chairperson on the Interstate Stream Commission, when I first went on the Interstate Stream Commission. I was amazed at how much lack of knowledge that we had about our water. I couldn't believe that we didn't have more monitoring and measuring devices than we had on all of the rivers and we're still way short. When I was chairman, we started installing these devices and we had quite a battle with folks. Some of them didn't want their head gates metered. I think that the state has got to continue with that program because I think it's extremely important that we know actually how much water we have in the rivers and where it originates, and where it's diverted, and where we have return flows. I think it's as important to monitor the return flows as it is the diversions. And I think after we get that quantification of how much water we have and where we have it, then the next problem is where it's going to be needed and how do we get it there. So I think the most important thing that the state can do right now is to continue with the quantification of water. I wouldn't say that is the biggest problem but I think it's the most important step in developing a comprehensive, and I hate to use the word plan because I always think of the Soviet's five year plan some how they failed. I think we have to know what we're going to do for water. So I think before we can develop a comprehensive plan, we have to know how much water we actually have and where it is. To me that's the number one priority at this time.

Q. How about storing it? Once you know that you have this much . . .

A. That's the other thing, we have to store it. That's another frustration I have with environmentalists that talk about well we want the rivers to operate in their natural condition. Well why do you build a dam on the river? To control the natural flows, that's why you do it. And in the desert Southwest if people are going to live here, then we have to have that storage and we're not going to be

able to operate those rivers to mimic the natural flows and maintain our water storage at the same time.

Q. Are there dams between those two? You're not going to get rid of the environmentalists and they're not going to get rid of you.

A. I don't know. I keep thinking that someday somebody will say wait a minute. To me its common sense and maybe it isn't. I mean are we going to put endangered species before people or are we going to put people first. If you're going to put endangered species before people then how are you going to stop people from coming here? And are we going to have a government that says you can only live in New York City and you can live in Los Angeles or you can live in San Francisco? I don't think so that's not the American way of life. We want to be free to live where we want to and do the jobs we want to do. And so we have to apply the ingenuity that we have into making sure the resources are available to do that.

Q. Somebody was telling us that they think most people's knowledge of water means if they can turn on a faucet and there's water there then everything is okay?

A. That's exactly right it is. And I think that certainly and in the State Engineer's office, we have some programs and I think that we need to try and educate people more about how to use water. It's simple little things sometimes like don't let the faucet run while brushing your teeth. Every amount of water that you save is going to be important. And we come here to the desert Southwest and some of us native New Mexicans don't do that but people come here to the Southwest and the desert area and they want to bring their native plants with

them and their grass. And while that's nice and beautiful and pretty, its just not amenable to this area.

Q. Would you go back to some of the projects that have been successful or semi-successful like the Animas-La Plata and things like that? How were you involved in some of those?

A. Well the Animas-La Plata Project has been going on since, what 1912, I believe. I forget the exact year. I think we were instrumental in it early on. Larry Brewer and I and Jim Dunlap all worked on getting the San Juan Water Commission funded so there was an agency out there that could promote the storage of that water. I'll tell you, I think, I don't know whether Jim told you this but when we first looked at it and read the study both of us were pretty dubious about it. In fact at one point when I was calculating pumping costs, I couldn't live with what was in the study. I asked them how they were calculating their pumping costs and they said we get electricity at a half cent per kilowatt hour through WAPA and I said we don't want your water, we want your electricity. After we really got to study it and taken a look at it, and seeing in the current situation, that is was probably necessary to try and settle the Indian water right claims that we could put a lot of issues to rest there and guarantee the existing water rights of the folks that live in the area here. There were elections early on and we worked hard to get the information out there to make sure that the people had the information they needed to cast their vote for that election. That was one of the ways that I think we did that in the legislature.

I served on the Agricultural and Water Resources Committee, particularly these last three years I've tried to make sure that these projects had funding. Whether it was the Pecos River Projects, and of course, I was instrumental in creating and appointing the first Pecos River Ad Hoc Committee that tried to come up with an agreement on the Pecos. I didn't think that would ever come about but I think we

were able to get enough people together. People with different interests in the basin down there and they've come up with an agreement. Unfortunately, it cost sixty or seventy million dollars to solve that problem down there but it has to be done.

I was instrumental in getting the, what do we call it the . . . off stream . . . the refugia. It took me a minute to think what it was called. For the growing of the Silvery Minnow in as much as a natural condition as you can do, I was instrumental in getting that funded when I was chairman at the Interstate Stream Commission. I felt like that was one of the necessary projects that we had in order to try and get the Rio Grande River back under control and get it to where we could manage it.

Q. You were successful?

A. Well, I think we made a lot of progress. I think without the ability to raise them in those natural conditions that we would've had a lot more problems.

Q. Stella Montoya was telling us that when her husband went to Washington and they signed the Animas-La Plata Project that her husband was so excited and said it's already, it's already. This was in '68.

A. And it's still not finished.

Q. What happened?

A. There was quite a lot of resistance I think from the downstream users. They didn't want to see it finished. You know the original legislation said that the CAP,

the Central Arizona Project, wouldn't be completed until the upstream projects were completed. I think well then California has what fifty-four Congressman and we have three. That might be part of the problem. That's also a problem people talk about wanting to redo the compacts. No, we need to live with the compacts that we have because when we take a look on the Rio Grande, we have Texas on one side down there on the Rio Grande. We have California on the Colorado. I think between the two of them, they have what, over a hundred congressmen. I don't think those of us in between are going to be treated very well if we try to redo the compact. So we need to try and live with what we have. It was just a long hard battle. There were people here that were opposed to the Animas-La Plata Project and still are.

Q. It's really been cut down hasn't it?

A. It's been cut down substantially. There's no irrigation for New Mexico in the project. It's all M&I water. That water has been cut substantially from what the original intent was.

Q. What's M&I water?

A. Municipal and industrial.

Q. Is it going to have a good effect or a bad effect or is some water better than no water?

A. I think it's a positive effect particularly for the municipalities. I think it will ensure that we have water that we can divert out of the river to take care of the municipal needs in the area. So I think it's going to have a positive effect.

- Q. It's not going to help farmers or ranchers very much though.
- A. I don't know that it will help them but I don't think it will hurt them. If you look at it, it kind of guarantees a basic flow of the river. And from that standpoint, I think it could be beneficial for them as well.
- Q. What were some of the fights involved with that that you were involved in with that?
- A. Well you know really Larry and Jim Dunlap are more involved in that than I was. I was really busy doing a lot of engineering business at that time and in the legislature. Outside of just trying to help raise funds for the election and making sure that we had an opportunity to educate people about the various processes. While I wasn't involved in it, we did one year help pay for New Mexico's share which San Juan County by the way has paid all of it to this point. I did get two million dollars in capital outlay money set aside for the legislature. And then after I quit in '92, of course things kept dragging out and dragging out and the legislature diverted it to other needs. And so we haven't ever got any of that funding. We've spent money on the Pecos, statewide money on the Pecos, because it was state water and we felt like it was a statewide problem. We've spent state money on the Rio Grande. So I think the state really has an obligation to help us out up here in San Juan County, which they really haven't done. They've done a lot of work working on the compacts and trying to negotiate settlements and so on. As far as putting any actual cash to help us pay for our share of the project hasn't been done. I think that San Juan County was forward thinking in that respect. We knew that we needed to try and protect the water for this area, even though technically it's New Mexico water. You know

the Pecos River that is New Mexico water and so the state, it's been all the taxpayers in the state that have helped fund those projects down there.

Q. That seems to be a big part of a lot of the water problems is everybody saying this is our water, this is our water and yet you're just allotted a certain amount.

A. That's right. You develop a property right in it but still when we're talking about protecting the waters, it's the waters of the state that the Interstate Stream Commission, the State Engineer, by statute and by constitution is supposed to protect.

Q. Is there enough water, even if it's well protected, is there enough water for New Mexico?

A. Well that's a good question and again I guess that goes back to growth. If we continue to grow like we have been, it's going to be a very difficult issue. We have enough water and most municipalities and areas, I think sixteen regions now, and I think most of them have completed their water plans. We should make it possible for the state to develop a state wide water plan. To project into the future how much water we have and what type of water that population can support.

Q. There's no chance of getting anymore is there?

A. I don't see a chance of getting anymore. There may be some ways that we can augment the supplies. One of the problems that we have is the thinning of the forests and so I think we have to have a lot better water shed management. And again, that comes down to some property rights issues. People might not want

you on their property. We're going to see how we can address that. The traditional forest in New Mexico could maybe support two hundred trees per acre and we have areas now where there's fifteen hundred, two thousand trees per acre. The sage brush didn't used to cover a lot of the country that it covers now. And I think that we need to take a look at that because the snow that falls on that sage brush never reaches the ground. It transpires mostly before it can melt and run off and that's the same problem we have with the forests. So if we can thin the forest where we can improve not only the forest itself, but actually improve the run off and the quality of the run off. I think that we can augment the supplies that we have and maybe increase the flows in the rivers.

Q. So is education a problem.

A. I think its educational problem. And again, it comes back to an environmental problem. They don't want you in the forest because of the spotted owl or whatever. Again, I think we have to say look people come first and not only that but the thinning of forests help control fires. And we're going to be pragmatic about it; they've done that in Europe and other areas where they realize that it's nice to have the forest. We want to keep them and preserve them; absolutely we want to do that. We want where people can go and be in the wild. We also want to make sure that we have enough water for them to enjoy life.

Q. Talk about being with the Interstate Stream Commission. Why did you get involved in that?

A. It was something that I felt like needed . . . the Interstate Stream Commission needed to be a lot more active and have a lot more pro-active commissioners. For instance, when I got on the commission and in developing these regional water plans, they'd get money from the legislature. They'd give ten thousand

dollars to this agency over here and ten thousand dollars to this one over here. Consequently there wasn't anything that ever got done. I said no we're going to change the way that we allocate the money and we're going to give it to people who complete a water plan because we have to have these population projections. We have to know how much water is in there. We have to have those items quantified. And so we're going to start giving it to the people who complete their plans. It created quite a fight within the commission even for awhile but we got that done. And we got the legislature to provide money for it and we started accepting requests for proposals. We made people tell us what they were going to do to finish their plan before we would appropriate the money to them. Consequently, I didn't check this last year but I think that all of those plans may be complete but two. One thing, I felt like each region should have an opportunity to develop its plan and say this is what we think is going to take place. This is what we would like to see take place in the future, rather than having it come down from the state and say no this is what you're going to do. And I don't see, even though I think that we went ahead without some of it, how you can develop a state wide plan until you had all of those regional plans complete. That was one of the big pushes that I made as chairman of the Interstate Stream Commission was to try to make sure that we had all of those plans complete.

Q. Talk a little bit about like a definition for what a commissioner actually did. What their mandate was.

A. Well, the commission has several funds and statutorily they're charged with protecting and conserving the waters of the State of New Mexico. And so in that light, the commission is really supposed to administer the Interstate Stream Compact and make sure that New Mexico is in compliance with those compacts. In order to do that, I think one of the things we have to know how much water there is in each river. We have to know where it enters the river and where it

leaves the rivers. And of course on the Pecos, one of the reasons it was such an issue when I was on the commission was that we were under a U.S. Supreme Court decree. We were operating that river under decree. And actually if we would have become in violation of the decree, I don't know if it would've been the governor that would've gone to jail or the chairman of the Interstate Stream Commission. So one of the things that we tried to make sure that we did was to comply with that decree and make sure that we delivered the waters to Texas that was required. Because when we had the settlement with Texas, part of the decree was that we paid them, I forget fourteen or sixteen million dollars I forget now which, and the decree was that you can never do that again. The only delivery that you can make is water. So that was a critical area of trying to get that one resolved particularly at that time.

Q. What years are we talking about?

A. Talking about . . . well the payment to Texas was made probably about 1988. But then as it came down, we had some instances there where the state was actively involved in trying to buy water rights in the Pecos Basin and didn't always make sure that they bought wet water. So when we came down in '95 when I got on the Interstate Stream Commission, we were still in jeopardy of violating the decree because we hadn't made sure what we bought was wet water. So that was one of the changes that that particular ISC made was to make sure that any of the purchases that we made that we bought water that was actual water that we could put in the river. We had to lease water from the Carlsbad Irrigation District for many years in order to get the irrigators to fore go their allotments, so that we could put their share of the water in the river and let it go to Texas.

Q. So it wasn't wet water. What were you selling?

A. Paper water. No we weren't selling it but some other folks I think felt like it sold at least questionable water rights as to whether it was wet water or not.

Q. What do you think in the years you've been dealing with water issues, what do you think has been your biggest obstacles?

A. The legislature has certainly been an obstacle. I think governors that don't understand the situation particularly frustrated this time with all the extra money that we had that . . . we had I forget, the year of the child and the year of the legislature. When we had all the extra money that we had, capital for capital outlay, we had a real opportunity to solve the problem and we didn't do it. And I think the legislature's lack of commitment to understanding and addressing the water and every legislature there is wants to be on the water committee now. It is not a simple issue. You can not do something in one part of the basin; the Rio Grande is a good example. If you do something in the upper part of the basin, it's going to affect the lower part of the basin. New Mexico has really good water law. There are a few minor changes in it but it terrifies me that a legislator and the governor will look at it and say, "Boy, we've got to do something and we've got to make wholesale changes in the water law." Not true, New Mexico has good water law. There are a couple of things. We could use a good water banking law and that's been a while in developing that particular thought. We need to be able to put water to use when it's needed. If we can't use it at that particular time, maybe somebody else can. I think a good water banking situation would go a long way, a long way in New Mexico and I think we need to try and encourage the legislature and the governor to look at strong water banking legislation.

Q. What is your biggest fear that somebody might change?

A. The big problem with water banking legislation and one of the problems that New Mexico faces is the Acequias always want to be exempted. I don't think the acequias should be exempted from . . . if you are apportioned on an acequias and you have a water right, I think you ought to have the same right to sell that water as any other citizen in the state or to lease your water right to someone else. There's a lot of argument about that. All of the waters are the waters of the State of New Mexico. So I think that when you look at water banking, I don't think you can exempt anyone from the water banking legislation. You have to include everyone and I'm sure that will be a sticking point and probably will be a fight. If we're going to look to the future; and if we're going to look to providing water for the municipalities that grow; and for taking the water that's available and putting it where it's needed, then I think we need good water banking legislation. And it's going to have to be state wide and no one, we can't say the acequias are exempted from the water banking legislation.

Q. In the legislation now and everything, you're involved in a lot of the water issues and stuff like that. Are you making progress? Are you doing what you want to do?

A. No, I don't feel like we've made a lot of progress. One of the things that we really need to do is to fully fund all of the metering and measuring devices and make sure that we have all of them in place. As I said, not only on the diversions but on the major return flows and other metering places on the rivers, where we can measure the flows of the river to help us determine what those return flows have been. I would like to see that automated so it's real time data. If anybody in the State of New Mexico wants to look at it, they ought to be able to go on the internet, pull up a stream gauge, and look at it and see what the flow is at that particular point at any given time.

I'd like to see the so-called snotels increased around the state, so we can have more and more accurate measures of snow depths around the state to help us with predictions with what runoffs would be. And I think that the legislature needs to fund all of those things and again this, they're going to have the money to do it. I think the state engineers should go in with a plan and say look this is my plan to put these in place, this is the money it's going to take, and be realistic about it, and have a realistic time frame, and legislature can oversee it if they want to. But make sure that we get those monitoring and metering and measuring devices in place so that we actually know and can quantify the waters we have.

Q. Do you think that's going to happen?

A. Well, I'm hopeful. I don't know. There are so many other things that take the legislature's time; Medicare, planes, trains, and automobiles.

Q. Right now the Southwest is in a fairly severe drought. When you are in a drought, is there anything that is going to help you? Water laws or anything else?

A. No, there isn't and so what we have to do in that particular type of situation is to make sure that everybody conserves as much water as they can. I think certainly conservation has to be on the table. We have to take a look at water saving devices as many as we can. One of the big pushes was for low flush toilets and finally there're some pretty good ones on the market, you know, for awhile they didn't flush very good. I think things like that we certainly have to take a look at and try to make sure that we conserve as much as possible.

Droughts are going to occur. They have in our past and they will in our future. We are in one right now. I guess Rio Rancho might not feel that way right now but certainly we are in one around the state. We've had some rains up here but they've been awfully spotty and haven't covered a big area. I think the things that we can do; we can take a look at the watersheds. I think that's one of the reasons we really have to take a look at. Do we need to thin the forest and if we do, let's thin it. And make sure that the snow that falls is going to be put to absolute maximum efficiency.

I mentioned sage brush earlier. I suggested one time that we start eradicating more sage brush around the country. There were folks that said you can't do that. It's habitat for deer and it's pretty but it wasn't always here folks. And we had a lot more run off when it wasn't here and we had cleaner water because we had more grasses. And let's get rid of it and let's reseed the native grasses that were there before we let the sage brush invade for whatever reason, whether it was overgrazing or drought or anything else that caused it.

Q. Do you think in the west there's going to be anymore storage projects or accomplished dams?

A. My hope is that we just keep the ones that we have. I imagine that probably this Ridges Basin Reservoir may be one of the last large reservoirs that is ever constructed in the West.

Q. Is that bad or good?

A. You know I'm not too sure. If people are going to live in the desert Southwest, we have to store water not only the desert Southwest but much of the West. It's desert if you look at it. There's desert like we have like in Washington and Oregon. So we have to store water. I haven't really studied whether or not we

store all of the water that we can or not. We may have built the dams that will store as much water as we can possibly store and meet downstream obligations. I haven't really ever studied that issue. I think that we have to protect the ones we have. Some of them might need to be replaced someday.

Q. Who have been your best allies over the years?

A. The best allies certainly up in this area I think friends of water, Jim Dunlap, Larry Brewer. Governor Gary Johnson certainly, I think, let us start the Interstate Stream Commission in what I think was the right direction being more proactive. You know that there are people around the state that I've fought with that have still been, I think, allies of protecting New Mexico's water. Hoyt Patterson when he served on the Interstate Stream Commission. I'll forget some of them but certainly fought some tough battles. There's Phelps White from down at Roswell has been instrumental in a lot of the water issues particularly on the Pecos River. I'd have to say that after he really understood the situation that Mayor Chavez down in Albuquerque became a supporter of the refugia for the Silvery Minnow, which I think was important for the Rio Grande Valley, particularly the upper Rio Grande. There have been quite a few people those are ones that come to mind right off; Norman Gahm, Tom Turney. Tom caught a lot of criticism because anytime you go into . . . you know the old cliché about whiskey is to drink and water is to fight over, Tom stepped in there when a lot of changes needed to be made and started making those changes and made a lot of people mad. I probably helped him with that. I'm sure when Governor Richardson was campaigning he assured everybody, he get rid of both of us.

Q. Have you made a lot of people mad?

A. I told the members of the Interstate Stream Commission when I first became chairman, I said if you have any statewide political ambitions you need to get off this commission. Because at any given time if we do our job properly, we'll have at least fifty percent of the people in the state mad at us and they'll change from time to time depending on what issue it is. I know that a lot of the folks up above Aztec, when we starting putting the metering devices on the ditches up there they were extremely upset with me. It's just a fact of life, there's going to be water masters on all of the ditches sooner or later. Arizona, California, and Nevada they're going to force us into it. There's been a lot of discussion, you know, people talk about beneficial use and then you hear the term consumptive use. That's one of the things that's really confusing up here on the Colorado River Basin is the consumptive use. Because the New Mexico constitution never talks about consumptive use and the laws, they talk about beneficial use but the compacts and treaties talk about consumptive use. And that's how we get saddled with the consumptive use. We can't have any increase in the consumptive use. So that's one of the things.

Of course, we have the Salt Treaty with Mexico that affects the Colorado River and the municipalities up here. That's something that they may begin to struggle with and could become a problem for them because they aren't allowed to increase the salt content. I forget what the figure is now. I think its four hundred, they can't increase it by more than four hundred parts per million. It may be limited to discharge now, like six or seven hundred. I have forgotten what the actual limit is but they have an imposition imposed on them that a lot of the other areas don't have.

Q. Go back and talk about, you were saying that the state is going to be forced into having water masters. What are you talking about there?

A. Most areas in the state have a water master on the ditches. We haven't had them up here. We've had ditch riders that open the gates and everything but we haven't had anybody from the state that actually goes out there, and says you are allotted so much water and this is where your gate has to be set to push that water down the ditch. Just taking a look at people to control those diversions. Most states have had that, certainly Arizona has had it for a long time. Colorado has had it for a long time and a lot of areas in New Mexico have had it for a long time. They've had ditch masters that ride and actually control the diversions.

Q. Is a water master different from mayordomo or what ever you call him?

A. No. It's similar I would say. The acequias of course tried to control the diversions but mayordomo I think has more control over the individual diversions for each person. Rather than a ditch master or a river master, maybe I should say, that makes sure that the ditches are not diverting more than their allotment.

Q. Has there been a resistance to having this in New Mexico?

A. There certainly was on the Animas River, a lot of the rivers have already had that.

Q. What do you think were some of the big failures when you're talking water issues?

A. I think the biggest failure has been the failure of the legislature to adequately fund the State Engineer's Office and Interstate Stream Commission. I think that came about as a lack of understanding and there was some thought that the Rio Grande Irrigation fund, I forget the names of the funds now, were self perpetuating and could take care of themselves. The Rio Grande fund generates several million dollars a year but we have obligations there and

commitments as part of the compact and our agreement with the Federal Government where we have to keep channels clean and salt cedars eradicated and so on. So those funds are committed. Then we had to fight legal battles over the Silvery Minnow and that depleted those funds. And instead of putting more money in there and replenishing those funds, the legislature many times would have a tendency to fund some of their pet water projects out of it. Probably not the most efficient use of the money. So I think the biggest failure has been the lack of the will of the legislature to fund the New Mexico water projects adequately, and I don't mean just the individual small water users projects but the statewide water projects that would protect the total waters of the state.

Q. Is that frustrating to you?

A. Extremely frustrating particularly when we have the money and don't do it.

Q. How about the U.S. Congress? Do you have allies there where they're helping the state?

A. Certainly Senator Domenici has been one of the real allies of funding water projects in the state. I would say most of the New Mexico Congressional Delegation has been very helpful in that area, but particularly Senator Domenici.

Q. Are there major projects that you have to have Washington's okay on?

A. Of course the Navajo Indian Water Rights Settlement is one that we have to have help with. The Pueblo Settlement we have to have help with. There's a project down there on the Lower Colorado River Basin to get water for Silver City

that could very well require some federal funding. I guess the main thing that I would like to see if the Federal Government wants water for the protection for some the endangered species, than they buy it and pay for it like anyone else. Keeping in mind that there is a danger in that, they may be able to pay more than anybody else which complicates the issue further.

Q. The whole thing is complicated.

A. It is complicated. I'll reiterate again, New Mexico has really good water law. I think if everybody would abide by it that it would go along way in solving a lot of our problems. I think that we need to make sure that the State Engineer's Office runs efficiently. That all of those records that he has, we've have a database and trying to get them automated and computerized so everyone can have access to them. It has been a challenge and a problem because they date back more than a hundred years, some of them several hundred years, perhaps going back on the parciantes on the acequias. That's been one of the real challenges for the Interstate Stream Commission and the State Engineer's Office was to get that automation accomplished.

Q. Anything you would've done differently as far as water issues are concerned?

A. I wish I had started in the legislature earlier to try and fund some of these things. If I had my legislative career to do over again, I would really have pushed for more adequate funding of these water projects and to try and get the legislature to take a longer range view of the needs. I think we were pretty short sided in that area.

Q. What was the greatest surprise regarding New Mexico water issues that you know?

A. Greatest surprise . . . I don't know in that area what the surprise might be. I think that in the last ten years, we've made a lot of progress. I think obviously we have a long ways to go. But I'd say that I have been encouraged by the progress that we have made in the last ten years, although there have been some disappointments. And I guess this year, I was a little surprised that the lack of commitment by the governor on solving those issues. That may be a little political jab thrown in well it is because it's an issue that has to be addressed that wasn't when we had the money to do it.

Q. If we don't do it now, is it too late?

A. No, I don't think it's too late. I think the window of opportunity is closing on us. Obviously the windfall that the state has had, the biggest part of it is attributable to the oil and gas situation we have right now and the high price of gas, particularly natural gas and oil. I don't know. They say it's a world economy but I've been around when oil went from forty dollars a barrel to ten dollars a barrel and obviously, I don't think it's going to get that low again but it might go from seventy to forty. And that is going to change the economic outlook. It's gone up and it's gone down as all of the years that I've lived here. That doesn't mean that it will again but I think we need to be prepared for it.

We all talk about a clean industry; I think we need to take a look at the types of industries that we are going to attract here and whether they're water consuming industries. And of course if they bring people with them, they're going to be water consuming industries. I wouldn't want us to quite trying to attract industry and business because my children are grown and they live here, mostly in New Mexico. I have one down in Florida. And my grandchildren are coming along

and I'd like them to be able to live in New Mexico, if they want to. So we need to attract those kinds of jobs to keep expansion and make opportunities for the young people that are coming along. In order to do that, we're going to have to make sure that there's water there to take care of their needs as population increases. I think we have some room to do that but we're going to have to be smart.

Q. Do you have room to do that and keep agriculture and ranching and stuff like that?

A. Well I think that's going to change, particularly irrigated agriculture. And I think the markets will dictate that. I guess maybe I feel that agriculture, and some agricultural friends may really get me after this, if the highest and best use for their property right is for land development or for water, it's their property right and if they want to sell it, then I think they should have the opportunity to do that. I don't think that we should subsidize particularly a life style anymore than we should subsidize the survival of the Silvery Minnow. Boy that's probably dangerous.

Q. How do water issues facing the Southwest region impact New Mexico?

A. All of the states downstream of us want more water and they're going to be looking at what we're doing with our water to see whether or not they can latch on to any of it. And if we don't manage our water properly and if we don't manage it efficiently according to the compacts, then they're going to go to court and try to make us send more water downstream. So as they grow and look for more water, I think that we not only have to be aware of what we're doing here, but we have to take a look at what they are doing and make sure that we are in compliance with those compacts. Or they're going to be saying you didn't let

enough water downstream. You hoarded this much water and we demand payment.

Q. How do you feel about water marketing? If the upper basin states have a lot of water, selling it to the lower one?

A. If there are times that we might have ample water supply, I don't think that you can do that on a long term basis because you don't know what the weather patterns are going to be and how much water we're going to have. But if we have an ample supply and they have a need for it downstream on a temporary basis, I don't have any problem with it. I want to stress that temporary basis.

Q. What do you anticipate will be the state's future challenges with water?

A. The future challenge is going to be making sure that we have enough to take care of our growth needs. I think that is going to be the biggest challenge. That trickles down to a lot of other challenges that are provided in watershed management is one of them and certainly conservation is one of them. Just making sure that we have enough water to meet our growth needs is going to be a huge challenge.

Q. Do you think we can make it?

A. I think we can. I think we have to be a lot smarter about it. I think that we have to put the best technology available and we have to apply it to those needs. I think we can do it whether it's reclaiming the huge quantities of salt water that we have, to producing more run off from our forests just by thinning the forest and putting the forest back in the condition that they were two hundred years ago or a

hundred years ago even and making sure that we develop all of the water resources that we have.

Q. Is there any advice for the people operating New Mexico's water resources today?

A. My advice, right today, is to go to the legislature with a definitive plan and a description of what you're going to do and how much money is going to be required to meet some of these needs. And don't blow them out of proportion. We see the capital out lay bill with all of these people coming in for money with their so called needs. Most of them, I think, could be classified as wants. Go to them with actually with what is going to be needed to develop the projections that you need to project until you protect the waters. Obviously we have some very definitive costs like the Ute Creek pipeline, the Gallup pipeline, the Pecos River Project down there that has to be completed. We're going to have to be looking at that battle on the Rio Grande and we're going to have to look at it with the Pueblos and with the Navajo Settlement. So I'd say go to the legislature with a definitive plan as to what needs to be done and how much money it's going to take to do it. And see if we can't get a plan developed that the legislature will buy into and that this governor and future governors can buy into, to try to protect and preserve the waters of the state.

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