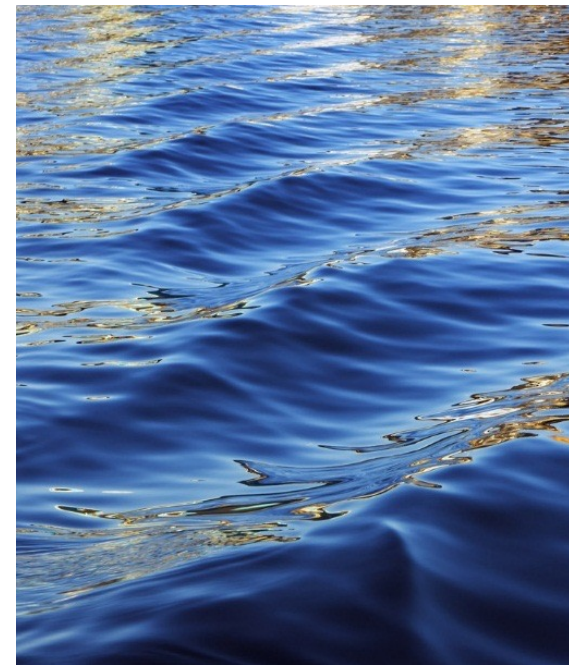




Water Conservation v. Water Blag

Teresa Smith de Cherif, Board Chair, Valencia Soil and Water Conservation District; Board Chair, Valencia County Arroyo Flood Control District



Water Conservation v. Water Blag

- The role and standing of Soil and Water Conservation Districts
- Data from Valencia Soil and Water Conservation District
- How a water blag impairs water rights, affects the public welfare, and undermines water conservation

Valencia Soil and Water Conservation District



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Valencia Soil & Water Conservation District



Top: Middle Rio Grande.
Bottom: Whitfield Pond at the District's Whitfield Wildlife Conservation Area.

INTRODUCTION

STATUTORY AUTHORITY

Soil and water conservation districts across the nation were formed as a response to the environmental disaster caused by the Dust Bowl of the 1930s. Established in 1947, the Valencia Soil and Water Conservation District received its operational license under a *Certificate of Due Organization*, issued by the Secretary of State of New Mexico. On May 1, 1947, the Certificate declared, "the Valencia Soil and Water Conservation District is hereby made a body corporate and politic with full power to exercise all rights and privileges provided by law." Valencia Soil and Water Conservation District is one of 47 conservation districts in New Mexico.

In New Mexico, soil and water conservation districts (SWCDs) are independent subdivisions of state government. Their statutory authority derives from the Soil and Water Conservation District Act (Section 73-20-25 through Section 73-20-48 NMSA 1978), a law of the State of New Mexico [hereafter, the District Act].

Under state law, SWCDs promote the responsible use and conservation of natural resources for the benefit of the people, animals, and economy of New Mexico. The District Act outlines specific measures for natural resource conservation, wildlife preservation, flood mitigation, and the well-being of New Mexicans. Such measures include controlling and preventing soil erosion; preventing floodwater and sediment damage; furthering the conservation, development, beneficial application, and proper disposal of water; and promoting the use of impounded water for recreation, propagation of fish and wildlife, irrigation, and urban and industrial needs. SWCDs partner with local, state, federal, and private partners to conduct natural resource conservation education, promotion, and implementation.

GOVERNANCE

The Valencia SWCD is governed by a 7-member Board of Supervisors. Five Board members are local landowners and residents, elected by the registered voters of the District during local elections (held every 4 years on odd-numbered years). The 2 appointed Board members are traditionally reserved for representatives of the Pueblo of Isleta and the Pueblo of Laguna. The District nominates and votes for the 2 appointed members, whose appointments are approved by the New Mexico Soil and Water Conservation Commission.

REACH

The VSWCD serves 91,000 residents in 2 Pueblos and 5 counties of central New Mexico along the Middle Rio Grande (MRG) and the influent Rio Puerco, in a catchment area the size of Delaware. Among 47 conservation districts in New Mexico, Valencia SWCD uniquely holds substantial land in conservation land—279 acres along the MRG river. One preserve is open to the public (Whitfield Wildlife Conservation Area) and 2 others should open in Fiscal Year 2027.

SWCDs: local public bodies & political subdivisions of the state

[NM Statute 73-20-25—73-20-48 NMSA 1978: Soil & Water Conservation District Act]

MISSION

The Valencia Soil and Water Conservation District provides education, technical assistance, and recognition to current and future land and water stewards in the conservation of natural resources, including water, soil, plants, and wildlife.

VISION

The Valencia Soil and Water Conservation District provides natural resource conservation for a quality environment demonstrated through active leadership, cooperation, and partnership.

GUIDING PRINCIPLES

Valencia SWCD values:

- natural resources
- soil and water conservation
- agriculture
- wildlife
- cooperation and partnership
- District staff, Board members, and residents
- the Friends of Whitfield, a non-profit, tax-exempt organization that supports VSWCD programming at Whitfield Conservation Lands
- the first stewards of the lands in this District: the members of the Pueblo of Isleta, the Pueblo of Laguna, and their ancestors

RESOLVE

Valencia SWCD will:

- support practical, voluntary solutions to natural resource problems.
- provide quality services.
- promote strong partnerships and teamwork.
- transfer the best available technology about natural resource conservation.
- advocate natural resource stewardship.
- offer hands-on, outdoor science learning in natural environments, including at Whitfield Wildlife Conservation lands and along the Middle Rio Grande **bosque**.
- continue restoration of Whitfield Wildlife Conservation land to mimic the historic ecosystem mosaic along the riparian corridor of the Middle Rio Grande, with salt grass meadows, increased biodiversity in the **bosque**, and enhanced wetlands, for wildlife habitat, environmental education, and outdoor recreation.
- maintain the native grassland at the Stacy Unit for wildlife habitat and outdoor recreation.
- manage the Rio Abajo Conservation Area to provide habitat for wildlife, new outdoor recreation opportunities for the public (e.g., canoeing, fishing, kayaking), and environmental education about adaptive management, forest thinning (of invasive species), and fire mitigation.



Top: Hundreds of volunteers planted over 8,000 native trees and bushes to transform a failed dairy farm to the Whitfield Wildlife Conservation Area.
Bottom: Over 40 experts attended a restoration workshop at Whitfield, following the April 2022 Big Hole Fire.

MISSION: The Valencia Soil and Water Conservation District provides education, technical assistance, and recognition to current and future land and **water** stewards in the conservation of natural resources, including **water**, soil, plants, and wildlife.



A LONG-RANGE NATURAL RESOURCE CONSERVATION PLAN
FOR RESIDENTS OF THE VALENCIA SOIL AND WATER CONSERVATION DISTRICT

MAY 2025

Valencia SWCD adopted a new long-range conservation plan on May 15, 2025.

NATURAL RESOURCE SURVEY METHODOLOGY

To enable the District to meet objectives outlined in the District Act, Valencia Soil and Water Conservation District must understand the current natural resource concerns of its stakeholders. Accordingly, Valencia SWCD contracted an expert to write a survey, calculate results, and write a long-range conservation plan Informed by survey results. Valencia SWCD requested the author of its prior long-range plan, Cliff Sánchez, to write survey questions about the natural resource issues and concerns of the people and agencies within the District boundaries, to analyze the results, and write a new conservation plan.

Twenty-five years ago, most soil and water conservation districts maintained a list of “cooperators,” residents who actively engaged with their districts. As that practice faded, the District had to approximate engagement. It would have been cost-prohibitive to attempt to survey the estimated 91,000 District residents, primarily because postage alone would have amounted to at least \$61,880. Instead, Valencia SWCD landed on the idea of estimating District Interest by those who voted in the 2023 District election on November 7, 2023 (the last local election). Although there were 11,277 votes casted in that election for both at-large and landowner Board members, only 8,474 individuals voted. Valencia SWCD mailed a postcard to the 8,474 voters, inviting them to participate in a survey of natural resource issues and concerns. Only 3 votes were cast among the 103 registered voters within Socorro County who resided within Valencia SWCD’s boundaries at the time of the 2023 election. Because the District wanted to include their voices in this survey, all currently registered voters in Socorro County who are residents (n = 69) also received a postcard. In total, Valencia SWCD mailed 8,543 postcards.

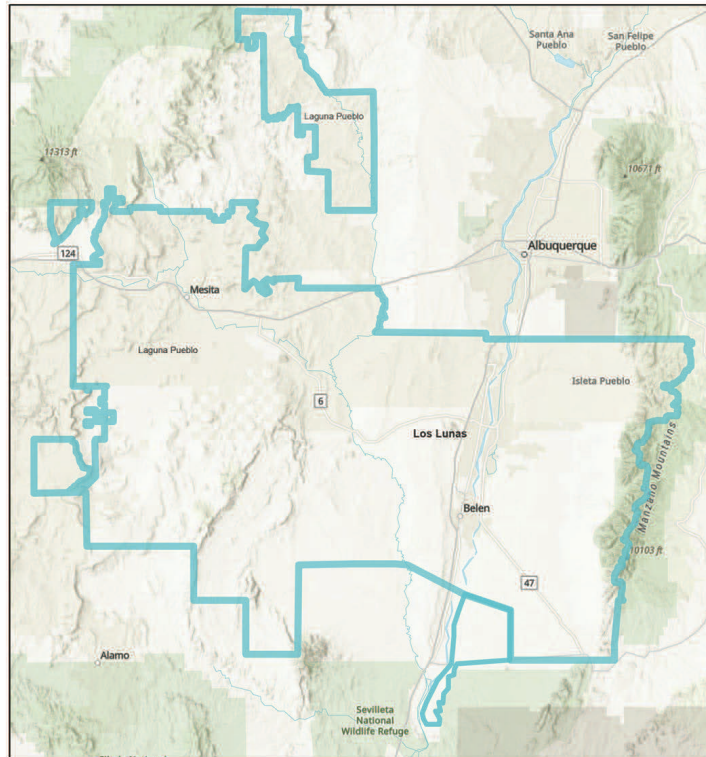


The survey was accessible by scanning a QR code on the postcard. For those who could not use the QR code, they were either mailed, emailed, or delivered the survey. The postcard was mailed by a union printer in Albuquerque. The District sought and received a grant from the Land of Enchantment Legacy Fund, administered by the New Mexico Department of Agriculture, for the survey and report.

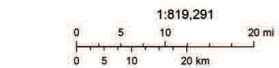
The District envisioned that the new conservation plan would include relevant information from the prior plan (written in 1997); analysis of the current natural resource base in the District, including existing conditions and trends for each natural resource; pertinent information gathered from the Valencia SWCD and others; analysis of conservation needs and priorities; and data-driven identification of the natural resource concerns of the residents of the District (from the survey results).

A 2025 Survey of the natural resource concerns of District residents informed the plan.

VALENCIA SOIL and WATER CONSERVATION DISTRICT AREA MAP



5/15/2025



ESRI, COMAR, USGS, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Valencia SWCD boundaries (with the southern most boundary approximated by the District).

VALENCIA SOIL & WATER CONSERVATION DISTRICT LONG-RANGE CONSERVATION PLAN

7

Valencia SWCD residents live in 5 counties and 2 Pueblos in a catchment area the size of Delaware (1.59 million acres).

NATURAL RESOURCE SURVEY RESULTS

On April 18, 2025, the Valencia Soil and Water Conservation District mailed a postcard to 8,543 District residents, inviting them to participate in a survey regarding natural resource concerns and issues. The survey closed on May 2, 2025. There were 268 respondents.

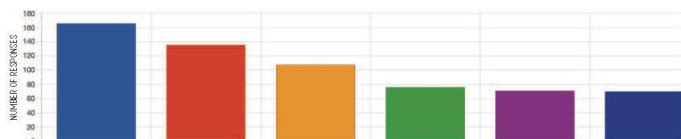
Most respondents (n = 260) completed the survey by accessing the QR code on the postcard. Seven people emailed their survey to the District at public-input@valenciaswd-nm.gov. One person turned in the survey in person to District staff at Whitfield Wildlife Conservation Area.

The first four questions asked respondents to indicate their top five answers to each question. Because the first question included a near tie in the fifth ranking (71 and 70), six answers were listed. Of the remaining twelve questions, 10 were binary—requiring either yes or no responses.

QUESTION 1. The top six natural resource concerns and issues within the communities of the Valencia Soil and Water Conservation District are:

1. **aquifers; depletion of groundwater from aquifers**
2. **water quantity: scarcity of water** (as affected by increasing aridity/drought, decreasing snow mass and rain, and increasing temperature) and water access (including water rights and water theft)
3. **agricultural land preservation**
4. **pollution of air, land, or water**
5. **land use changes** (urbanization and reduced rural land)
6. **bosque (riparian forest) and forest management**

Top Natural Resource Concerns in Valencia Soil and Water Conservation District



The next ten areas of importance are:

7. **invasive plants, pests, and noxious weeds**
8. **chemicals: use and management of fertilizers, herbicides, and pesticides**
9. **agriculture: sustainable food and fiber production**
10. **air quality and atmospheric change**
11. **erosion of topsoil from natural forces (wind, water, ice) or from human activities (construction, deforestation, irrigation, mining, overgrazing, tillage, and urbanization)**
12. **natural disasters: catastrophic wildfires, extreme flooding, persistent drought**
13. **wildlife population, including pollinators**
14. **water quality (including impacts from animal nutrients, chemicals, and stormwater)**
15. **habitat: fragmentation and loss of habitat for wildlife**
16. **stormwater management and flood control**

In 1997, the top five issues were: water quality, water availability, irrigation/water management, urbanization of agricultural land, and air quality.

The top two natural resource concerns were:

1. Aquifers: depletion of groundwater from aquifers; and
2. Water quantity: scarcity of water (as affected by increasing aridity/drought, decreasing snow mass and rain, and increasing temperature) and water access (including water rights and water theft).

NATURAL RESOURCES MANAGEMENT AND PROTECTION

The following natural resource goals and priority actions for the District were informed by District residents who participated in the survey. To support and advocate for the proper management and conservation of natural resources requires community involvement. The District is grateful to those residents who participated in the survey.

GOAL A – Water conservation and management.

Water is a critical life-sustaining resource. The 50-year forecast for New Mexico is a hotter and dryer climate with reduced snow mass, meaning water must be conserved and preserved for the use of current and future generations. Water quality is the principal measure of how people have treated the land.



The Middle Rio Grande in early July of 2018, a historically dry year. Photo by Isleta Reach Stewardship Association.

Action 1. Aquifers:

Install dry Inflow wells in the bottom of all flood control and runoff ponds throughout the District. These generally would be large-diameter, rock-filled, and filtered Inflow wells to recharge aquifers.

Action 2. Aquifers:

Advocate for a detailed hydrological study of aquifers in the District to assess the condition and health of the groundwater resource. This scientific data will reveal the current depletion rate and annual recharge per year.

Action 3. Aquifers:

Work with the District's long-term partner, the Bosque Ecosystem Monitoring Program, to study the connectivity of Rio Grande flows, farm irrigation drains, and open canals with the groundwater and vice versa. This work can indicate where aquifer recharge and depletion are occurring.

Action 4. Water Needs:

Provide public information on agriculture, livestock, and residential water needs, the impacts of scarcity, and the methods and benefits of conservation.

Action 5. Water Efficiencies:

Continue assisting irrigators on improving irrigation system efficiencies through technological advances and improved management.

Action 6. Water Quantity:

Using resources from the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS), the New Mexico Department of Agriculture (NMDA), and Valencia SWCD, assist a significant number of agricultural producers and landowners in implementing water conservation practices. These could include laser land leveling, irrigation pipelines, drip irrigation systems, concrete lined ditches, improved soil health, gutter systems with rain barrels, and rain gardens—all methods to conserve our most limited resource—water.

Action 7. Greywater:

Actively encourage the use of greywater for backyard gardening.

Action 8. Alkali Waters:

Implement methods to improve alkali waters from springs and wells.

Action 9. Rainwater Harvesting:

Assist backyard gardeners, homeowners, and others in methods of rainwater harvesting, through gutter systems and rain barrels, for application to backyard gardens, pollinator plants, etc.

GOAL B – Agricultural land preservation and land use changes.

Maintaining agricultural lands, green space, and land in conservation can help limit urban sprawl and maintain a rural character within Valencia SWCD.

Action 1. Local Work Group Meeting:

These public meeting(s) are convened on at least a yearly basis by Valencia SWCD and its principal partner, the Natural Resource Conservation Service (NRCS) of the U.S. Department of Agriculture. The District should publicize the meeting and seek to expand participation to include more District landowners and land users, as well as lawmakers. In this manner, the public can encourage their legislators about the need to protect farmlands and conserve land and water resources.



Hands-on learning about scarce water resources.



Whitfield's rain harvesting system brings water through gutters and downspouts to a galvanized steel cistern. A connecting hose conveys water to native plants. Photo by Teresa Smith de Cherif.



NRCS: The principal federal partner of soil and water conservation districts.

Jurisdictional boundaries

- 1. The temporary discontinuation of the diversion of water from wells in Bernalillo county: Parts of Bernalillo County fall within the jurisdictional boundaries of Valencia SWCD.
- 2. The transfer of those water rights to offset depletions on the Rio Grande resulting from the pumping of ground water for water bottling from 7 wells within San Clemente: The 7 wells are within the jurisdictional boundaries of the Valencia SWCD.

The application to transfer 500 acre-feet of water would cause impairment: hydrological connectivity

- Of the rights to the beneficial use of water by the people and Pueblos within the jurisdictional boundaries of Valencia SWCD.
- The senior water rights and sovereignty of the Pueblo of Isleta and the Pueblo of Laguna would be impaired.
- The water rights of the residents of the Valencia SWCD (outside the Pueblos) would be impaired.
- The water rights of Valencia SWCD would be affected, endangering the land held in permanent conservation (279 acres) along the Middle Rio Grande, including land governed by Wetland Reserve contract.

The flows of the Rio Grande are connected to the groundwater around it, thus an expansive geographical region would be affected by the water blag.

San Clemente: Brief of Amicus Curiae

Teresa Smith de Cherif for Valencia Soil and Water Conservation District, Brief of Amicus Curiae to the Thirteenth Judicial District Court on March 3, 2009 [D-131—CV200800965, San Clemente v. Commissioners).

That brief, in opposition to the placement of a fuel storage facility in San Clemente, raised Valencia SWCD's concerns about the water resource depletion that would occur.

Valencia SWCD, through its research for the *Brief*, is unaware of evidence that the seven subject wells were used continuously since before 1907 or before 1956, especially in that sparsely populated area, **placing in question the validity of the rights proposed for transfer.**

The application to transfer 500 acre-feet of water would cause harm to the public welfare

- The flow of water in the Rio Grande and the amount of groundwater connected to it would be affected (adversely).
- There will be less water available for personal consumption, public health, livelihood, and economic development.
- The Pueblos traditional cultural practices would be affected by the water blag.

The application to transfer 500 acre-feet of water is contrary to the conservation of water in NM.

- Water conservation is foundational to the Valencia SWCD.
- Data at our own Whitfield Wildlife Conservation Area over the last 10 years+ show a 1-foot drop in the water table
- NM is in a water crisis and is now one of four “mega drying” regions in the world, exacerbated by the over-pumping of groundwater and shrinking freshwater availability.
- “Shifting patterns of terrestrial water storage threaten water availability and sustainable water management for people and the environment, putting livelihoods, (life), and food security at risk.”

“Unprecedented continental drying, shrinking freshwater availability, and increasing land contributions to sea level rise,” in Science Advances, 25 July 2025, Volume 11, Issue 30.

Treasurer: Pam Cordova³

Supervisor: Nick Baca⁴

Supervisor: James Fischer⁵

Supervisor: Rodney Jones,⁶ Pueblo of Isleta Representative

Supervisor: Eugene Pickett⁷



Thank you!

Please attend our upcoming conference at UNM on Future Planning Scenarios for Drought and Drying in the Middle Rio Grande, October 28 and 29.