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FOR IMMEDIATE RELEASE

"Use It or Lose It" - Separating Myth from Reality in a Time of Drought

San Juan County, NM – Anyone who is familiar with water rights in the Western states has probably heard the term or concept "Use It or Lose It." This term implies that if you do not use all of the water that is allocated to you in your water rights, you will lose all or part of your rights. While there is a specific section in the New Mexico Administrative Code (19.26.2.20 Forfeiture and Abandonment of a Water Right) related to when and how a water right may be lost, the processes required for anyone to lose a water right can be fairly complex. The ultimate goal of the regulation is to protect water rights and also to ensure that this precious resource is used to the greatest benefit.

Several exemptions for periods of non-use are included in the regulation. For example, at §19.26.2.20 A. (1), it is provided that water rights aren't subject to forfeiture when "despite the diligent effort on the part of the water right owner, circumstances beyond the control of the water right owner have prevented the application of water to beneficial use."

Times of drought such as we are currently experiencing constitute circumstances beyond the control of the water rights owner. According to the New Mexico Office of the State Engineer, "Cause for forfeiture or abandonment typically happens over multiple years." Residents and/ or water users should not be afraid of losing water rights for non-use during drought conditions. Furthermore, the act of applying water with no beneficial use is a misdemeanor.

Beneficial Use is a key term. Beneficial Use is evaluated using many criteria, including water rights records, aerial photography, information from the irrigators, irrigation districts and neighbors as well as soil and vegetation studies and information documenting lawful exemptions for non-beneficial use. Many uses including agricultural, commercial, industrial and recreational are considered beneficial. No water right exists for uses of water not held to be beneficial or found to constitute waste of water. Watering a field of bare dirt or noxious weeds just to use water can not only constitute a waste of water, but can increase the fire danger as the fields then dry and become fuel.

It is also important to know if you do have water rights and which ditch is responsible for diverting the water you use. Having a ditch or river running through or near your property does not necessarily mean you have a right to use the water in it. A call to the local (Aztec; District V) office of the New Mexico Office of the State Engineer can help you learn about your water rights.

Local resources are available for water users to help them navigate through times of drought. The local New Mexico State University Extension Office in San Juan County can help you identify the resource to best answer your questions. Bonnie Hopkins with the New Mexico State University Extension office offers these tips for farming and gardening during drought:

- Use water based on soil needs, not water schedule
- Plant low-water cover crops
- Do not attempt to establish “new” crops in times of drought
- Irrigate in the early mornings when temperatures are cool
- Early season weed management is critical, not only to conserve water, but to reduce fire fuels

For more information contact the New Mexico State University Extension at 505-334-9496 or the NM Office of the State Engineer at 505-334-4571.

Please direct all press related inquires to Susan Hakanson, San Juan County Public Relations Manager, at shakanson@sjcounty.net or 505-386-8325.