



Office of the Governor
MICHELLE LUJAN GRISHAM

490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Phone: (505) 476-2200

Fiscal Year **2024** STRATEGIC PLAN



STATE OF NEW MEXICO

AGENCY

Office of the State Engineer
and
Interstate Stream Commission

Leadership



Governor Michelle Lujan Grisham's priorities

- Transformative strategic investments in public education: My team will work hand-in-hand with educators, students, parents and communities to build both a pre-kindergarten and K-12 public education system that is equitable, well-funded and provides New Mexico schoolchildren with every single opportunity they need to succeed.
- Improved access to high-quality health care throughout the state: We will leverage additional federal funding for Medicaid-eligible clients while proactively reaching out to eligible New Mexicans across the state to ensure every family has access to the care they need when they need it.
- Comprehensive health and well-being services for children and families: We will make significant investments in protective services personnel and advanced screening and case management services while continuing to leverage federal funds to ensure the safety of our most vulnerable youth.
- In Building the 21st Century economy New Mexico deserves: My team will creatively and aggressively leverage core strengths and growth areas, establish long-term partnerships in the film and television industries and launch sustainable new economic areas like cybersecurity, aerospace, value-added agriculture and intelligent manufacturing.
- Sustainable investments in the workforce: After having boosted the minimum wage for the first time in a decade, we will expand our apprenticeship programs and invest in job training programs, financial aid and the College Affordability Act.
- Prudent fiscal management: We will safeguard taxpayer dollars and key investments by targeting healthy General Fund reserves and deploying tax stabilization tools.

*Note from OSE
State Engineer
Mike A. Hamman, P.E.*



I'm excited to introduce OSE's new strategic plan. This plan aligns with the governor's vision of prudent fiscal management and providing quality, effective services to all New Mexicans.

Our plan is anchored by:

- Financial stability
- Quality services
- Government efficiency
- Workforce engagement
- Thriving communities

I welcome feedback from our stakeholders and look forward to serving all New Mexicans as we continue to move our state forward.



Table of Contents

Vision, Mission and Values.....	4
Organizational Structure.....	7
Executive Summary	8
Program 1: Interstate Compact Compliance and Water Development Program (Interstate Stream Commission P552).....	20
Program 2: Program Support (P554).....	33
Program 3: Water Resource Allocation Program (P551) ..	37
Program 4: Litigation and Adjudication Program (P553)....	47
Appendix.....	51



Vision, Mission and Values

OUR VISION

The Office of the State Engineer and the Interstate Stream Commission is the preeminent water management agency, which is trusted by the public to effectively and transparently manage, allocate and protect New Mexico's water resources.



Vision, Mission and Values

OUR MISSION

To actively protect and manage the water resources of New Mexico for beneficial uses by its people, in accordance with law:

- to investigate, measure and distribute water in the most efficient manner in accordance with state laws, court adjudications and State Engineer rules and regulations;
- to administer a water rights system that lawfully and effectively allocates and reallocates water through permits, licenses and the adjudications of the courts to meet the needs of New Mexico's growing population;
- to maximize use of New Mexico's renewable interstate stream apportionments to promote the sustainability of New Mexico's water supplies; and
- to plan for the future water needs of New Mexico's people and environment.

In carrying out the OSE/ISC mission, protection of waters and stream systems will take water quality issues into consideration.



Vision, Mission and Values

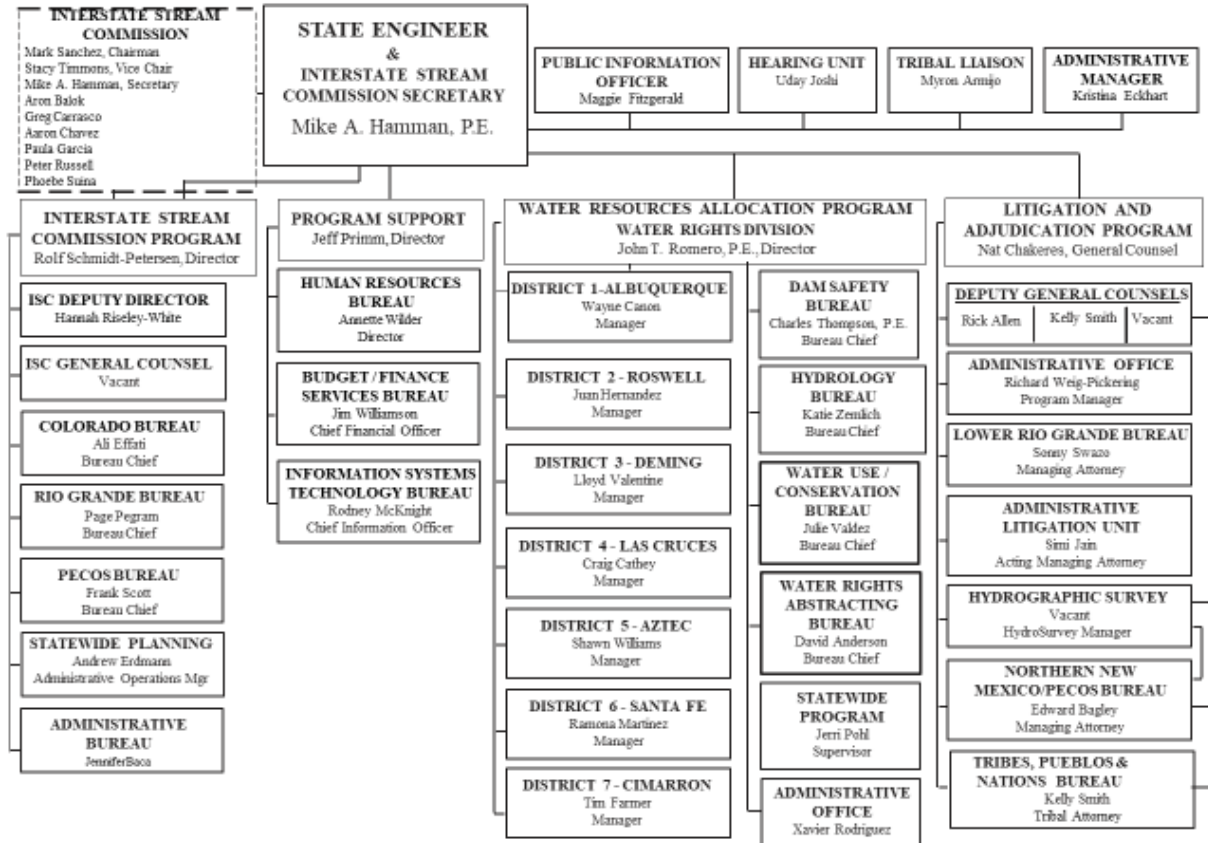
OUR GUIDING VALUES

**Accountability, Collaboration, Communication, Efficiency,
Effectiveness, Fiscal Responsibility, Service and Quality**

Organizational Structure

By Program/Division/Bureau

OFFICE OF THE STATE ENGINEER / INTERSTATE STREAM COMMISSION ORGANIZATIONAL CHART





Executive Summary

New Mexico is currently experiencing the most intense period of drought since the early 2000s. As of this date of this report, 99% of the state is in moderate to exceptional drought with 32% of the state being in exceptional drought, the most severe drought category.

The challenges of managing New Mexico's scarce water supplies are being exacerbated by changing climate. Climate change will impact New Mexico's water supplies through more frequent and longer droughts, altered patterns of precipitation and snowpack runoff, increased evaporation, and more frequent and more damaging wildfires. These impacts will threaten the communities, irrigators, and businesses that depend on New Mexico's water, and will increase stresses on the State's diverse ecosystems.

The OSE is currently working with water managers and other stakeholders in key basins across the state to implement Active Water Resource Management to administer water rights to mitigate the effects of extreme drought and climate change. The OSE and ISC are also actively assisting water users cope with emergency water needs by helping secure access to additional water.



Executive Summary

The State Engineer is statutorily charged with the general supervision of the state's waters and of the measurement, appropriation, and distribution thereof. The Office of the Territorial Irrigation Engineer was created in 1905, seven years before statehood, to assume responsibility over all surface water. In 1907, it was changed to the Office of the Territorial Engineer, and after statehood in 1912, was renamed the Office of the State Engineer (OSE). The State Engineer is appointed by the Governor and confirmed by the state Senate. The State Engineer's responsibilities were expanded in 1931 to include all groundwater within declared underground water basins – which now comprise 100 percent of the state.

The State Engineer supervises the distribution of water in New Mexico. Water masters appointed by the State Engineer oversee the distribution of water in water master districts throughout the state. A permit issued by the State Engineer is required to make a new appropriation of water, or to change a point of diversion or place or purpose of use of an existing water right. The State Engineer evaluates applications for new appropriations to determine if there is unappropriated water available to satisfy the proposed appropriation. Applications for a change to an existing water right require the State Engineer to determine the nature and



Executive Summary

extent of the existing water right, and whether the granting of the application will cause detriment to existing surface water rights or impairment to existing groundwater rights, be contrary to the conservation of water within the state, or be detrimental to the public welfare of the state. OSE staff measure and track water sources and resources, promote conservation of water, and perform the scientific, historical, and legal research needed to support the activities of the Office of the State Engineer. Additional agency duties include reviewing subdivision water supply plans submitted by counties, licensing water well drillers, and administering a statewide dam safety program. The State Engineer also produces hydrographic surveys to provide the data necessary for the determination of water rights in stream system adjudication suits conducted by OSE legal staff on behalf of the state.

Water management in New Mexico is guided by several prior appropriation principles codified in the New Mexico Constitution: (1) all water belongs to the public but is subject to appropriation for beneficial use by an individual or entity; (2) beneficial use is required to establish a water right and defines the nature and extent of the right and with certain provisions, continuous beneficial use is required to maintain the right; and (3) in times of shortage, older water rights have priority over junior water rights. Stakeholders such as the



Executive Summary

Tribes, Pueblos and Nations have some of the most senior water rights. Since 1907, a permit from the State Engineer has been required to appropriate surface water or make a change to a surface water right. State Engineer permits are also required to appropriate groundwater or make a change to groundwater rights throughout the state. Since September 2005, all underground water basins within the State of New Mexico have been declared by the State Engineer.

In FY 2022, the Office of the State Engineer processed approximately 99,944 water rights transactions. The majority of these included change of ownership forms, well plugging records, meter readings and over 2,386 domestic well applications. During FY 2022, 646 applications were filed for permits to change existing water rights. Approximately one-third of applications submitted to the Water Rights Division of the OSE each year are protested or aggrieved. These applications are then subject to the formal State Engineer administrative hearing process.

A key activity of the OSE is to obtain the judicial determination of existing water rights through water rights adjudication suits. This court process is required by statute. Typically, the first or technical phase, of the adjudication process is the production of a hydrographic survey to determine the nature and extent of all water rights, including the location, quantity and priority date within a stream system. The second, or legal phase, starts with the filing of a



Executive Summary

lawsuit on behalf of the State of New Mexico that names as defendants all water right owners identified by the hydrographic survey within the geographic scope of the suit (defined by boundaries of drainage and/or aquifer), and ends with a court judgment and decree that describes the elements of each water right. Adjudication suits are filed on behalf of the State by attorneys within the OSE who are commissioned by the New Mexico Attorney General as Special Assistant Attorneys General. The adjudication process provides water right owners with opportunities to challenge the determination of their own water right, and in the *inter se* stage, all other water rights in the adjudication. The State is currently conducting eleven open water rights adjudication suits throughout New Mexico.

Tribal Negotiations: In FY2022 the OSE successfully negotiated settlements addressing the water rights claims of four Pueblos (Jemez, Zia, Laguna, and Acoma), is nearing completion of negotiations for Ohkay Owingeh Pueblo and Navajo's Rio San Jose claims and is actively negotiating with Santa Clara and Zuni Pueblos and the Ute Mountain Ute Tribe. The OSE is also preparing for an assessment of the water rights of the six Middle Rio Grande Pueblos (Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta).



Executive Summary

OSE continues to leverage over \$2B in federal funding for regional rural water supply projects in the implementation of three federally authorized water rights settlements involving five Pueblos (Taos, Nambe, Pojoaque, Tesuque, San Ildefonso) and the Navajo Nation.

OSE has created a new dedicated Bureau for Tribes, Pueblos, and Nations to focus full time on ongoing water right settlement negotiations and implementation to leverage federal funds for water supply projects and regional solutions.

The Interstate Stream Commission (ISC) is a separate entity under state law, but organizationally is a program under the Office of the State Engineer. The State Engineer serves as the Secretary of the Interstate Stream Commission. The Legislature created the Interstate Stream Commission in 1935 and gave it broad powers to investigate, protect, conserve and develop the state's water supplies. The ISC's duties include protecting New Mexico's entitlements to water under eight interstate stream compacts, ensuring compliance with those compacts, developing and promoting regional and statewide water planning, and implementing the Strategic Water Reserve.



Executive Summary

Water management in New Mexico is complicated by the state's long history of water use, the scarcity and variability of its water supply, its obligations under eight interstate stream compacts and the existence of threatened and endangered species. In addition, uncertainty regarding the water rights of New Mexico's 23 Tribes, Pueblos and Nations further complicates the management process. New Mexico is under pressure to meet its water delivery obligations to other states. Failure to comply has resulted in interstate litigation. For example, the U.S. Supreme Court in 1988 found that New Mexico, for decades, had under-delivered water to Texas on the Pecos River. The Court ordered New Mexico to pay damages to Texas and appointed a Federal River Master to determine New Mexico's ongoing Pecos River Compact compliance.

New Mexico has been involved since 2012 in high stakes interstate litigation in response to the State of Texas' lawsuit in the Supreme Court case on the Rio Grande Compact disputes. The State Engineer is supporting and coordinating with the New Mexico Attorney General's office in the litigation effort as well as mediating a possible settlement.



Executive Summary

Lower Rio Grande: OSE/ISC leadership and staff are providing robust expert technical, legal and policy support in a cooperative effort with the NM Office of the Attorney General in litigation and mediation of the claims of Texas in the U.S. Supreme Court. Texas claims that groundwater pumping in the Lower Rio Grande has violated the Rio Grande Compact. In May 2021, the OAG and OSE/ISC obtained a positive pretrial ruling from the Supreme Court's Special Master confirming that the Compact provides New Mexico with an apportionment of water in the LRG. The first phase of the trial before the Special Master took place in the fall of 2021.

In December 2021, the parties began mediation attempts anew. Those negotiations are ongoing, and there is currently a deadline of late September 2022 to conclude negotiations. If negotiations are unsuccessful, the second phase of trial will take place beginning in late 2022 or early 2023.

Optimal management of New Mexico's water depends upon good information and planning. It is challenged by increasing variability in water supplies and increasing demands from a growing population. Staff are developing increasingly sophisticated tools for measuring and monitoring water resources. They have also been active in



Executive Summary

the development of regional water plans and in 2003 the ISC completed the first comprehensive statewide water plan. All 16 Regional Water Plans were updated in 2016 and 2017 and the State Water Plan was updated in December 2018.

Under the direction of Governor Lujan Grisham, we are currently finalizing a 50-Year Water Plan, which has included extensive stakeholder activities. The 50-Year Water Plan incorporates a “Leap Ahead” analysis completed by a panel of New Mexico’s leading climate and water resource scientists. This work, in combination with work provided by the U.S. Army Corps of Engineers through a Planning Assistance to the States grant, evaluates what the anticipated changes to our climate will mean for the state’s water resources, including a likely 25% decrease in surface water flows and aquifer recharge across the state. Given these anticipated changes, the plan evaluates the resiliency of different geographic areas and water use sectors across the state and provide recommendations to improve resilience.

The activities of the Office of the State Engineer and Interstate Stream Commission are financed primarily through state general funds and income from two state trust land funds: the Irrigation Works Construction Fund and the Improvement to the Rio Grande Income Fund. The trust lands, set aside under the Ferguson Act of 1898, along with trust lands for some 19 other beneficiaries, are managed by



Executive Summary

the State Land Office. The State Land Office transfers some income directly to the agency trust funds and to the State Investment Council. The council invests the income generated through activities that deplete the resource – such as mining – and the earnings on those investments also go into the trust funds.

For a number of years the OSE/ISC has relied on its two trust funds to support the Agency's recurring budget needs at a level that was unsustainable. The period of fiscal years 2017-2019 brought a strengthening of revenues into the trust funds combined with budgetary savings briefly helped to bring the trust fund revenues and expenditures into balance. That balance, however, was short lived. Starting in FY20, \$3.5 million in new recurring appropriations out of the trust funds legislated during the 2019 session for forestry and acequia efforts are projected to once again place the trust funds on a path to long term insolvency prior to OSE/ISC being able to champion its migration off of its operational reliance on the trust funds.

This significant, impending budget issue has been brought to the attention of the Executive and Legislative branches and the Agency has submitted a 5-year plan to transition away from trust fund reliance. Absent significant surprises to the positive,



Executive Summary

trust fund projections indicate that either the agency will need to receive replacement General Fund funding, or the trust funds may need one-time infusions in order for OSE/ISC to be able to effectively continue administration of water rights in fiscal years 2022 and beyond.



Executive Summary

Agency Budget and FTE

	FTE	Budget
OSE (Overall)	314	\$39,502,900
Interstate Stream Commission	43	\$12,037,700
Program Support	41	\$4,510,800
Water Resource Allocation Program	171	\$15,153,500
Litigation and Adjudication Program	59	\$7,801,700



Interstate Compact Compliance and Water Development Program (Interstate Stream Commission P552)

Purpose of the Program

The purpose of the Interstate Stream Compact Compliance and Water Development Program is to ensure New Mexico's continued compliance with interstate stream compacts; to resolve federal and interstate water issues; to develop water resources and stream systems in an environmentally sound manner; and to plan for the future use of water so that the people of New Mexico can have maximum sustained beneficial use of available water resources.

Program Users

Program users are the public but more specifically all water right owners in New Mexico.

Benefits to New Mexicans

- Represent New Mexico in negotiations with other states to settle interstate stream controversies.
- Ensure New Mexico's continued compliance with its interstate stream compacts to protect existing water rights in New Mexico.
- Provide State assistance to Acequias and public water systems to support safety and efficiency of New Mexico's water resource infrastructure.
- Conduct planning to ensure that water is available in the future to the citizens of New Mexico.
- Support active management of the water resources in New Mexico to protect senior water rights.
- Conduct programs to support compliance with state and federal Endangered Species Act to protect the waters of New Mexico.
- Sustainably protect, develop and utilize the waters apportioned to New Mexico under interstate compacts and decrees.
- Participate in contingency planning efforts to protect New Mexico's share of interstate waters under changing conditions.
- Provide timely responses to news media and public requests.
- Comply with Inspection of Public Records Acts requests.



Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Program Summary

The New Mexico Interstate Stream Commission (ISC), created by Chapter 25 of the 1935 legislative session laws, has broad powers to investigate, protect, conserve and develop New Mexico's waters, including both interstate and intrastate stream systems. The Commission has eight unsalaried members appointed by the Governor. The ninth member is the State Engineer, who under state law is the secretary of the Commission. The Commission Director is appointed by the Governor and reports to the State Engineer.

The Commission's authority under state law includes negotiating with other states to settle interstate stream controversies. New Mexico is a signatory to eight interstate stream compacts including the Colorado River; Upper Colorado River Basin; La Plata River; Animas-La Plata Project; Rio Grande; Costilla Creek; Pecos River; and Canadian River compacts. Commission staff is also responsible for compliance with provisions of the U.S. Supreme Court decisions governing water allocations on the Pecos, Canadian, Gila and San Francisco and San Simon Rivers in New Mexico. To assure compact compliance, ISC staff analyzes, reviews and implements projects in New Mexico and evaluates potential water-supply impacts in New Mexico of projects in other states. Staff also analyze stream flow, reservoir level, snowpack and other data on stream systems in New Mexico and neighboring states.

The Commission is also authorized by statute to investigate and develop the water supplies of the state and to plan, conserve, protect and develop its public waters. Under a 1987 law, the Commission promotes and funds the development of regional water plans. Under the State Water Plan Act, the Commission was directed to coordinate with the Office of the State Engineer and the Water Trust Board to develop a comprehensive state water plan and to review and update it periodically.



Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Program Summary

The Commission is responsible for programming, budgeting, and directing expenditures from several sources: the Commission operating budget; the Ute Dam Construction Fund, (the Commission owns and operates Ute Dam and Reservoir); the Pecos Land Management Fund, created in 2005 to allow revenues generated from Commission-owned land to be used for land management and for maintenance and operation of augmentation wells; the Indian Water Rights Settlement Fund; legislative appropriations for implementing approved Indian Water Rights Settlements; special appropriations; and two state land trust funds: the Improvement of the Rio Grande Income Fund and the Irrigation Works Construction Fund. Both trust funds were created by the Ferguson Act of 1898, which set aside grants of trust land in what was then the Territory of New Mexico to generate income for specified beneficiaries.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Program Goals and Objectives

1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater.

- **A.** Comply with interstate compacts, court decrees, federal law and interstate obligations.
- **B.** Promote conservation and efficient use of water.
- **C.** Preserve, strengthen and protect the State's administrative authority over the State's waters.

2. Develop and use available water resources in an environmentally responsible manner consistent with state and federal laws

- **A.** Provide renewable water supply for east central New Mexico communities.
- **B.** Promote sustainable environmentally responsible development of the groundwater of the Salt Basin for the benefit of NM communities.
- **C.** Coordinate with the San Juan Chama Project water users related to the use of those waters.
- **D.** Participate in the development of the Animas-La Plata project to assist NM water users on receiving the benefits of the project in coordination with the agency tribal liaison.
- **E.** Support full development of the Navajo-Gallup Water Supply Project.
- **F.** Facilitate continued availability of reliable water supply for Eagle Nest Reservoir.
- **G.** Understand and develop environmental protections for stream systems, including river restoration projects and participate in programs for the benefit and protection of threatened and endangered species to provide compliance with existing listings and avoid additional listings.
- **H.** Continue implementation of the Strategic Water Reserve (SWR) (72-14-3.3).

3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.

- **A.** Comply with the 1948 Pecos River Compact and the U.S. Supreme Court's 1988 Amended Decree in Texas v. New Mexico.
- **B.** Maintain long-term Rio Grande Compact Compliance.
- **C.** Administer the Costilla Creek system in accordance with the 1963 Costilla Creek Compact.
- **D.** Defend, administer and comply with interstate compacts, international agreements, court decrees and other applicable laws to protect New Mexico's utilization of its consumptive use apportionments on the Colorado River and its tributaries in New Mexico.
- **E.** Develop, monitor, and account for the consumptive uses of water apportioned to New Mexico by compact in the Upper Colorado River Basin and by decrees in the Lower Colorado River Basin.
- **F.** Maximize the water available to New Mexico under the La Plata River Compact.
- **G.** Maximize the water available to New Mexico under the Animas-La Plata Project Compact.
- **H.** Maintain compliance with the Canadian River Compact and U.S. Supreme Court Decree.
- **I.** Maximize New Mexico's surface water supply in the Lower Rio Grande basin by engaging with the New Mexico Attorney General's Office(NMAGO) to defend New Mexico in the Interstate Litigation.

4. Promote the safety and efficiency of New Mexico's water resource infrastructure.

- **A.** Safely operate and maintain dams and infrastructure including; Ute Dam, Eagle Nest Dam, Pecos River augmentation well fields and pipeline systems.
- **B.** Support owner's efforts to safely operate and maintain Costilla Dam's infrastructure.
- **C.** Implement and support Rio Grande floodway projects that assist in compact compliance.
- **D.** Provide state assistance to Acequias for renovation and construction of irrigation projects.
- **E.** Support implementation of ditch efficiency improvement projects.
- **F.** Conduct and maintain Pecos augmentation wellfield efficiency improvements.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Program Goals and Objectives

5. Plan for New Mexico's future water needs.

- **A.** Finalize and begin to implement the 50-Year State Water Plan, New Mexico's first hard look at anticipated climate change impacts to water resources and plan for resilience.
- **B.** Develop and expand public engagement for the 2023-2024 update to the State Water Plan.
- **C.** Continue to engage, including through coordination with the OSE/ISC Tribal Liaison, New Mexico's Tribes, Pueblos and Nations, as well as with New Mexico's Acequia communities on water planning activities.
- **D.** Collaborate with other planning entities across state and federal government.

Strategic Actions

- **1A.** Protect water releases from reservoirs for interstate delivery in accordance with applicable compacts, federal and state law (i.e. - the lower Rio Chama valley), decree requirements, settlements (e.g. - Pecos Settlement Agreement) and for the benefit of endangered species when required by law or agreement. Evaluate alternative delivery strategies.
- Facilitate agreements between water users and federal agencies on water operations and river administration
- Collaborate with federal water management agencies to more effectively manage water resources, including meeting flow requirements for endangered species, and maximize operational flexibility for New Mexico's water users.
- Participate in projects and planning processes to meet requirements of interstate agreements as well as to reduce the likelihood of, or respond to, interstate litigation against New Mexico. A few examples of such projects or processes include:
 - Conduct drought contingency planning efforts with New Mexico Stakeholders, the Upper Colorado River Basin States, and the U.S. Bureau of Reclamation;
 - Continue river maintenance work with Reclamation to maintain and expand the Elephant Butte Reservoir pilot channel as needed;

Strategic Actions

- Support selected Middle Rio Grande levee improvement/replacement projects;
- Continue to participate with U.S. Bureau of Reclamation in the Technical Services Agreement for water salvage and river maintenance;
- Develop and utilize numerical models to plan for, evaluate, and refine current and future water operations in several river basins; and continue involvement in Rio Chama and Middle Rio Grande water operations management.
- Support and coordinate with the NMAGO to respond to the State of Texas U.S. Supreme court case, including but not limited to the Rio Grande Project.
- Continue cooperative agreements with the United States Geological Survey for river and reservoir gaging in New Mexico.
- Continue implementation of the 2003 Pecos Settlement Agreement (Settlement) and protect the State's investment in the Settlement.
- Fulfill obligations of the State of New Mexico, through the ISC, pursuant to the 2004 Arizona Water Settlements Act (AWSA), in concert with other federal and state law agreements.
- Participate in the development of operating and accounting protocols for the Animas/La Plata Project.
- Implement the Strategic Water Reserve (SWR) in designated priority basins to assist with interstate compact deliveries and Endangered Species Act compliance. Pursue additional funding resources for SWR water rights acquisitions.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- **1B.** Develop and use numerical models to better understand, assess and promote the efficient use of water, with focus on the Pecos, Rio Grande, San Juan, and Animas Rivers.
- Participate in projects that are designed to conserve the state's water (i.e. - Elephant Butte Delta Pilot Channel, and San Acacia Levee Project).
- Acquire aerial photography and develop land use databases, when funding and resources are available, to evaluate basin depletions. Support the OSE Water Use and Conservation Bureau's efforts to improve estimates of evapotranspiration using remote sensing and other tools.
- Implement the Commission's role for Non-Unit projects in Southwest New Mexico in accordance with the Arizona Water Settlements Act.
- **1C.** Actively participate in water related federal National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) consultations and collaborative processes. Priority examples include: the San Juan River Basin Fish Recovery Implementation Program (SJ RIP); the Glen Canyon Adaptive Management Program, and the Paradox Salinity Control Project EIS; the 2016 Biological Opinion for Middle Rio Grande water operations and river maintenance and associated consultations; the Middle Rio Grande Endangered Species Collaborative Program, Middle Rio Grande Project Maintenance and Elephant Butte Reservoir Pilot Channel compliance projects, spikedace and loach minnow recovery teams in the Gila Basin; and Carlsbad Project compliance with the 2016 Biological Opinion for the Pecos bluntnose shiner.
- Actively participate in multi-state, multi-agency programs dealing with water management and administration such as river maintenance, watershed management, salinity control and flood control programs. Monitor and engage, as appropriate, in other federal or state plans and programs that have the potential to affect water resources.

Strategic Actions

- Support and conduct basic hydrologic data collection such as stream flow, reservoir storage and releases, and snowpack to ensure accurate and timely measurement, management and accounting of New Mexico's water resources. For example, continue the cooperative agreement with the United States Geological Survey for river and reservoir gaging in New Mexico and support OSE canal gaging.
- Conduct technical and legal investigations to defend New Mexico's water uses and water entitlement.
- **2A.** Continue to manage the shoreline management plan for Ute Reservoir adopted by the Commission.
- Provide technical, legal, policy information and support to New Mexico's legislature, Water Trust Board and congressional delegation for construction funding for Eastern New Mexico Water Utility Authority Pipeline Project.
- **2B.** Investigate the water resources of the Salt Basin to reduce uncertainty in amount, quality and location of water supplies to the degree that will allow optimal development of the resource.
- Investigate legal issues associated with pending water rights appropriation applications, including resolution of protests.
- **2C.** Coordinate with San Juan-Chama Project (SJCP) contractors related to their efforts to utilize the San Juan-Chama water.
- Monitor/review U.S. Bureau of Reclamations San Operations and SJCP accounting.
- Support and advise OSE District 1 on administration of the Middle Rio Grande groundwater pumping offset program.
- Support and engage with the OSE District 6 on management of diversions on the Rio Chama, specifically for alternative administration and shortage sharing so the native water right holders can use their water while San Juan Chama Project releases are protected for downstream delivery.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- **2D.** Support New Mexicans' efforts to utilize Animas-La Plata Project water, including participation in the development of procedures for the delivery of Animas-La Plata project water to users in NM.
- **2E.** Provide technical, legal, and policy information and support to New Mexico's congressional delegation, the New Mexico legislature related to the authorized Navajo-Gallup Water Supply Project and for implementing the Navajo Nation Water Rights Settlement Agreement including outreach and collaboration by the OSE/ISC Tribal Liaison.
- **2F.** Provide technical support to the operation of Eagle Nest Dam to maintain dam safety.
- Continue compliance with and implementation of Eagle Nest Settlement Agreement.
- Properly operate reservoir releases in accordance with agreed upon reservoir operations manual.
- **2G.** Actively participate in activities of the SJRIP including seeking funds and legislation, review and selection of capital projects for habitat improvement and population protection, evaluation of flow recommendations for conservation of endangered fish species, and review of operating rules and plans for Navajo Reservoir to meet water contract demands and endangered fish habitat needs.
- Actively participate in activities of the Middle Rio Grande Endangered Species Collaborative Program and conduct projects and apply state funds towards program cost share so as to continue to provide Endangered Species Act "take" coverage for New Mexico water users upstream of Elephant Butte. Implement Commission commitments towards the new Biological Opinion.
- Continue support of the Arkansas Shiner Canadian River Management Plan, including fish monitoring and provision of existing base flow below Ute Dam, in lieu of designation of critical habitat for the listed Arkansas River Shiner.

Strategic Actions

- Continue efforts to better understand the habitat needs of the Pecos bluntnose shiner and help ensure its recovery. Support habitat restoration projects as appropriate in concert with federal water management agencies.
- Support implementation of the Candidate Conservation Agreement with Assurances for the Texas hornshell mussel on the Black River in Southeastern New Mexico.
- Support the U.S. Bureau of Reclamation and Elephant Butte Irrigation District in their efforts to protect the Southwest Willow Flycatcher and Yellow Billed Cuckoo in the Elephant Butte Reservoir delta area while maintaining storage space for future Rio Grande project operations.
- Make available Strategic Water Reserve (SWR) water rights to offset depletions associated with habitat restoration activities in the Middle Rio Grande and depletions associated with endangered-species related deviations from normal operations at U.S. Army Corps of Engineers' flood control reservoirs and/or MRGCD and U.S. Bureau of Reclamation operations at El Vado Reservoir.
- Seek funding from the federal government, state legislature, Water Trust Board, etc. to conduct ESA compliance projects in the Middle Rio Grande.
- Lease Rio Grande Compact "relinquishment" water allocated by the New Mexico Rio Grande Compact Commission to the U.S. Bureau of Reclamation for ESA compliance purposes in the Middle Rio Grande and provide "relinquishment" water to MRGCD for its ESA compliance and irrigation delivery needs.
- Operate the Los Lunas Silvery Minnow Refugium (LLSMR) for both production and conservation hatchery operations; for maintaining a refugial population to protect against extinction; and to conduct research related to the biology and needs of the minnow.
- Seek funding for on-the-ground projects in the Middle Rio Grande that improve habitat, reduce continued habitat degradation, improve river connectivity for the species, and provide effective uses of available water resources to improve the status of endangered species and the environment while minimizing increases in depletions.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- **2H.** Support New Mexicans' efforts to utilize Animas-La Plata Project water.
- Continue to operate the Vaughan Conservation Pipeline, as needed, to assist the U.S. Bureau of Reclamation in meeting flow requirements for the Pecos bluntnose shiner in the Pecos River.
- **2I.** Develop and implement plans for the Strategic Water Reserve in the Middle Rio Grande, San Juan and Pecos River Basins.
- Continue bulk sales of SWR water to the U.S. Bureau of Reclamation for its ESA compliance purposes on the Pecos River, primarily utilizing ISC's Vaughan Conservation Pipeline near Fort Sumner. Acquire additional water rights as practical to augment existing supplies and help ensure operational flexibility for New Mexico water users.
- Pursue additional funding resources for the acquisition of water rights to assist with interstate compact deliveries and Endangered Species Act compliance.
- Utilize the water rights available under several lease agreements to assist with ESA compliance and compact compliance in the Middle Rio Grande reach of the Strategic Water Reserve.
- Administer the OSE water rights permit that appropriated surface waters of the Canadian River below Ute Reservoir for the SWR for the benefit of the endangered Arkansas River shiner.
- **3A.** Ensure full compliance with the terms of the 2003 Pecos Settlement Agreement (Settlement) including making regular projections of Carlsbad Project water supply, and operating ISC's augmentation well fields to supplement supply as prescribed by the Settlement.
- Manage and protect state-purchased water rights in the Pecos Basin including placement in the SWR or Pecos Water Resource Conservation Program. Continue work to fulfill the Settlement's water rights acquisition program; i.e., acquire up to a total of 18,000 water right acres in the Lower Pecos Basin. Enforce negative easement restrictions on formerly ISC- owned lands to prevent additional depletions.
- Work with the Pecos Settlement parties to identify potential additional drought management strategies in the Pecos Basin.

Strategic Actions

- Prepare for the impacts of climate change on NM water users and compliance with the Pecos River Compact.
- Finalize remote connection to data acquisition equipment at ISC's augmentation well fields to provide access to real-time data.
- Provide mechanisms for compliance with federal environmental law on the Pecos within the state law framework.
- Participate in monitoring populations of threatened and endangered species in the Pecos Basin.
- Provide mechanisms for compliance with federal environmental law on the Pecos within the state law framework.
- Collect and analyze data and collaborate with other water management entities to define further actions needed either to prevent further species listings or to protect and recover threatened or endangered species in the Pecos Basin, while minimizing adverse impacts to New Mexico water rights owners.
- Maintain active participation in decision making regarding operations at U. S. Bureau of Reclamation's Sumner Dam.
- Continue lease of water acquired for the Strategic Water Reserve to the U.S. Bureau of Reclamation for ESA compliance purposes on the Pecos River.
- Conduct compact accounting procedures in accordance with the Pecos River Master Manual and prepare a River Master Plan to address a net deficit in cumulative state line delivery credit, should one occur.
- Ensure the adequacy of quality assurance/quality control procedures for hydrologic data collected by federal agencies used in the Pecos River Compact accounting.
- Investigate and protest, as appropriate, proposed water rights transfers that could affect compact compliance (focus on identifying and reviewing applications for projects that may pose a threat to New Mexico's continued compliance with the Pecos River Compact).

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- **3B.** Construct and maintain the Elephant Butte Delta Channel.
- Continue to participate with U. S. Bureau of Reclamation in the Technical Services Agreement for water salvage and river maintenance.
- Work with the OSE District 1 staff to administer the Middle Rio Grande water rights offset program.
- Assess proposed water development projects and modified river operations proposals in relation to compact compliance and protest or otherwise address proposed actions that may have negative compact results.
- As resources become available, support, participate, and/or take a lead role in planning, design, compliance, construction and maintenance of Rio Chama, Middle Rio Grande Project and Rio Grande Project infrastructure that aids in compact compliance (maintaining drain structures, levees, removing river sediment plugs, maintaining areas previously cleared of non-native vegetation, etc.).
- Participate in Middle Rio Grande flood control projects and activities, specifically including construction of future segments of the San Acacia Levee and/or the Bernalillo to Belen Levees.
- Improve measurement of water resources and water uses, including participation in a Joint Funding Agreement with the U.S. Geological Survey for a cooperative gaging program on the Rio Grande.
- Use relinquished Rio Grande Compact accrued credit to assist in water management during times of drought to aid water users in the Middle Rio Grande.
- Comply with and manage debt retention requirements of the Rio Grande Compact.
- Evaluate and manage Rio Grande Compact deliveries to maximize utilization of New Mexico's water apportionment.
- Implement a WaterSMART grant project to develop a projection tool for Otowi index supply and Elephant Butte index supply to better predict Rio Grande Compact Deliveries.
- Monitor and assist in augmentation and maintenance of endangered silvery minnow populations in the Rio Grande Basin.

Strategic Actions

- Collect data, conduct studies, and produce reports and peer reviewed papers, as appropriate, to further define actions needed to protect and recover threatened or endangered species in the Rio Grande Basin including collaboration and outreach activities by OSE/ISC Tribal Liaison with pueblos where appropriate.
- Actively participate in Middle Rio Grande Endangered Species Collaborative Program.
- Provide mechanisms for compliance with federal environmental laws within the state law framework:
 - Evaluate and coordinate with the OSE to ensure that depletions from habitat restoration and changing operations of federal reservoirs are offset.
 - Utilize the Strategic Water Reserve (SWR) and relinquished Rio Grande credit water to provide sources of water that will help meet federal environmental demands.
 - Lease water acquired for the SWR and relinquished credit water to the U.S. Bureau of Reclamation for ESA compliance purposes on the Rio Grande.
- Ensure the adequacy of quality assurance/quality control procedures for hydrologic data collected by federal agencies used in Rio Grande Compact accounting.
- Actively participate in interstate and intrastate, multi-agency programs dealing with water planning, management and administration.
- As staff and resources become available, cooperate in the development of hydrologic models for use in water resources planning, environmental assessments, water project development and operations, water use accounting and ESA compliance.
- Participate in the Bureau of Reclamation's Rio Grande Basin Study, to develop water supply projections into the future and analyze potential adaptations to meet different demand scenarios.
- Actively and effectively participate in Rio Grande Basin water accounting procedures.
- Continue Rio Grande technical investigations to serve as the scientific basis of groundwater and surface water conjunctive use administration.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- Investigate and protest, as appropriate, proposed water rights transfers that could affect compact compliance (focus on identifying and reviewing projects that may pose a threat to New Mexico's continued compliance with the Rio Grande Compact).
- Develop and implement strategies to minimize the potential adverse effect of interstate litigation in coordination with the NMACO:
 - Develop, support and participate in the USGS LRG Mesilla Basin monitoring program.
- Protect New Mexico interests in the Middle Rio Grande against any future releases of New Mexico Credit Water by U.S. Bureau of Reclamation.
 - Protect New Mexico interests in the waters in Elephant Butte Reservoir and downstream to the New Mexico/Texas state line.
- Implement a water management pilot project for the Lower Rio Grande to develop an array of tools that could be used in the future to better manage water resources and support both the agricultural community and municipalities.
- **3C.** Administer the use of waters of the Costilla Creek system to New Mexico and Colorado water uses as provided in the compact and Rules of the Costilla Creek Compact Commission.
- Deliver Costilla Creek system water to New Mexico and Colorado users in accordance with the Costilla Creek Operations Manual.
- Work with federal and state agencies to resolve conflicts between the ESA and the Costilla Creek Compact.
- **3D.** Actively participate in multi-state, multi agency programs involved in water management on the Colorado River System.
- Actively participate in drought contingency planning efforts with the other Upper Colorado River Basin states, the Seven Basin States, and the U.S. Bureau of Reclamation.
- Support weather modification efforts in the Upper Colorado River Basin with limited funding provided for efforts in the San Juan mountains in Colorado benefiting flows into New Mexico.

Strategic Actions

- Support and actively participate in activities of the Colorado River Basin Salinity Control Forum and Advisory Council to ensure compliance with the Colorado River Salinity Control Act.
- Actively participate in activities of the Glen Canyon Dam Adaptive Management Program continues to provide hydropower generation for customers in New Mexico as well as power revenues for operation of federal projects in New Mexico.
- **3E.** Actively monitor water deliveries from Colorado to New Mexico on the La Plata River and seek the proper administration of the provisions of Article II of the La Plata River Compact.
- Monitor irrigation demands and diversions from the La Plata River for uses in New Mexico.
- **3F.** Support implementation of the Animas-La Plata Project through participation in the development of studies, models, and procedures for protecting project water deliveries from Colorado to New Mexico consistent with the Animas-La Plata Project and existing Compacts.
- Support development of a protocol for administration of Animas-La Plata Project water and Navajo Reservoir stored water by the Office of the State Engineer.
- **3G.** Manage, develop, and improve New Mexico water-related interests in the Canadian River Basin.
- Support Eastern New Mexico Water Utility Authority's planning, funding requests, and construction of facilities to convey water from Ute Reservoir to Eastern New Mexico communities.
- Administer the Canadian River Compact and 1993 US Supreme Court Decree.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- Continue to support Arkansas River Shiner studies to reinforce the Arkansas River Shiner Management Plan in lieu of designation of critical habitat.
- **3I.** Actively monitor water uses in and from the San Juan Basin in New Mexico, including surveying irrigated crop acreages and accounting for consumptive uses in compliance with the 1948 Upper Colorado River Compact.
- Actively monitor and participate in the planning of operations of Navajo Dam and Reservoir to meet water demands in New Mexico and to support recovery of populations of two endangered fish species in the San Juan River as part of the agency's involvement in SJRIP.
- Work with the Upper Colorado River Commission and the Upper Colorado River Basin states to use Colorado River Storage project power revenues available to the upper basin fund and provide funding for Reclamation projects in the upper basin states in accordance with the Basin Fund Memorandums of Agreement.
- Support implementation of the Navajo-Gallup Water Supply Project.
- Cooperate in the development of hydrologic models for use in water resources planning, environmental assessments, water project development and operations, water use accounting and Endangered Species Act compliance.
- Coordinate with the OSE, District 3 to receive irrigated crop surveys and other uses, in the areas in southwest New Mexico decreed by the U.S. Supreme Court in *Arizona v. California*.
- Account for consumptive uses and report annually in compliance with the U.S. Supreme Court decree in *Arizona v. California*.

Strategic Actions

- Periodically measure diversions on 23 ditches in the Lower Colorado Basin using gages/fumes owned by the ISC.
- Maintain and/or replace the ISC gages/flumes in coordination with the OSE District 3
- Conduct basic hydrology, data collection and analysis such as streamflow, reservoir storage and releases and snowpack.
- Ensure accurate measurement and account of water resources in the San Juan and Gila Basins.
- When necessary, collaborate and cooperate with the U.S. Geological (USGS) for streamflow gaging in New Mexico, through the cooperative agreement between the ISC and the USGS managed by the Rio Grande Bureau.
- **3J.** Coordinate and participate in the technical work needed to support the legal efforts of the NMAGO in the lawsuit by Texas against New Mexico regarding the Lower Rio Grande that is currently before the U.S. Supreme Court.
- **4A.** Develop operating procedures as needed and coordinate with the OSE Dam Safety Bureau, the tribal liaison or any other appropriate OSE Bureaus.
- Operate and maintain facilities in accordance with established operating procedures.
- Maintain membership with NM One Call and register all subsurface utility infrastructure owned by ISC.
- **4B.** Continue the Technical Services Agreement with U. S. Bureau of Reclamation that assists in Middle Rio Grande water salvage and vegetation management.
- Continue to support the U.S. Army Corps of Engineers San Acacia Levee Rehabilitation Project and the Bernalillo to Belen levee improvement/repair projects.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Strategic Actions

- Cooperate with Federal agencies to plan, design, conduct compliance, and construct projects that maintain and/or improve the intended functions of the Rio Grande floodway in a manner that provides environmental benefits.
- **4C.** Process all outstanding acequia capital appropriations.
- Conduct workshops to assist acequias in administering capital improvement projects.
- Coordinate funding and projects with the National Resource Conservation Service, the U.S. Army Corps of Engineers (when funding is available), and the acequias themselves.
- Provide engineering and construction funding to acequias the Acequia and Community Ditch infrastructure fund (ACDIF) that was passed and signed into law in Senate Bill 438 during the 2019 Legislative session. The ACDIF increases funding available to acequias from \$1.9M to \$2.5M annually from the Irrigation Works Construction Fund.
- Continue to assist Southwest New Mexico acequias in administering their Non-NM Unit grants awarded by the ISC.
- **4D.** Provide technical and policy support to the U. S. Bureau of Reclamation to implement the improvement program for Non-Navajo ditches as authorized by Public Law 111-11, and to provide lobbying support to the New Mexico Congressional delegation and the New Mexico legislature for federal and state cost share appropriations for the program.
- Provide lobbying support to the New Mexico Congressional delegation for appropriations for rehabilitation of the Hogback and Fruitland irrigation projects per the Navajo Nation Water Rights Settlement Agreement with continued outreach and coordination by the OSE/ISC Tribal Liaison.

Strategic Actions

- Continue to oversee the ditch improvement grants as part of the Non-NM Unit projects funded by the ISC.
- **4E.** Maintain and continue development of remote real-time access to data associated with installed energy saving variable frequency drives and associated equipment at key Pecos Settlement augmentation wells.
- **5A.** Complete and promote the New Mexico 50-year Water Plan including public outreach to expand stakeholder engagement.
- Collaborate with planning entities statewide to align language and objectives.
- **5B.** Conduct public engagement and education to inform updates to the 2023-2024 State Water Plan.
- Represent OSE/ISC in the Forest and Watershed Restoration Advisory Board to support projects that implement forest treatments to reduce the likelihood of catastrophic fires on water and sediment yield on our rivers.
- Provide information and data about the condition of New Mexico's water resources.
- **5C.** Continue outreach activities through the Agency tribal liaison to work with Tribes, Pueblos and Nations with periodic State/Tribal Water Institutes.
- Support the Tribal Water Working Group
- Support the Acequia Water Planning Working Group
- Continue to engage in dialogue to stay informed of water planning efforts and needs of Tribes, Pueblos and Nations.
- **5D.** Participate in the Rio Grande Basin Study.
- Coordinate with NM Bureau of Geology and Mineral Resources and other State agencies to implement the Water Data Act.
- Conduct a focused evaluation of planning strategies – international, national, regional and local – and recommendations for improving resilience being used elsewhere.
- Collaborate with the ongoing work of New Mexicans to address climate change and improve communities resilience. Facilitating connections to leverage the effectiveness of efforts is essential.

Interstate Compact Compliance and Water Development Program (Interstate Stream Commission (P552))

Performance Measures

	FY20 Actual	FY21 Actual	FY 22 Actual (unaudited)	FY23 Actual (unaudited)	FY 24 Request
Cumulative state–line delivery credit per the Pecos river compact and amended decree at the end of the calendar year, in acre–feet	166,300	161,600	157,200	TBD	TBD
Cumulative delivery credit per the Rio Grande compact at the end of the calendar year, in acre–feet	-38,800	-96,300	127,100	127,100	TBD
Cumulative New Mexico unit fund expenditures	\$20,090,000	\$22,054,151	\$22,960,870	N/A	N/A



Program Support (P554)

Purpose of the Program

The purpose of Program Support is to provide essential administrative support to the Office of the State Engineer to support the Agency personnel in achieving the goals and objectives of the OSE.

Program Users

Program users are the Office of the State Engineer's employees, contractors, other state and federal agencies and the public.

Program Summary

Program Support provides administrative and management support services to the Office of the State Engineer to allow for the efficient functioning of the agency. The program has four bureaus: Finance, Budget Services, Information Technology Systems, and Human Resources. Together they oversee the agency's payroll, budget, contracts, fixed assets, accounting, procurement, property management, personnel management, workforce development and training, and information technology (IT). Additionally, the Hearing Unit, which falls within Program Support, conducts administrative hearings on protested and aggrieved water rights applications.

Benefits to New Mexicans

- Accountability over agency fiscal activities and operations
- Process improvements and efficiencies
- Provide timely responses to news media and public requests.



Program Support (P554)

Program Goals and Objectives

1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater.

- **A.** Conduct administrative hearings on protested and aggrieved water right applications and enforcement actions and ensure the expeditious and orderly handling of those matters consistent with the requirements of due process.
- **B.** Provide Alternative Dispute Resolution (ADR) services for aggrieved and protested applications, enforcement actions and licensing actions; and continue to incorporate ADR methodologies into the administrative hearing process.
- **C.** Preserve, strengthen and protect the State's administrative authority over the State's waters.

7. Develop, deliver and continuously improve the value of Human Resource, Financial, Information Technology and Budget Services provided to agency programs, state and federal agencies and business partners.

- **A.** Provide quality services which support the agency achieving its short and long-term objectives.
- **B.** Recruit and hire a highly skilled and diverse workforce aligned with business goals and objectives.
- **C.** Retain a highly performing workforce and maintain an environment conducive to a high level of employee satisfaction.
- **D.** Develop a workforce dedicated to our mission and strengthened by its diversity, able and willing to meet and exceed the highest standards of conduct and performance.

- **E.** Provide governance and ensure compliance and accountability with the highest integrity and accuracy.
- **F.** Provide timely and accurate information that is used by management to direct agency resources towards achieving the agency's programmatic goals and objectives.
- **G.** Provide comprehensive fiscal, administrative, personnel, budget and IT support focused on enhancing workforce capabilities.
- **H.** Innovate to make Agency operations more efficient and deliver better services to constituents.
- **I.** Make water resource management information easily accessible to internal staff and the public.
- **J.** Use IT to improve business processes and integration of workflows.
- **K.** Use GIS to improve Agency work products, processes and decisions.
- **L.** Continuously improve IT planning processes.
- **M.** Continuously improve IT service delivery processes.
- **N.** Continuously improve the Agency's information security posture.



Program Support (P554)

Strategic Actions

- **1A.** Continue to schedule administrative hearings concerning protested and aggrieved applications in a timely and efficient manner that provides for development of a complete record addressing availability and beneficial use of water, impacts to existing water rights, conservation of water and public welfare.
- Expedite the hearing of enforcement and licensing actions as appropriate to protect the water resources and public welfare of the state.
- Continue to refine protocols for hearings concerning applications with large numbers of protestants.
- Continue to evaluate platforms and refine protocols for the conduct of conferences, hearings, and mediations using videoconferencing technology.
- Support and facilitate rulemaking.
- **1B.** Continue to refine ADR processes based on mediation results and feedback from mediation participants.
- **7A-H.** Provide valuable, high quality, outcome-based services to the Agency's programs.
- Establish Information Technology Committee
- Identify and evaluate new technology and business processes, including the implementation of integrated software solutions, to improve operations and workflow.
- Treat all employees as valued customers to maximize employee performance, productivity and job satisfaction.
- Ensure a strong performance management system is utilized within the agency to create strategic alignment between the employee's responsibilities and the Agency's mission; one that establishes a pattern of direct communication between the supervisor and the employee, and clearly defines expectations and performance measures.
- Retain a highly performing workforce and maintain an environment conducive to a high level of employee satisfaction.
- Develop a workforce dedicated to our mission and strengthened by its diversity, able and willing to meet and exceed the highest standards of conduct and performance.
- Identify and evaluate web and mobile applications to: 1) collect, share and maintain point of diversion, place of use, conveyance and other spatial data and 2) develop real-time map services.
- Ensure that strong retention systems are invested, i.e., a rewards and recognition system, competitive salary structure, opportunities for growth and advancement.
- Provide training to foster a greater knowledge base for staff and supervisors.
- Lead efforts to define and implement statewide visions.
- Participate in senior management meetings to identify program needs and issues.
- Foster frequent communication with program personnel to address needs and concerns.
- **7I.** Identify and pilot mobile and social capabilities of business process management software.
- **7J.** Continue to enhance the agency web site to support Active Water Resource Management activities.
- Continue to enhance the agency web site to support Litigation and Adjudication Program activities, including collaboration with claimants.
- Continue to update and expand Real Time Water Measurement System to support the installation of additional radio telemetry stations in various river basins.



Program Support (P554)

Strategic Actions

- **7K.** Support pilot opportunities to automate and manage the water rights administration process lifecycle.
- Identify and pilot opportunities to automate key business processes
- Continue to schedule administrative hearings concerning protested and aggrieved applications in a timely and efficient manner that provides for development of a complete record addressing availability and beneficial use of water, impacts to existing water rights, conservation of water and public welfare.
- Support Active Water Resource Management (AWRM) initiatives, including development of lists of administrable water rights for each stream system to enable allocating water in times of shortage.
- **7L.** Identify and evaluate web and mobile applications to 1) collect, share and maintain point of diversion, place of use, conveyance and other spatial data and 2) develop real-time map services.
- **7M.** Continue to modernize agency software, standardizing platforms and programming languages. Integrate databases and other applications which will simplify report generation and access to information for staff and the public.
- **7N.** Continue to upgrade cabling, servers and switches as part of on-going infrastructure improvement.
- Evaluate laptop encryption tools and methods.
- Improve facilities to safeguard IT equipment located in Agency district offices (Albuquerque, Roswell, Deming, Las Cruces, Aztec, Santa Fe and Cimarron).
- Convert remaining desktop set-ups to laptops to enable telework capabilities.



Water Resource Allocation Program Support (P551)

Purpose of the Program

The purpose of the Water Resource Allocation Program is to provide for administration, distribution, protection, conservation and development of the state's surface water and groundwater resources including the implementation of Active Water Resource Management (AWRM).

Program Users

Program users are the public but more specifically all water right owners in New Mexico. For instance, this is any person, association or corporation, public or private, in the state of New Mexico that owns or leases water rights.

Program Summary

The Water Resource Allocation Program includes: the Water Rights Division, the Statewide Projects group, the Water Rights Abstract Bureau, the Hydrology Bureau; the Water Use and Conservation Bureau; and the Dam Safety Bureau.

Under New Mexico water law, all groundwater and surface waters are public waters of the state and subject to appropriation under the Doctrine of Prior Appropriation. The Doctrine of Prior Appropriation is a constitutional provision that states that earlier appropriations have priority over later appropriations. The Water Resource Allocation Program (WRAP) is primarily responsible for processing water rights applications, conducting the scientific research for making water rights decisions, maintaining water rights records and enforcing any conditions or restrictions on water use. Also, the program has taken the lead on the Agency initiative referred to as Active Water Resource Management (AWRM). AWRM refers to a broad range of activities that enhances the State Engineer's ability to manage and administer the actual use of water in the field and allows for "Alternative Administration" that is agreed upon by the stakeholders in a particular basin. These activities include the placement of measurement and metering devices, creation of water districts, appointment of water masters (in the field) development of water master manuals, abstracting paper files into the agency's computer of water master manuals, abstracting paper files into the



Water Resource Allocation Program Support (P551)

Program Summary

agency's computer database and implementation of district-specific rules and regulations. Water masters in the program measure stream flow, allocate the water within a stream system based on state law and regulate and control diversions.

WRAP staff inventories water resources, monitors water use and cooperates with the U.S. Geological Survey in monitoring groundwater levels throughout the state. Additional program duties include licensing all well drillers, maintaining and updating the rules and regulations of the State Engineer, providing a dam safety program, evaluating subdivision water supply plans submitted by counties and promoting water conservation. The Water Rights Abstract Bureau populates the Water Administration Technical Engineering Resource System (WATERS) database with all the individual water rights files within the state and making the information available to the public through an internet-based database. The Hydrology Bureau collects and analyzes data to support policy development and planning, evaluates the availability of water, provides expert testimony and performs other technical tasks. The Water Use and Conservation Program inventories water use in the state, calculates irrigation water right requirements and also coordinates water conservation activities in the state. The Dam Safety Bureau regulates dams that are over a certain height and storage to ensure that dam owners operate their facilities within the law and as safely as possible.

This fiscal year the WRAP/WR District Offices started reviewing and verifying water rights for recreation cannabis growing activities. The WRAP/WR staff receive from Regulation Licensing Department (RLD)/Cannabis Control Division a water right accession form which we review along with the appurtenant water rights to make sure the grower has valid water rights configured in the correct manner and in sufficient quantities. This fiscal year we received 240 submittals from RLD, some were reviewed several times by staff which is included in the 240 figure.



Water Resource Allocation Program Support (P551)

Benefits to New Mexicans

- Accountability over agency fiscal activities and operations
- Process improvements and efficiencies for a Sustainable Water Supply
- Safe Drinking Water
- Safe Dams
- Accessible and Accurate Water Right Data
- “21” Century Water Right Administration of Water Resources
- Water Conservation research and best practice education for the public
- Well driller regulation and licensing, well compliance
- Decision making based on hydrological data, modeling, real-time water use data
- Fairness of water rights administration through promulgation of District Specific Regulations
- Water Use Information
- Cannabis Revenue for New Mexico/Economic Development



Water Resource Allocation Program (P551)

Program Goals and Objectives

1. Promote the effective administration, distribution, protection, conservation and development of the State's surface water and groundwater.

- **A.** Administer water rights from a business process management platform that includes a database of existing rights and applications; an on-line application workflow and document management system; and a geographic information system (GIS).
- **B.** Develop capability to enforce water rights permit conditions, court decrees, court orders, shortage-sharing agreements, etc. in AWRM priority basins so as to prevent impairment to existing water rights and to prevent illegal and over-diversions.
- **C.** Support water right application reviews with respect to 72-1-9, 72-5-1, 72-5-7, 72-5-23, 72-5-24, 72-5-7, and 72-12-3 NMSA.
- **D.** Ensure that water is available for the continued and future economic vitality of the State.
- **E.** Protect senior/existing water rights.
- **F.** Promote conservation and the efficient use of water.

- **G.** Provide governance and ensure compliance and accountability with the highest integrity and accuracy.
- **H.** Manage for the effects of hydrologic variability associated with climate change and extreme drought.
- **I.** Lead efforts to collect, store, analyze, disseminate and utilize water resource data.

2. Develop and use available water resources in an environmentally responsible manner consistent with state and federal laws.

- **A.** Support and oversee proposed development of deep non-potable aquifers.
- **B.** Promote development of green energy and desalination projects within New Mexico.

3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.

- **A.** Ensure that there are no new net depletions to surface water sources, over and above those associated with existing water rights.

4. Expedite and support development of District Specific Regulations and support the licensing and/or adjudication of all water rights in the state.

- **A.** Expedite district Specific Regulations in key business.
- **B.** Continue to evaluate water use requirements for adjudications as listed in the Water Allowance Statute, 72.5.18.A.
- **C.** Continue licensing and adjudication of water rights in the Middle Rio Grande Stream System and related underground basin.
- **D.** Continue licensing of water rights in remaining stream systems of the state.



Water Resource Allocation Program (P551)

Program Goals and Objectives

- 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater.**
- 5. Promote the safety and efficiency of New Mexico's water resource infrastructure.**
 - **A.** Provide a statewide dam safety program to ensure that dam owners manage risk to protect the public from loss of life and property damage due to dam failure or mis-operation.
- 6. Plan for New Mexico's future water needs.**
 - **A.** Enforce the restrictions contained in Article 72-1-9 (NMSA) for entities eligible for protection under the statute.
 - **B.** Address non-use of water rights
 - **C.** Promote government-to-government relationships with New Mexico's Tribes, Pueblos and Nations, concerning water resource issues coordinating with the Agency Tribal Liaison.
 - **D.** Comply with the review requirement for county subdivision proposals as defined by 47.6.11.F. (1) within the 30-days required by 47.6.22.A.
 - **E.** Create innovative solutions to comply with Senate Bill 479 which was passed to help protect the future water needs within the counties.
 - **F.** Comply with the response requirement to the county board of commissioners as defined within 47.6.11.H.3.
 - **G.** Engage and collaborate with New Mexico's Tribes, Pueblos, and Nations concerning water rights issues to find the best approaches and /or alternative processes in order to streamline water planning, negotiations and adjudications.



Water Resource Allocation Program (P551)

Strategic Actions

- **1A** . Support Development of District Specific Regulations in AWRM Priority Basins.
- **1B**. Continue to abstract and image existing water files for priority basins into the WATERS database including all applications and documents as they are acted upon.
- Utilize business management principles and software to automate and manage the water rights administration process lifecycle (define, model, design, deploy, execute, monitor, analyze, optimize) to meet agency customer service and operation goals.
- **1C**. Continue to hire and train water masters to promote adequate monitoring of water used and diverted within priority basins.
- Use meter data collected in all districts to track water use and to enforce against illegal diversions within priority basins.
- Extinguish non-used water rights where appropriate in accordance with the Forfeiture Statute.
- Perform field investigations in support of declarations filed, Proofs of Beneficial Use filed, and applications for transfer of water rights, etc.
- Monitor and track meter installation for groundwater wells in compliance with State Engineer metering orders.
- Monitor the installation of surface water measuring devices on prioritized points of diversion statewide to ensure compliance with permits, licenses, court decrees, shortage sharing agreements, etc.
- Continue to improve the maps on the website from a static map to a dynamic web-based map service.
- Accurately quantify water usage and identify water uses through data collection from surface water measuring devices on points of diversion and points of return for municipal use to ensure the accurate and equitable distribution of water.
- Use and verify data within the Real-Time Water Measurement Information System to monitor compliance in high priority water management areas.
- Develop basin-specific water master rules and regulations including measuring/metering orders, water master manuals and settlement agreements already in place.
- **1D**. Coordinate review of 72-1-9 NMSA water development plans.
- Conduct reviews of water right permit applications for the impairment and conservation of water.
- Evaluate applications for new groundwater appropriations and water right transfers for availability of water, depletion effects and impairment to existing rights.
- Continue implementation of Administrative Guidelines in the Animas, Lordsburg, Clayton, Lea County, Curry County, Portales, Middle Rio Grande, Roswell, Estancia and Tularosa Underground Water Basins.
- Continue development and/or updating of Administrative Guidelines in the Taos, Lower Rio Grande (LRG), Capitan, Mimbres and other basins or areas as needed in response to water rights activity and/or litigation.
- Expand and improve the groundwater level monitoring network.
- **1E**. Develop method to capture and reflect the data collected on statewide measurement programs in a GIS platform making it available for temporal studies (timeframe two years).
- Hydrology Bureau will conduct and support new hydrologic data collection and studies, including aquifer mapping and characterization studies. It will also cooperate with other local, state and federal agencies and private entities to coordinate and prioritize technical efforts, avoid duplication of effort, leverage non-state funding and optimize use of state resources.



Water Resource Allocation Program (P551)

Strategic Actions

- Continue to collaborate with other local, state and federal agencies and private entities to coordinate and prioritize technical efforts related to the state's deep nonpotable and brackish groundwater resources, to avoid duplication of effort, leverage non-state funding, and optimize use of state resources.
- **1F.** The WUCB will support the Water Rights Division and the LAP program with agricultural conservation as it pertains to 72-5-18 NMSA 1978. The WUCB will evaluate the CIR portion of any applications filed proposing the transfer of water rights obtained from agricultural conservation.
- The WUCB will ensure that water conservation measures are included in each proposed subdivisions water budget. They will review each subdivision proposal for indoor and outdoor water conservation measures and recommend xeriscaping as the appropriate approach for landscape design. The WUCB will continue to support rainwater harvesting and gray water reuse for landscape irrigation.
- The Hydrology Bureau will assist WUCB in the determination of water availability for proposed subdivisions in accordance with the respective County Guidelines.
- Promote statewide water conservation and the efficient use of water by providing technical assistance, education, and information through the development and implementation of policies and guidelines for drinking water suppliers, industrial, commercial, institutional and agricultural users."
- WRAP will continue reviewing additional policies and actions to further reduce the use of freshwater resources for oil and gas activities.
- WRAP will continue to enforce the rescinded policy of issuing multiple NMSA 72-13-1.3 permits for oil and gas.
- **1G.** Develop process for adaptation to the effects of climate change and extreme drought in water resource management.
- **1H.** Hydrology Bureau will improve public access to information through the agency library, including completing cataloging of the library collection and increasing the amount of information and documents available to the public via the agency website.
- **2A.** Hydrology Bureau will (in cooperation with WRD and LAP) review notices of intent filed under NMSA 72-12-25 through 28 in accordance with the statutes and any applicable rules, regulations, policies and guidelines.
- Regulate the drilling and construction of wells intended to tap deep non-potable aquifers under NMSA 72-12-25 through 28, in accordance with established rules and regulations.
- Hydrology Bureau will (in cooperation with WRD) perform the hydrologic analyses, as necessary, to calculate the effect of diversions from an aquifer proposed for use under NMSA 72-12-25 through 28 upon existing water rights.
- Continue management of existing hydrologic data collection programs, including the statewide cooperative groundwater level measurement program and other hydrologic data collection programs. It will also oversee measurement throughout the state by USGS and OSE/contractors of water levels in 400 to 500 wells in the Animas, Bluewater, Capitan, Carlsbad, Clayton, Cloverdale, Canadian River, Curry County, Lea County, Gallup, Hachita, Hondo, Jal, Lordsburg, Middle Rio Grande (MRG), Lower Rio Grande (LRG), Upper Rio Grande (URG), Playas, Penasco, Portales, Salt Basin, San Augustin Plains, San Juan, San Simon, Santa Fe, Tucumcari and Tularosa networks.



Water Resource Allocation Program (P551)

Strategic Actions

- Hydrology Bureau will (in cooperation with WRD and LAP): develop and implement basin-specific hydrologic models and guidelines for administration of water rights that ensure continued viability of hydrologic sources into the future in priority areas and basins.
- Evaluate permit applications for new underground storage and recovery (USR) projects, and actively administer existing USR permits in accordance with the Ground Water Storage and Recovery Act (NMSA 72-5A-1 through 72-5A-17) and USR regulations (19.25.8 NMAC).
- Develop and implement basin-specific hydrologic models and guidelines for administration of water rights to prevent impairment to existing water rights.
- Evaluate water right permit applications for impairment to existing water rights. Hydrology Bureau will complete its evaluations of unprotested applications in 30 days or less on average. Provide hydrologic assessments to Water Rights claims in Settlement proceedings.
- Provide technical assistance to the Litigation and Adjudication Program in support of litigation and adjudication activities as needed.
- Support Active Water Resource Management alternative administration.
- **2C.** Support, within the framework of NM water law, green energy and desalination projects in New Mexico.
- Support the water Sustainable Water Infrastructure Management (SWIM) process of the Wastewater Infrastructure Development Division with the New Mexico Environment Department.
- **3A.** Require as necessary, valid water rights transfers for federal and state projects that result in new net depletions to surface water, over and above those associated with existing water rights.
- Continue to conjunctively administer water rights by evaluating all groundwater rights applications in stream-connected basins for depletions to the surface source and requiring and enforcing offsets of depletions. Deny those groundwater applications for which acceptable surface water offsets are not provided.
- **4B.** WUCB will compute defensible Consumptive Irrigation Requests (CIR's), Farm Delivery Requirements (FDR's) and Project Delivery Requirements (PDR's) to assist with the adjudication of water rights in the state of New Mexico.
- WUCB will obtain, compile and compute all necessary data associated with CIR's, FDR's and PDR's.
- Implement a pilot project to issue Licenses for a Basin in New Mexico as resources allow.
- **4C.** Continue to develop and implement with LAP a collaborative action plan for licensing water rights in the Middle Rio Grande as resources allow.
- **5A.** Dam Safety Bureau will inspect or verify owner inspection of dams and evaluate existing High Hazard Potential and Significant Hazard Potential dams to ensure these dams are operated and maintained in a safe condition. Advise owners of required actions to address deficiencies or issue safety orders to dam owners to address immediate threats to public safety. Ensure that dam inspections completed by dam owners meet regulatory requirements.
- Continue to evaluate documentation and field evidence for existing dams to determine if design and construction are consistent with dam safety regulations and best practices.
- Review engineering reports, construction drawings and specifications to evaluate designs for new dams or repair of an existing dam. Approve and issue permit for construction and operation when the proposed design is found to meet safety criteria.
- Inspect and monitor construction of new dams or repair of existing dams to ensure construction is in compliance with approved permit. Issue Certificates of Construction and License to operate when dam owner demonstrates compliance with permit conditions.
- Evaluate Operation and Maintenance (O&M) Manuals and Emergency Action Plans (EAP) submitted by owners of dams classified as High Hazard and Significant Hazard potential. If the O&M Manual and EAP are acceptable, and all other regulatory conditions have been met the bureau will issue a License to Operate for the dam.
- Implement a program to evaluate the inventory of New Mexico jurisdictional dams using risk-based criteria. This multi-year project will be advanced as resources are made available with the goal of ranking all dams based on relative risk for potential harm to life and property. This information will be available for capital outlay planning and for the prioritization of Dam Safety Bureau resources application. When the study is complete, issue a ranking for each dam and update the information using inspection data.



Water Resource Allocation Program (P551)

Strategic Actions

- Provide technical support to dam owners when resources allow. When resources are available staff will work with dam owner entities that receive capital outlay funds to address the design and construction of rehabilitation projects at existing dams. When resources are available assist dam owners with preparation of Emergency Action Plans (EAP's) and Operation and Maintenance Manuals and other documentation for regulatory compliance.
- **6A.** Require water development plans from covered entities applying for water rights appropriations or transfers.
- Evaluate and act on applications for new appropriations or water rights transfers into covered entities' systems from the perspective of there being a maximum amount allowable under the NMSA 72.1.9 (Water Development Plans).
- Conjunctively manage groundwater and surface water in groundwater basins that are stream-connected. Promote, through Basin Guidelines, Rules and Regulations or through WRD "policy" the acquisition of pre-1907 surface water rights for municipal use in groundwater basins that are stream-connected.
- **6B.** Perform annual "windshield" surveys and investigations of irrigated land within priority basins to determine which lands have been irrigated v. not irrigated. To maintain a record of irrigated land and land that has not been irrigated.
- Issue Notices of Non-User when appropriate to an owner of a water right that has not been legally and beneficially used for more than four consecutive years.
- **6C.** Introduce ideas of ways to assist the Pueblos, Tribes and Nations to protect the aquifers and their water resources from being drained through the outreach by the Agency Tribal Liaison.
- **6H.** Reach out to municipalities that are seeking information regarding the technology of Aquifer Storage and Recovery and offer to present to the city councils.

Performance Measures

	FY20 Actual	FY21 Actual	FY 22 Actual	FY23 Target	FY 24 Request
Number of transactions abstracted annually into the water administration technical engineering resource system database	20,000	24,029	20,000	20,000	TBD
Number of notices issued to owners of publicly-owned dams notifying them of deficiencies or potential issues	45	78	45	35	TBD
Average number of unprotected new and pending applications processed per month	50	30.5	40	40	TBD
Number of unprotected and unaggrieved water right applications backlogged	547	522	500	500	TBD
					45



Litigation and Adjudication Program (P553)

Purpose of the Program

The purposes of the Litigation and Adjudication Program are: to obtain a judicial determination and definition of water rights in stream system adjudications to support effective water rights administration and promote the State's ability to meet its interstate stream obligations; to resolve disputes arising out of applications filed with the State Engineer concerning the diversion and use of the State's water; to represent the Water Rights Division in administrative hearings relating to State Engineer permit applications; to initiate enforcement proceedings to ensure compliance with the water code, adjudication court orders, and State Engineer regulations, orders, permits, and licenses; and to represent the State Engineer and the State of New Mexico in all suits filed in either state or federal courts concerning water rights.

Program Users

Program users are water right owners, applicants for State Engineer permits, the State Engineer, and the other programs within the OSE/ISC.



Litigation and Adjudication Program (P553)

Program Summary

The General Counsel serves as the legal advisor to the State Engineer. Litigation and Adjudication Program (LAP) attorneys are commissioned as Special Assistant Attorneys General to represent the State Engineer in all matters in the state and federal courts and to represent the State of New Mexico in all pending water rights adjudications.

LAP is divided into five bureaus. Attorneys in the Administrative Litigation Unit represent the Water Rights Division of the Water Resource Allocation Program in all administrative hearings before the State Engineer and represent the State Engineer in appeals of State Engineer decisions to the courts, in enforcement proceedings to prevent illegal uses of water, and other litigation where the State Engineer is a party.

Three bureaus (Hydrographic Survey and Mapping Bureau, Pecos and Northern New Mexico Adjudication Bureau, and Lower Rio Grande Adjudication Bureau) are dedicated to conducting water rights adjudications on behalf of the State of New Mexico in state and federal courts. Technical staff in these bureaus have training and expertise in GIS, surveying, and engineering. They perform hydrographic surveys to provide the factual basis for all adjudication suits and work closely with legal staff to provide technical support for ongoing adjudications and other water rights related matters.

The newly-formed Bureau for Tribes, Pueblos, and Nations negotiates with Indian Tribes, Pueblos, and Nations to reach settlements which not only define tribal water rights but also future administrative procedures and, in some cases, the construction, operation, and maintenance of new water projects. This bureau's work also includes securing judicial approvals and legislative funding for Indian water right settlements.

The main LAP office is located in Santa Fe. LAP also maintains a Lower Rio Grande adjudication survey office in Las Cruces, which is staffed with experienced hydrographic survey technical personnel to support the Lower Rio Grande adjudication and serves as a local point of contact for water rights owners involved in that adjudication.



Litigation and Adjudication Program (553)

Benefits to New Mexicans

- Judicial determination of water rights to support effective water rights administration and promote the State's ability to continue to meet its interstate stream obligations;
- Improved ability of the State Engineer to manage and allocate water in the face of increased hydrologic variability associated with climate change or extreme drought;
- Protection of existing water rights from impairment by proposed new or changed uses of water or from illegal or over-diversions of water;
- Increased certainty in water rights to protect existing uses and support future economic development;
- Resolution of Indian water rights claims to provide greater certainty to all communities; and
- Fairness and transparency of water rights administration through promulgation of District Specific Regulations.



Litigation and Adjudication Program (P553)

Program Goals and Objectives

- 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater.**
 - **A.** Develop capability to enforce water rights permit conditions, court decrees, court orders, shortage-sharing agreements, etc. in AWRM priority basins so as to prevent impairment to senior water rights and to prevent illegal and over-diversions.
 - **B.** Ensure that water is available for the future economic vitality of the State.
 - **C.** Protect senior water rights.
 - **D.** Promote conservation and the efficient use of water.
 - **E.** Manage for the effects of climate change associated with warming temperatures or extreme drought.
 - **F.** Preserve state administrative authority over the State's waters.
 - Support development of District Specific Regulations.
- 2. Complete all pending water rights adjudications in the State.**
 - **A.** Quantify and define valid existing rights to the use of water from streams subject to interstate compacts and decrees through the adjudication and licensing processes.
- 3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.**
- 4. Complete all pending water rights adjudications in the State.**
 - **A.** Continue the adjudication of water rights in the eleven adjudication suits pending in the State.
 - **B.** Continue implementation of pending water rights settlements with Tribes, Pueblos, and Nations.
 - **C.** Negotiate Settlements of unresolved water right claims of Tribes, Pueblos, and Nations across the State.



Litigation and Adjudication Program (P553)

Strategic Actions

- **1A-F.** Provide legal advice to the activities of water masters.
- Support WRAP’s abstracting and imaging of existing water files for priority basins into the WATERS database, including all applications and documents as they are acted upon.
- Collaborate with WRAP to develop lists of administrable water rights for AWRM priority basins.
- Provide legal advice and litigation support to WRAP for challenges to metering implementation.
- Provide legal and litigation support for implementation of and challenges to AWRM framework and district-specific regulations. Collaborate with WRAP to draft, promulgate, and implement district-specific AWRM regulations
- Provide legal and litigation support to State Engineer in appeals of State Engineer actions and decisions.
- **3A.** Obtain additional court orders adjudicating water adjudications pending across the state.
- Continue the licensing of water rights in the Middle Rio Grande and other areas of the State subject to interstate compacts and decrees.
- **4A.** Continue prosecution of the Pecos River water rights adjudication.
- Continue prosecution of the Lower Rio Grande water rights adjudication.
- Continue prosecution of water rights adjudications pending in Upper Rio Grande tributaries.
- Continue the prosecution of the San Juan water rights adjudication.
- **4B.** Continue to implement the Taos and Aamodt Indian water rights settlements.
- Continue to Implement the Navajo Nation Water Rights Settlement.
- **4C.** Shepherd the negotiated settlement resolving the water rights claims of Jemez and Zia Pueblos in the Rio Jemez stream system through the federal and state legislative process and proceed towards entry of court order recognizing the Pueblos’ water rights.
- Shepherd the negotiate settlement resolving the water right claims of Laguna and Acoma Pueblos and Navajo Nation in the Rio Jemez stream system through the federal and state legislative process and proceed towards entry of court order recognizing the Tribe’s and Pueblos’ water rights.
- Negotiate settlements resolving the claims of Ohkay Owingeh and Santa Clara Pueblos in the Rio Chama and Rio Santa Cruz stream systems.
- Negotiate Settlement resolving the water right claims of Zuni Pueblo.
- Negotiate settlement resolving the claims of the Ute Mountain Ute Tribe.
- Begin discussions with the six Middle Rio Grande Pueblos (Cochiti, San Felipe, Sandia, Kewa, Santa Ana, and Isleta) regarding settlement of their water rights.

Performance Measures

	FY20 Actual	FY21 Actual	FY 22 Actual	FY23 Target	FY 24 Request
Number of offers to defendants in adjudication	444	381	300	300	TBD
Percent of all water rights with judicial determinations	75.8%	76.2%	76.0%	76.0%	TBD



APPENDIX

Statutory Authority (By Program)

Interstate Stream Commission

72-15-1 through 72-15-28 NMSA 1978
72-14-1 through 72-14-44 NMSA 1978

Water Resource Allocation Program

72-1-1 through 72-1-9 NMSA 1978
72-5-11 NMSA 1978
72-5-34 NMSA 1978

Litigation and Adjudication Program

72-1-11 NMSA 1978
72-2-10 NMSA 1978
72-2-18 NMSA 1978
72-4-13 through -17 NMSA 1978
72-4-19 NMSA 1978
72-5-39 NMSA 1978
72-8-1 through -6 NMSA 1978
72-12-11 NMSA 1978
72-12-14 NMSA 1978
72-12-15 NMSA 1978

APPENDIX

Activities (By Program)

Interstate Stream Commission

Negotiate with other states to settle interstate stream controversies.	Plan for the future use of water so that the people of New Mexico can have maximum sustained beneficial use of available water resources.
Ensure interstate stream compact compliance.	Develop water resources and stream systems in an environmentally sound manner.
Comply with provisions of the U.S. Supreme Court's decisions governing water allocation on the Pecos, Canadian, Gila and San Francisco and San Simon Rivers in New Mexico.	Work with local entities to support development of Regional Water Plans across New Mexico.
Analyze, review, and implement projects in New Mexico to assure compact compliance.	Development of a New Mexico 50-Year Water Plan.
Evaluate potential water-supply impacts in New Mexico of projects in other states.	Participant in implementing the recently enacted Water Data Act.
Collaborate with federal, state and local entities to address state wide water issues.	Participate and or manage river maintenance, habitat restoration and vegetation removal projects.
Analyze stream flows, reservoir levels, snowpack and other data on stream systems in New Mexico and neighboring states.	Administer State cost share requirements for implementation of projects associated with several Indian Water Rights Settlements.
Protect current and planned future water uses in the state.	Participate in studies and assist in the development of any water in the Salt Basin.
Ensure Endangered Species Act (ESA) compliance.	Perform maintenance and vegetation control.
Support and provide assistance/State cost share for the Army Corps of Engineers program which provides a federal match for Acequia restoration projects.	Provide grants and loan funds for irrigation system improvements and for rehabilitation of acequias and ditches.
Manage the 90/10 Acequia grant program.	Provide assistance to Acequia's seeking funding for their project.
Administer Acequia capital outlay projects by the legislature.	Manage and operate Ute and Eagle Nest Dams, water well fields, and provide a Water Master for the Costilla Creek.
Ensure compliance with the Open Meetings Act.	Schedule and conduct Interstate Stream Commission meetings.
Brief members of the commission in preparation for meetings.	Prepare and review agenda items to be consider for the Interstate Stream Commission meetings.
Analyze, manage and reconcile revenues, budgets and grants to assure compliance.	Prepare and process ITBs, RFPs, contracts, work orders and requests to purchase in accordance with statutes.
Process invoices, travel, per diem and reimbursements for payment in accordance with Executive policies.	Prepare budget requests, capital requests, operating budgets, and budget adjustments for DFA.
Prepare requests to hire, conduct interviews, process hiring documents, train and conduct employee evaluations.	

APPENDIX

Activities (By Program)

Water Resource Allocation Program

Processing of Changes of Ownership of Water Rights.
Processing of Declarations of Ownerships of Water Rights, including Field Investigations, ownership validation, and validity determinations.
Processing of Applications for Extensions of Time.
Processing of Proof of Beneficial Use (PBU). (This requires a field investigation and the drafting and issuing of a License to the owner of the water right.)
Drafting and Issuance of License to Appropriate (New format).
Processing of Domestic Well Applications: new, replacements, supplemental, repair/deepen.
Processing of groundwater monitoring and exploratory well Applications.
Processing of ground source heat pump Applications.
Processing Declarations of Livestock Watering Impoundments.
Processing Applications for Livestock Watering Impoundments.
Underground Storage and Recovery (USR: pilot/demonstration project permitting; full-scale project permitting; and accounting and compliance.
Deep Non-Potable Aquifer/Well Permitting and Construction.
Research complaints on illegal water use: field investigations; memoranda; notices of violation; follow-up; compliance orders.
Serve as Expert Witness on WR Application at OSE Administrative Hearings & District Court: prepare internal documents; pre-hearing scheduling conference attendance; preparation of exhibits; review of exhibits; deposition testimony; hearing/trial testimony; review of WRD's proposed findings of fact and conclusions of law; attendance at mediation/settlement negotiations.
Review Well Plugging Plans of Operation, including variance requests, and write Conditions of Approval.

Review Artesian Well Plans of Operation and write Conditions of Approval.
Review and enter Meter Readings into WATERS database.
Water Master duties.
Construct, update, and maintain Geodatabase.
Enter Domestic and Non-Domestic data into WATERS database.
Develop basin-specific guidelines for application review and water rights administration.
AWRM District Specific Rules (DSR) development and promulgation.
Agency Rules development and promulgation.
Policy development and review.
Enter Domestic and Non-Domestic data into WATERS database.
Develop basin-specific guidelines for application review and water rights administration.
Licensing of NM Well Drillers.
Help walk-in customers with the following: •General water right questions •Locating and mapping wells/water rights •Filling out of forms •Filing of applications and other documents •Pulling water right files •Well construction and abandonment questions •Website and NMWRSS navigation •Other questions where other governmental entities have failed or refused to assist the customer. •Telephone customers with the same topics as walk-in customers.
Respond to IPRA Requests for information.
Review WTB Funding Applications for WR compliance and respond to NMFA.

APPENDIX

Activities (By Program)

Water Resource Allocation Program

Review Colonias Funding Applications for WR compliance and respond to DFA.
Governor & Legislative Constituent Issues (May Require field visit and file research and Memorandum).
Provide WR 101 type presentations (To public, Federal agencies and Realtors Groups etc.)
Attend meetings with other state agencies, federal agencies, consultants, attorneys during the workday and in the evening. Provide information and assistance.
Process Applications to Repair/ Deepen Wells.
Process Emergency Requests to Drill Supplemental or Replacement Wells.
Assist with Mutual Domestic Water Consumer Association Applications (those entities that want to switch from indoor use to Mutual Domestics.
Inspect Artesian Well casing prior to well construction.
Witness Artesian Wells cementing.
Witness Artesian Well pressure tests.
Review Well Records for regulatory compliance.
Assist other Bureaus with field/crop surveys.
Water right reviews as components of state agencies' permit reviews, especially in coordination with Hydrology Bureau.

Program Support

Prepare, enter and monitor the agency's budget in compliance with Budget Act and Department of Finance and Administration requirements.
Enter and process financial transactions ensuring compliance with Department of Finance and Administration requirements.
Process Human Resources transactions ensuring compliance with State Personnel requirements.
Maintain an IT infrastructure and application environment that allows the agency to fulfill its mission and statutory obligations.
Provide information to the public regarding agency activities.
Provide information to the media and public requests.
Hold hearings to resolve water rights issues/disputes.
Monitor facilities and assets of the agency in support of the agency's mission.



APPENDIX

Activities (By Program)

Litigation and Adjudication Program

Obtain a judicial determination and definition of water rights within each stream system.
Provide legal support for the administration of water rights within each stream system.
Promote the State's ability to meet its interstate stream obligations.
Resolve disputes arising out of applications filed with the State Engineer concerning the diversion and use of the State's water.
Represent the Water Rights Division in administrative hearings relating to State Engineer permit administration.
Initiate enforcement proceedings to ensure compliance with the water code, adjudication court orders, and State Engineer regulations, orders, permits and licenses.

Represent the State Engineer and the State of New Mexico in all suits filed in either state or federal courts concerning water rights.
Negotiate with Tribes, Nations and Pueblos through the Tribes, Pueblos and Nations Bureau concerning their water rights claims and obtain judicial determinations of their water rights.
Prepare hydrographic surveys and reports and provide technical expertise to aid in the adjudication of water rights within the State.
Promulgate and implement State Engineer regulations governing administration of water within the State.