

TITLE XX [title XX name]
CHAPTER XXX [chapter XXX name]
PART XXXX [part XXXX name]

x.xx.xx.1 ISSUING AGENCY: New Mexico Interstate Stream Commission, hereinafter the commission.
 [x.xx.xx.1 NMAC – N, xx/xx/202x]

x.xx.xx.2 SCOPE: This rule governs the process for developing and maintaining regional water planning pursuant to the Water Security Planning Act.
 [x.xx.xx.2 NMAC – N, xx/xx/202x]

x.xx.xx.3 STATUTORY AUTHORITY: Section 72-14A-1, et seq. NMSA 1978.
 [x.xx.xx.3 NMAC – N, xx/xx/202x]

x.xx.xx.4 DURATION: Permanent.
 [x.xx.xx.4 NMAC – N, xx/xx/202x]

x.xx.xx.5 EFFECTIVE DATE: xxxxxxxxxxxx xx, 2025, unless a later date is cited in the history note at the end of a section.
 [x.xx.xx.5 NMAC – N, xx/xx/202x]

x.xx.xx.6 OBJECTIVE: To establish the criteria and procedures to develop, approve and maintain regional water plans, pursuant to the Water Security Planning Act, Section 72-14A-1 et seq. NMSA 1978.
 [x.xx.xx.6 NMAC – N, xx/xx/202x]

x.xx.xx.7 DEFINITIONS:

- A. “Commission”** means the New Mexico Interstate Stream Commission and its members, authorized under NMSA 1978 § 72-14-1, and the director and employees of the commission.
 - B. “Planning Region”** or “Region” means an area of the state as described herein that defines the planning area for Regional Water Security Planning Councils.
 - C. “Regional Water Security Planning Council”** or “Council” means individuals, representing groups or organizations as described herein, who make up the Council and lead the regional water security plan development and implementation process in their respective region.
- [x.xx.xx.7 NMAC – N, xx/xx/202x]

x.xx.xx.8 WATER SECURITY TRIBAL ADVISORY COUNCIL

- A.** Subject to available funding and resources, the commission shall provide administrative support and facilitation, in consultation with the office of the state engineer and Indian affairs department, for the establishment and operation of a water security tribal advisory council (“WSTAC”) comprising representatives of New Mexico pueblos, tribes and nations.
- B.** The purpose of the WSTAC is to provide a forum for input from New Mexico pueblos, tribes and nations to ensure that their sovereignty, water rights, water needs, and other viewpoints are considered and incorporated in the regional water planning process or other activities as determined by the commission.
- C.** The participating pueblos, tribes and nations shall determine their own procedures and operating principles.

x.xx.xx.9 PLANNING REGIONS

- A.** The nine (9) Regional Water Security Planning Regions (“Planning Regions”) are shown in Exhibit A (map).

x.xx.xx.10 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCIL

- A.** The commission shall invite representatives, who reside within the planning region, from the following entities located within each Planning Region, except as otherwise provided for in sections C and D below, to establish the Regional Water Security Planning Council (“Council” or “Planning Council”). Each entity is entitled to have a representative serve on the council for any Planning Region that it is located within. The commission shall convene the representatives with the goal of establishing the members of a Council by consensus, or, if no

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agreement is reached, the commission shall determine the initial members of the Council. A Council can also self-organize provided the criteria below are met. Council membership will be based on the following:

- (1) one representative appointed by the governing body of each municipality;
- (2) one representative appointed by the governing body of each county;
- (3) one representative appointed by the governing body of each irrigation or conservancy district;
- (4) one representative appointed by the governing bodies of each Pueblo, Tribe, or Nation;
- (5) one representative appointed by the governing body of each council of government;
- (6) one representative appointed by the governing bodies of each soil and water conservation district;
- (7) one acequia or community ditch representative for each county located in whole or in part within the planning region, who shall be appointed by the governing body of the New Mexico Acequia Commission; and
- (8) one representative for mutual domestic or community regional water systems for each county located in whole or in part within the planning region, who shall be appointed by [?].

B. Each Council shall invite ten at-large members, located within the region, to represent the following stakeholders or stakeholder groups:

- (1) agricultural producers;
- (2) a public higher education institution;
- (3) environmental or conservation organizations with water security concerns in the Planning Region;
- (4) recreational interests;
- (5) industrial water users; and
- (6) five additional at-large members.

C. Each council shall invite three non-voting representatives for entities outside the Planning Region. Representatives appointed pursuant to this shall not be required to reside within the borders of the planning region.

D. If a qualified or willing representative cannot be identified to serve as a representative for any entity or stakeholder described in sections 4.A or 4.B, the commission may select a replacement non-voting member who is knowledgeable about water resources in the Planning Region.

E. The council shall adopt written operating principles that describe the following, at a minimum, and shall provide their operating principles to the commission upon request:

- (1) the roles and responsibilities of the council members;
- (2) the duration of the term for representatives on the council; and
- (3) the grounds and process for removing a representative from the council.

F. Subject to the commission director's determination of adequate funding and staffing, a commission staff member who resides within the region shall act as the commission's liaison to the council for the purpose of ensuring the proper coordination of commission information, policies, and resources.

G. The commission shall provide administrative support and facilitation for up to three (3) meetings of the Council per calendar year.

x.xx.xx.11 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING REQUIREMENTS

A. Meetings shall be held at least three (3) times per year during periods of plan development or update.

B. Councils must provide reasonable notice of meetings or other activities to council members, the public, and the commission.

C. Subcommittee meetings may be held and may or may not be supported by commission staff and resources.

x.xx.xx.12 ADOPTION OF REGIONAL WATER SECURITY PLAN: In order to be approved by the commission, regional plans must meet the following criteria:

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- A. Plans shall include a list of projects, programs and policies in order of priority.
- B. Councils shall seek and document in the plan Water Security Tribal Advisory Council (WSTAC) involvement, input and endorsements, as applicable.
- C. Councils shall seek and document in the plan public input in the development, vetting and prioritization of regional water planning activities and proposals.
- D. Councils shall seek and document and incorporate comments received from stakeholders consistent with the guidelines laid out by the commission.
- E. Plans shall provide documentation of comments received from, and coordination with, state and federal agencies.
- F. Councils shall review existing water plans and data sets of municipalities, counties, and other entities within or relevant to the Planning Region and use them as appropriate.
- G. The outcomes sought by each Regional Water Security Plan shall:
 - (1) be established through broad public input;
 - (2) consider public welfare values, balancing water uses and the needs of future generations of New Mexicans;
 - (3) comply with state water law;
 - (4) be developed using the best available science;
 - (5) recognize and respect federally recognized or reserved tribal water rights;
 - (6) consider access to water for domestic use; and
 - (7) comply with applicable federal water law.
 - (8) consider the water needs of healthy fish and aquatic and riparian habitats.
- H. Councils must report to the commission by June 30 of each year on the progress of Planning Activities and outcomes of Regional Water Security Plan implementation.
- I. Plans shall be updated at least once every ten years and may be updated more frequently. The commission will maintain and publish all water security plans developed by Planning Councils.

X.XX.XX.13 PROCEDURE FOR REGIONAL WATER SECURITY PLANNING COUNCILS TO DEVELOP AND PROVIDE NOTICE TO THE COMMISSION OF ISSUES AND CONCERNS RELATING TO THE PUBLIC WELFARE OF THE WATER PLANNING REGION

- A. Identifying Public Welfare Issues and Concerns for Water Planning Region: Each Council shall establish a process for identifying the issues and concerns relating to the public welfare of the Council's water planning region. The process shall comply with the following requirements:
 - (1) All water rights holders or other interested parties who may be affected by a Council's determination shall be given a full and fair opportunity to participate in the process.
 - (2) Any member of the public or member of a Council may suggest a possible issue and concern related to public welfare for consideration by a Council.
 - (3) A Council shall not act on any suggestion until the requirements of notice and opportunity for participation under this rule have been met.
 - (4) In determining whether a particular issue or concern rises to the level of the public welfare of the water planning region, a Council is not required to reach unanimous consensus, but the Council shall include a clear description of the positions of any opponents when it transmits its determination to the Commission.
 - (5) Issues and concerns relating to the public welfare of a water planning region identified by a Council under the procedures outlined in this rule shall not be duplicative of the water rights evaluation factors set forth in the state engineer's authorizing statutes (i.e., impairment of existing water rights, contrary to conservation of water within the state, or detrimental to the public welfare of the state).
- B. State engineer consideration of regional issues of public welfare in permitting decisions:
 - (1) The state engineer, in its permitting decisions, may consider issues of public welfare of a water planning region identified by a Council if the state engineer determines that such regional issues are related to or may impact the public of the welfare of the state.
 - (2) The state engineer shall not be bound by any determination of a Council.

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(3) In reviewing applications that implicate a given issue or concern identified by a Council as relating to the public welfare of a water planning region, the state engineer shall explain its reasoning related to such issue or concern if the state engineer determines that it is relevant to the public welfare of the state.

C. Notification of Council's Determination:

(1) When a Council has determined that an issue or concern relates to the public welfare of a water planning region, the Council shall notify the Commission;

(2) The notification shall include the information contained in Subsection A of this Section;

(3) The Commission's staff shall notify the relevant state engineer district office(s) of the Council's determination and shall provide all relevant documentation relating to the determination.

x.xx.xx.14 PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS

A. Regional Water Planning Council may consider public welfare values of the water planning region after such values have been determined pursuant to the procedures set forth in Section 12 of this rule.

B. Regional Water Planning Council shall consider the following public welfare values of the state in their regional water planning activities:

(1) The state's ability to meet its obligations under interstate compacts;

(2) The state's ability to comply with the Endangered Species Act, or otherwise prevent significant harm to the habitats of Federal- and State-endangered or -threatened species; and

(3) Regional water rights settlements, including tribal water rights settlements and alternative administration plans under the Active Water Resources Management program.

C. Procedure for a Regional Water Planning Council to consider the needs of future generations of New Mexicans:

(1) The Regional Water Planning Council shall use the best science, data and models related to water resource planning and shall use them with scientific integrity and adherence to principles of honesty, objectivity, transparency and professionalism, as specified in NMSA 1978, Section 72-14A-4(C)(7);

(2) Regional Water Planning Council shall utilize such data and models to consider the needs of future generations of New Mexicans in their regional planning activities.

HISTORY OF x.xx.xx NMAC: [RESERVED]

NEW MEXICO INTERSTATE STREAM COMMISSION

GUIDELINES FOR THE DEVELOPMENT OF REGIONAL WATER SECURITY PLANS

INTRODUCTION

The following Guidelines supplement the Regional Water Security Planning Rule, NMAC x.xx.xx (“the Rule”) to provide additional clarification and guidance for planning under the Regional Water Security Act, Section 72-14A-1, et seq. NMSA 1978 (“the Act”).

1.0 DEFINITIONS

- 1.1 "New Mexico Interstate Stream Commission" ("NMISC" or "Commission") means the New Mexico Interstate Stream Commission and its members, authorized under NMSA 1978 § 72-14-1, and the director and other employees of the NMISC.
- 1.2 “Planning Activities” means all aspects of developing a Regional Water Security Plan. Planning Activities does not include engineering design, capital expenditure, or construction.
- 1.3 "Planning Program" means the staffed program within the NMISC that administers the Regional Water Security Planning Program and statewide planning initiatives.
- 1.4 “Planning Region” means the regions identified in the Rule and governed by a Regional Water Security Planning Council.
- 1.5 "PPP" means the project, program or policy proposed within the prioritized list within a Regional Water Security Plan.
- 1.6 “Regional Water Security Planning Council” or “Planning Council” or “Council” means the individuals, representing groups or organizations as outlined in the Rule, who make up the Council and lead the regional water security plan development process in their region.
- 1.7 "Regional Planning Grant Program" ("RPGP") means the fund created to provide funding for Planning Activities to be accomplished by each Planning Region, subject to funds being allocated by the New Mexico legislature.
- 1.8 “Regional Water Security Plan” (“RWSP”) means a plan developed by a Planning Region that meets the criteria for NMISC acceptance.
- 1.9 “Stakeholder” means someone who resides in, or has direct interest in the region’s water security.
- 1.10 “State agency” means any department or agency of the State or of a political subdivision of the State.
- 1.11 “WSPA” or “the Act” means the Water Security Planning Act, Section 72-14A-1, et seq. NMSA 1978.

2.0 IDENTIFICATION OF REGIONAL STAKEHOLDERS AND OPPORTUNITIES FOR STAKEHOLDER COLLABORATION

- 2.1 Stakeholders shall be consulted in the development of any RWSP. Stakeholders shall have a voice in the planning process but do not have final say in the decisions regarding water planning in a region.

2.2 Planning Councils must establish a method for Stakeholders to enter into and engage in the planning process. At a minimum, the identification of Stakeholders shall include:

- a. documentation that the Stakeholder lives within the region or has provided a statement of interest.
- b. a point of contact for the Planning Council.

2.3 Planning Councils shall conduct adequate notice and maintain a distribution list for Stakeholders. Stakeholders may elect to receive information by email, USPS First Class mail, or other methods approved by the Planning Council. Members of the Stakeholder list should be notified of the following opportunities:

- a. to support/endorse council members.
- b. to provide comments on proposed plan language.
- c. to provide notice of dissent to the NMISC at the time of plan submission for consideration.
- d. notice of Planning Council meetings and in-person or remote attendance options.

2.4 Additional opportunities can be developed at the discretion of the Planning Council.

3.0 PUBLIC INPUT REQUIREMENTS FOR REGIONAL WATER PLANNING

3.1 RWSPs must include ample opportunities for the public to be involved in the development of the plan and the development of the prioritization of PPPs. During the development of any regional water security plan, the Planning Council must, at a minimum:

- a. Inform Stakeholder list and distribute information regionally about the development of the plan, including opportunities for input, at regular intervals.
- b. Host two public meetings, with support for both in-person and virtual opportunities for participation.
- c. Provide a minimum of sixty days for the public to comment in person, via email, or through a web site on a draft water security plan.
- d. Provide an opportunity for public comments to be reviewed ahead of finalization of a water security plan.

3.2 Additional opportunities for input may include, but are not limited to:

- a. Providing materials in languages in common use within the region (e.g., sign, Spanish, Tewa, Navajo).
- b. Hosting additional meetings, focus groups, listening sessions, open house events, etc.

3.3 WSPA emphasizes engaging rural communities, therefore the Planning Council may consider a range of participation options that eliminate barriers such as access to a stable internet connection or lengthy travel. This could include, for example:

- a. providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.
- b. multiple in-person opportunities distributed throughout larger regions.

- c. meeting spaces or computer access for remote participation.

3.4 Planning Councils may create working groups to increase opportunities for participation or to address water security planning topics of concern that are particular to a geographic sub-region, Stakeholders, or other sector. Regardless of the number of working groups within a Planning Region, a prioritized list of projects, programs and policies (“PPPs”) must be consolidated into a single list for the Regional Water Security Plan.

3.5 Planning Regions or sub-regions are encouraged to coordinate and share information or resources with other Planning Regions or sub-regions.

4.0 GRANTS OR LOANS FOR PLANNING ACTIVITIES

4.1 Subject to appropriations from the legislature, the Commission will develop a Regional Planning Grant Program with proposal requirements for grants or loans for Planning Activities and an approval process.

5.0 PROCESS FOR STATE AGENCY COLLABORATION

5.1 State agencies can:

- a. provide comments on draft RWSPs to the NMISC and the Planning Council developing the RWSP, including:
 - i. highlighting permit requirements should a given project be funded.
 - ii. highlighting areas of conflict between proposed projects and state of NM goals.
 - iii. estimating time commitment for State Agency staffing.
 - iv. identifying opportunities for leveraging or accessing funding and expertise.
 - v. Identifying any other issue the State Agency finds relevant to a region’s proposed plan.
- b. Identifying a person or group to act as the liaison for their agency and provide NMISC with up-to-date contact information for the person or group.

5.2 Regional Water Security Planning Councils will:

- a. consider all agency comments and input to ensure compliance with regulations.
- b. document all agency comments and their resolution in an Appendix in the region’s water security plan.

5.3 NMISC Planning Program will:

- a. serve as an informational resource for topics associated with planning, such as various state and federal funding sources, the best available scientific tools/models, or opportunities to connect projects that may have multiple benefits.
- b. act as a liaison between agencies and Councils.
- c. provide agency comments to the Councils.
- d. endeavor to maintain a list of agency partners for regional consultation.

- e. provide a forum for state agencies and planning entities to meet and collaborate.
 - i. at the request of an agency or Planning Council.
 - ii. at an annual coordination meeting.
 - iii. or as needed.

6.0 METRICS FOR REPORTING ON REGIONAL WATER PROJECTS, PROGRAMS AND POLICIES and WATER SECURITY PLAN IMPLEMENTATION

- 6.1 The Planning Program will develop a template for Planning Councils to use for their required reporting to the Commission by June 30 each year. The template will include metrics and measures for reporting on implementation of projects, programs, or policies.
- 6.2 Planning Councils shall utilize tools and support provided by groups including the Planning Program to evaluate and report on regional water balance. Water balance reporting shall:
 - a. utilize the best available science with NMISC support, and
 - b. not conflict with statewide objectives.

7.0 PROCEDURES TO SUPPORT IMPLEMENTATION OF A REGIONAL WATER SECURITY PLAN

7.1 Responsibilities of Planning Councils:

- a. With the support of NMISC:
 - i. Develop a water security plan with the support of the NMISC planning team per the schedule in section 8.
 - ii. Update a Regional Water Security Plan at least every 10 years.
 - iii. Update the prioritized PPP lists at least once every 5 years.
- b. The PPP's identified sponsor is responsible for implementing PPPs from the prioritized lists.

7.2 Responsibilities of the Planning Program:

- a. Subject to appropriation of funding by the legislature, administer the RGP.
- b. support Planning Councils in developing an initial RWSP per the timeline and process in section 9.
- c. Help connect Planning Councils to other resources by:
 - i. serving as a liaison between Planning Councils and potentially other partner state and/or federal agencies.
 - ii. identifying knowledgeable local resources.
 - iii. informing Planning Councils about other funding opportunities.
 - iv. supporting development and utilization of up-to-date science/data/models.
- d. informing Planning Councils about statewide objectives.
- e. providing support identified elsewhere within these Guidelines.

- f. Planning Program or NMISC responsibilities do not include:
 - i. acting as a fiscal agent,
 - ii. Managing any grant or loan, or
 - iii. project management.

8.0 SCHEDULE FOR IMPLEMENTATION OF REGIONAL WATER PLANNING, INCLUDING INTEGRATION WITH STATEWIDE OBJECTIVES

- 8.1 Initial plan development phase. The goal of the initial drafting phase is to develop water security plans for each region in the state. This phase will last for six years, and the Planning Regions will be addressed three-at-a-time with a two-year time period for each. NMISC will ensure that initial plans for all regions are completed before a subsequent planning cycle is initiated for any region.
- 8.2 Subsequent phases. After the initial drafting phase, NMISC will support each Planning Council during the updating each regional water security plan. NMISC will undertake no more than three (3) plan updates at time, for two years at a time.
- 8.3 Integrating with statewide objectives. Statewide objectives will need to be reviewed and adhered to.

9.0 COMMISSION APPROVAL OF REGIONAL WATER SECURITY PLANS

To be presented for Commission approval, RWSPs must contain the following elements, in addition to meeting the requirements set forth in the Rule:

- 9.1 Prioritized list of PPP requests from the region. This list includes multiple, sub-lists organized based on readiness with project types and sponsor noted for each individual PPP.
 - a. Each of these readiness-based sub lists is independently prioritized, ranking each PPP at an individual level relative to all other PPPs on that list (region-wide).
 - b. Project readiness includes 3 categories:
 - i. ready to implement/proceed (like shovel ready).
 - ii. needs planning (one step away from shovel ready).
 - iii. needs scoping (one step away from being planned).
 - c. Each proposed PPP must list the sponsor(s) that intends to obtain the funding for and implement the PPP.
 - d. PPP types include, but are not limited to:
 - i. watershed health
 - ii. drinking water
 - iii. storm water
 - iv. dam maintenance
 - v. water conservation resulting in reduction of total water use
 - vi. education

- vii. efficiency
- viii. water reuse
- ix. aquifer storage and recovery
- x. aquifer recharge
- e. Additional information for each PPP that would strengthen its case for prioritization includes:
 - i. Documentation/Proof of existing funding match commitments for identified PPP's on the prioritized list if that exists.
 - ii. Other items that may strengthen the case for specific PPP.
- f. Planning councils may elect to repeat PPP list items in subsequent iterations of RWSP's.

9.2 A statement of public welfare values and the needs of future generations of New Mexicans.

9.3 Documentation of working groups within a Planning Region.

9.4 Any additional requirements for the composition of the Planning Council beyond those specified in the Rule.

9.5 Acknowledgement and discussion of regional water balance including reductions in projected water availability and decision-making practices adapted for increasing uncertainty.

9.6 Documentation of outreach conducted to encourage participation in regional planning. This could be a website, newsletter, presentations, or articles.

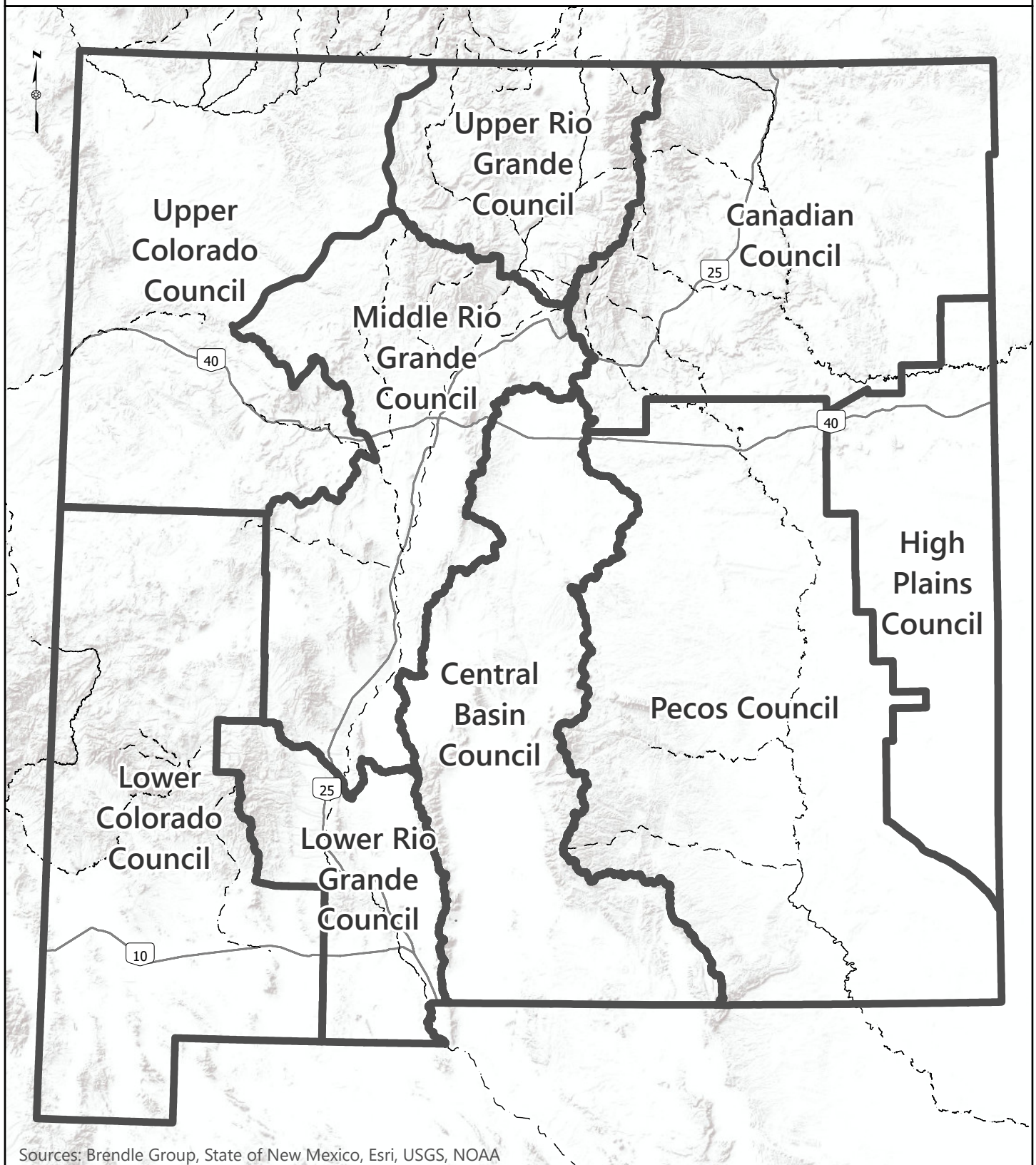
10.0 GUIDELINE REVISIONS/MODIFICATIONS

These Guidelines may be revised or modified as needed as approved by the NMISC.

These Guidelines are adopted, approved, accepted and effective on this ____ day of ____, 2025 by a vote of ____ in favor, ____ opposed and ____ abstaining.

Mark Sanchez, Chairman
NM Interstate Stream Commission

New Mexico Preferred Hydro-Administrative Boundaries



- Rivers
- Highways
- ▬** Preferred Hydro-Administrative Boundaries

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