

**STATE OF NEW MEXICO
INTERSTATE STREAM COMMISSION**

**IN THE MATTER OF
PROPOSED NEW RULE 19.25.16
NMAC - Regional Water Security
Planning**

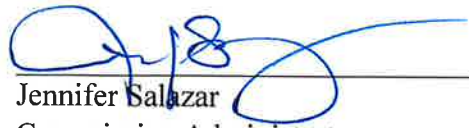
No. NMISC 25-01 (R)

**New Mexico Interstate Stream
Commission, Water Planning
Program,**

Movant.

**NOTICE OF FILING OF
DOCUMENTS PROVIDED WITH PUBLIC COMMENTS
AT OCTOBER 15-17, 2025 RULEMAKING HEARING**

Name/Affiliation of Commenter	Document Description	Bates
Pam Roy, Farm to Table and NM Food & Agriculture Policy Council	Water Statement, July 2024	PC001-PC002
Terea Seamster, Water Sentinels and Sierra Club Rio Grande Chapter	Correspondence and Analytical Report by Eurofins Albuquerque	PC003-PC014
Pueblo of Isleta	Statement of the Pueblo of Isleta	PC015-PC018
Pueblo of Acoma	Governor Charles Riley Testimony	PC019-PC023
Vidal Gonzales, NM Acequia Association	Correspondence, red line revisions to Proposed Rule and supporting documents	PC024-PC045
William Burt	Email to Commission Administrator	PC046
Elaine Hebard	Emails and attachments to Commission Administrator	PC047-PC082
Kian Dadras, Alcalde, NM	Email (read into the record)	PC083
Greg Kaufman, Environment Director, Pueblo of Sandia	Prepared Statement by the Pueblo of Sandia	PC084-PC086
Senator Steve Lanier, San Juan Water Commission	PowerPoint presentation slides	PC087-PC091
Liz Newlin Taylor, Water Law Attorney	PowerPoint presentation slides	PC092-PC097
Norm Gaume and Bob Wessely, NM Water Advocates	NMWA's Recommended Revisions (with red line markup)	PC098-PC125
NMISC Staff	Proposed Rule Recommended changes (with red line markup)	PC126-PC133



Jennifer Salazar

Commission Administrator

New Mexico Interstate Stream Commission

jennifer.salazar@ose.nm.gov



Water Statement

July 2024

PREAMBLE:

Water is life. It is imperative to know these words are a recognition of the profound nature of water. To Indigenous Peoples, New Mexico's first water stewards, as well as many of us, water is a living entity with a female spiritual personification; a miraculous life form that all life needs to live. In knowing this truth, we flow with her to strengthen the clarity of our purpose to protect our water.

Indigenous knowledge says giving this recognition prompts the power and authority of water giving us the greatest advantage to improve our water use and its protection. To not give this recognition to the sanctity of water invokes a resistance that compromises the beneficial conclusion we strive for. In living this truth, we have the greatest opportunity to protect water for our future grandchildren.

It is incumbent on the New Mexico Food & Agriculture Policy Council to advocate for policies to assure that our waters are used to the optimum for our life sustenance, and to meet the needs of our citizens to provide food security through agriculture. Water is one of the greatest resources New Mexico has and it deserves our utmost commitment and vigilant advocacy.

POLICY STATEMENT:

The New Mexico Food & Agriculture Policy Council (Policy Council) values clean water for the cultivation of nutritious, culturally significant, local foods. Thus, water in the State must be protected, conserved, and expanded where possible.

The Policy Council is committed to responsible and sustainable use of water. Our waters must be protected with a focus on ensuring a continued adequate supply for New Mexico farmers.

The Policy Council believes that planning for use of all water in New Mexico, or any contemplated strategic initiatives developed by public agencies, now and for the future, must place a priority on providing adequate clean water for local food production by New Mexico farmers, cultivators, and growers. By doing so, these producers are economically and environmentally resilient and able to continue to provide healthy foods.

In working toward these goals, the Policy Council identifies the following tasks and objectives. *The Policy Council will support and participate in the following:*

1. Ensuring that agricultural water users have equitable, social, political, and economic access to all processes to protect their water rights and eliminating the threat of loss of a water right through non-use.

Often, smaller agriculture water users do not have the financial means to participate and protect their water rights.

2. Supporting and promoting the prudent use of water through conservation projects, the development of new technologies for efficient water use, while recognizing and respecting Indigenous and Acequias cultural practices and traditions.

3. Expanding and funding the voluntary placement of conservation easements over farms, ensuring that those properties remain in agricultural production and have water rights in perpetuity. Expand the eligibility for the conservation easement tax credit for the protection and conservation of productive soils and farmland.

4. Providing input to discussions about alternative water use agreements between competing stakeholders as needed.

5. Participating in strategic water planning discussions that will serve all water users and uses in New Mexico.

6. Ensuring that those persons or entities that pollute our waters are responsible for returning any such polluted water to its same condition prior to the pollution and holding such persons and/or entities accountable to the full extent of applicable laws and regulations.

7. Ensuring that the State Engineer's Office and other appropriate agencies and water authorities regulating all waters within the State of New Mexico, are accountable to all water users.

For more information visit our website at:

Contact: [New Mexico Food & Agriculture Policy Council](#) – The NMFAPC is a statewide coalition which focuses on policy initiatives that create healthy food and agriculture systems in New Mexico. (nmfoodpolicy.org)

Farm to Table and the New Mexico Food & Agriculture Policy Council

Pam Roy, pam@farmtotablenm.org, 505-660-8403

NM Interstate Stream Commission
Proposed New Rule 19.25.16
NMAC – Regional Water Security Planning

October 14, 2025

Re: Discussion Draft Public Engagement

To NMISC members,

Please include this baseline Pecos River PFAS assessment prepared by Eurofins Environment Testing in the 2025 “best available resources or methodologies” for water security planning in the upper Pecos River region. (Please note: The Commission Chair has the complete report. Only the Client Results are in the Commission copies for the sake of brevity.)

Local concerns regarding potential PFAS contamination in the highly valued recreational waters of the upper Pecos River (especially from Tererro to the town of Pecos), have been heightened by the current federal government pronouncements of fast tracking mining permits in national forests. A proposed exploratory drilling permit from Comexico, LLC to start development of a mine on Jones Hill in the upper Pecos watershed prompted this first ever assessment of PFAS in this river segment. The results are clean and will provide a baseline for measurement of any future contamination.

I am the National Water Sentinels representative for the Rio Grande Chapter of Sierra Club, and have been responsible for water testing on the upper Pecos River for the past 6 years in collaboration with Amigos Bravos and the Upper Pecos Watershed Association.

Thank you for accepting this last minute public input. Our results were received after the September comment deadline, so this was our first opportunity to share them.

Best regards,

Teresa Seamster, MS EDS
Water Sentinels, Sierra Club/Rio Grande Chapter
(505) 466-8964
Ctc.seamster@gmail.com

Comment from the Upper Pecos Watershed Association:

“ This administration has reversed the US Forest Service’s recommendation to ban mining in the upper Pecos Watershed, putting the health of our land, water, and communities at risk. This move ignores decades of strong local (and state level) opposition. This river is not just a waterway, it’s our heritage, our livelihood, and a critical part of our future. We know the lasting harm mining can bring, and we refuse to see that damage repeated.”

ANALYTICAL REPORT

PREPARED FOR

Attn: Teresa Seamster
Water Sentinels
104 Vaquero Rd
Santa Fe, New Mexico 87508

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JOB DESCRIPTION

Pecos River RPec 1-3 PFAS

JOB NUMBER

885-33839-1

Eurofins Albuquerque

Job Notes

The test results in this report relate only to the samples as received by the laboratory and will meet all requirements of the methodology, with any exceptions noted. This report shall not be reproduced except in full, without the express written approval of the laboratory. All questions should be directed to the Eurofins Environment Testing South Central, LLC Project Manager.

Authorization



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Authorized for release by
Victoria Zellar, Project Manager
Victoria.Zellar@et.eurofinsus.com
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Definitions/Glossary

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
☆	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Case Narrative

Client: Water Sentinels
Project: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Job ID: 885-33839-1

Eurofins Albuquerque

Job Narrative 885-33839-1

The analytical test results presented in this report meet all requirements of the associated regulatory program listed on the Accreditation/Certification Summary Page, unless otherwise noted. Data qualifiers and/or narrative comments are included to explain any exceptions, if applicable. Regulated compliance samples (e.g. SDWA, NPDES) must comply with associated agency requirements/permits.

- Matrix-specific batch QC (e.g., MS, MSD, SD) may not be reported when insufficient sample volume is available or when site-specific QC samples are not submitted. In such cases, a Laboratory Control Sample Duplicate (LCSD) may be analyzed to provide precision data for the batch.
- For samples analyzed using surrogate and/or isotope dilution analytes, any recoveries falling outside of established acceptance criteria are re-prepared and/or re-analyzed to confirm results, unless the deviation is due to sample dilution or otherwise explained in the case narrative.

Receipt

The samples were received on 9/22/2025 2:00 PM. Unless otherwise noted below, the samples arrived in good condition, and, where required, properly preserved and on ice. The temperature of the cooler at receipt time was 4.7°C.

Receipt Exceptions

The Field Sampler was not listed on the Chain of Custody.

PFAS

No additional analytical or quality issues were noted, other than those described above or in the Definitions/ Glossary page.

Eurofins Albuquerque

Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 1 PFAS

Lab Sample ID: 885-33839-1

Date Collected: 09/22/25 09:30

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Perfluorobutanoic acid (PFBA)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoropentanoic acid (PFPeA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorohexanoic acid (PFHxA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoroheptanoic acid (PFHpA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorooctanoic acid (PFOA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorononanoic acid (PFNA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorodecanoic acid (PFDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoroundecanoic acid (PFUnA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorododecanoic acid (PFDoA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorotridecanoic acid (PFTrDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorotetradecanoic acid (PFTeDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorobutanesulfonic acid (PFBS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoropentanesulfonic acid (PFPeS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorohexanesulfonic acid (PFHxS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoroheptanesulfonic acid (PFHpS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorooctanesulfonic acid (PFOS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorononanesulfonic acid (PFNS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorodecanesulfonic acid (PFDS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorododecanesulfonic acid (PFDoS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
1H,1H,2H,2H-Perfluorohexane sulfonic acid (4:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 07:14	1
1H,1H,2H,2H-Perfluorooctane sulfonic acid (6:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 07:14	1
1H,1H,2H,2H-Perfluorodecane sulfonic acid (8:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluorooctanesulfonamide (PFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-methylperfluorooctane sulfonamide (NMeFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-ethylperfluorooctane sulfonamide (NEtFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-methylperfluorooctanesulfonamidoacetic acid (NMeFOSAA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-ethylperfluorooctanesulfonamidoacetic acid (NEtFOSAA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-methylperfluorooctane sulfonamidoethanol (NMeFOSE)	ND		7.1		ng/L		09/29/25 20:31	10/01/25 07:14	1
N-ethylperfluorooctane sulfonamidoethanol (NEtFOSE)	ND		7.1		ng/L		09/29/25 20:31	10/01/25 07:14	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		1.1		ng/L		09/29/25 20:31	10/01/25 07:14	1
4,8-Dioxo-3H-perfluorononanoic acid (ADONA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoro-3-methoxypropanoic acid (PFMPA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoro-4-methoxybutanoic acid (PFMBA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Nonafluoro-3,6-dioxahexanoic acid (NFDHA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9CI-PF3ONS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1

Eurofins Albuquerque

Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 1 PFAS

Lab Sample ID: 885-33839-1

Date Collected: 09/22/25 09:30

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS (Continued)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
11-Chloroeicosafluoro-3-oxaundecan e-1-sulfonic acid (11Cl-PF3OUdS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
Perfluoro (2-ethoxyethane) sulfonic acid (PFEESA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 07:14	1
3-Perfluoropropylpropanoic acid (3:3 FTCA)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 07:14	1
3-Perfluoropentylpropanoic acid (5:3 FTCA)	ND		7.1		ng/L		09/29/25 20:31	10/01/25 07:14	1
3-Perfluoroheptylpropanoic acid (7:3 FTCA)	ND		7.1		ng/L		09/29/25 20:31	10/01/25 07:14	1

Isotope Dilution	%Recovery	Qualifier	Limits	Prepared	Analyzed	Dil Fac
13C4 PFBA	76.7		5 - 130	09/29/25 20:31	10/01/25 07:14	1
13C5 PFPeA	84.3		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C5 PFHxA	88.0		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C4 PFHpA	94.9		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C8 PFOA	90.2		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C9 PFNA	79.3		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C6 PFDA	84.6		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C7 PFUnA	71.4		30 - 130	09/29/25 20:31	10/01/25 07:14	1
13C2 PFDoA	63.7		10 - 130	09/29/25 20:31	10/01/25 07:14	1
13C2 PFTeDA	53.9		10 - 130	09/29/25 20:31	10/01/25 07:14	1
13C3 PFBS	84.3		40 - 135	09/29/25 20:31	10/01/25 07:14	1
13C3 PFHxS	82.0		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C8 PFOS	85.7		40 - 130	09/29/25 20:31	10/01/25 07:14	1
13C8 FOSA	81.6		40 - 130	09/29/25 20:31	10/01/25 07:14	1
d3-NMeFOSAA	67.3		40 - 170	09/29/25 20:31	10/01/25 07:14	1
d5-NEtFOSAA	66.4		25 - 135	09/29/25 20:31	10/01/25 07:14	1
13C2 4:2 FTS	110		40 - 200	09/29/25 20:31	10/01/25 07:14	1
13C2 6:2 FTS	77.5		40 - 200	09/29/25 20:31	10/01/25 07:14	1
13C2 8:2 FTS	79.3		40 - 300	09/29/25 20:31	10/01/25 07:14	1
13C3 HFPO-DA	90.8		40 - 130	09/29/25 20:31	10/01/25 07:14	1
d7-N-MeFOSE-M	57.4		10 - 130	09/29/25 20:31	10/01/25 07:14	1
d9-N-EtFOSE-M	54.7		10 - 130	09/29/25 20:31	10/01/25 07:14	1
d5-NEtPFOSA	60.3		10 - 130	09/29/25 20:31	10/01/25 07:14	1
d3-NMePFOSA	67.0		10 - 130	09/29/25 20:31	10/01/25 07:14	1

Eurofins Albuquerque

Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 2 PFAS

Lab Sample ID: 885-33839-2

Date Collected: 09/22/25 10:00

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Perfluorobutanoic acid (PFBA)	ND		3.0		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoropentanoic acid (PFPeA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorohexanoic acid (PFHxA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoroheptanoic acid (PFHpA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorooctanoic acid (PFOA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorononanoic acid (PFNA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorodecanoic acid (PFDA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoroundecanoic acid (PFUnA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorododecanoic acid (PFDoA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorotridecanoic acid (PFTrDA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorotetradecanoic acid (PFTeDA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorobutanesulfonic acid (PFBS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoropentanesulfonic acid (PFPeS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorohexanesulfonic acid (PFHxS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoroheptanesulfonic acid (PFHpS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorooctanesulfonic acid (PFOS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorononanesulfonic acid (PFNS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorodecanesulfonic acid (PFDS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorododecanesulfonic acid (PFDoS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
1H,1H,2H,2H-Perfluorohexane sulfonic acid (4:2 FTS)	ND		3.0		ng/L		09/29/25 20:31	10/01/25 08:03	1
1H,1H,2H,2H-Perfluorooctane sulfonic acid (6:2 FTS)	ND		3.0		ng/L		09/29/25 20:31	10/01/25 08:03	1
1H,1H,2H,2H-Perfluorodecane sulfonic acid (8:2 FTS)	ND		3.0		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluorooctanesulfonamide (PFOSA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-methylperfluorooctane sulfonamide (NMeFOSA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-ethylperfluorooctane sulfonamide (NEtFOSA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-methylperfluorooctanesulfonamidoacetic acid (NMeFOSAA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-ethylperfluorooctanesulfonamidoacetic acid (NEtFOSAA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-methylperfluorooctane sulfonamidoethanol (NMeFOSE)	ND		7.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
N-ethylperfluorooctane sulfonamidoethanol (NEtFOSE)	ND		7.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		1.1		ng/L		09/29/25 20:31	10/01/25 08:03	1
4,8-Dioxa-3H-perfluorononanoic acid (ADONA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoro-3-methoxypropanoic acid (PFMPA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Perfluoro-4-methoxybutanoic acid (PFMBA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9Cl-PF3ONS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUDS)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1

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Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 2 PFAS

Lab Sample ID: 885-33839-2

Date Collected: 09/22/25 10:00

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS (Continued)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Perfluoro (2-ethoxyethane) sulfonic acid (PFEEA)	ND		1.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
3-Perfluoropropylpropanoic acid (3:3 FTCA)	ND		3.0		ng/L		09/29/25 20:31	10/01/25 08:03	1
3-Perfluoropentylpropanoic acid (5:3 FTCA)	ND		7.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
3-Perfluoroheptylpropanoic acid (7:3 FTCA)	ND		7.5		ng/L		09/29/25 20:31	10/01/25 08:03	1
Isotope Dilution	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
13C4 PFBA	78.5		5 - 130				09/29/25 20:31	10/01/25 08:03	1
13C5 PFPeA	80.3		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C5 PFHxA	85.3		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C4 PFHpA	78.7		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C8 PFOA	74.9		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C9 PFNA	74.7		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C6 PFDA	79.3		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C7 PFUnA	72.1		30 - 130				09/29/25 20:31	10/01/25 08:03	1
13C2 PFDoA	63.8		10 - 130				09/29/25 20:31	10/01/25 08:03	1
13C2 PFTeDA	53.3		10 - 130				09/29/25 20:31	10/01/25 08:03	1
13C3 PFBS	79.7		40 - 135				09/29/25 20:31	10/01/25 08:03	1
13C3 PFHxS	84.2		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C8 PFOS	92.1		40 - 130				09/29/25 20:31	10/01/25 08:03	1
13C8 FOSA	83.3		40 - 130				09/29/25 20:31	10/01/25 08:03	1
d3-NMeFOSAA	83.0		40 - 170				09/29/25 20:31	10/01/25 08:03	1
d5-NEtFOSAA	85.2		25 - 135				09/29/25 20:31	10/01/25 08:03	1
13C2 4:2 FTS	101		40 - 200				09/29/25 20:31	10/01/25 08:03	1
13C2 6:2 FTS	96.7		40 - 200				09/29/25 20:31	10/01/25 08:03	1
13C2 8:2 FTS	90.4		40 - 300				09/29/25 20:31	10/01/25 08:03	1
13C3 HFPO-DA	82.0		40 - 130				09/29/25 20:31	10/01/25 08:03	1
d7-N-MeFOSE-M	67.8		10 - 130				09/29/25 20:31	10/01/25 08:03	1
d9-N-EtFOSE-M	65.7		10 - 130				09/29/25 20:31	10/01/25 08:03	1
d5-NEtPFOSA	63.4		10 - 130				09/29/25 20:31	10/01/25 08:03	1
d3-NMePFOSA	68.4		10 - 130				09/29/25 20:31	10/01/25 08:03	1

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS - RA

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Nonfluoro-3,6-dioxahexanoic acid (NFDHA)	ND		1.5		ng/L		09/29/25 20:31	10/02/25 20:25	1
Isotope Dilution	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
13C5 PFHxA	84.9		40 - 130				09/29/25 20:31	10/02/25 20:25	1

Eurofins Albuquerque

Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 3 PFAS

Lab Sample ID: 885-33839-3

Date Collected: 09/22/25 10:50

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Perfluorobutanoic acid (PFBA)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoropentanoic acid (PFPeA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorohexanoic acid (PFHxA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoroheptanoic acid (PFHpA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorooctanoic acid (PFOA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorononanoic acid (PFNA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorodecanoic acid (PFDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoroundecanoic acid (PFUnA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorododecanoic acid (PFDoA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorotridecanoic acid (PFTrDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorotetradecanoic acid (PFTeDA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorobutanesulfonic acid (PFBS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoropentanesulfonic acid (PFPeS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorohexanesulfonic acid (PFHxS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoroheptanesulfonic acid (PFHpS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorooctanesulfonic acid (PFOS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorononanesulfonic acid (PFNS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorodecanesulfonic acid (PFDS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorododecanesulfonic acid (PFDoS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
1H,1H,2H,2H-Perfluorohexane sulfonic acid (4:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 08:19	1
1H,1H,2H,2H-Perfluorooctane sulfonic acid (6:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 08:19	1
1H,1H,2H,2H-Perfluorodecane sulfonic acid (8:2 FTS)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluorooctanesulfonamide (PFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-methylperfluorooctane sulfonamide (NMeFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-ethylperfluorooctane sulfonamide (NEtFOSA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-methylperfluorooctanesulfonamidoacetic acid (NMeFOSAA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-ethylperfluorooctanesulfonamidoacetic acid (NEtFOSAA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-methylperfluorooctane sulfonamidoethanol (NMeFOSE)	ND		7.0		ng/L		09/29/25 20:31	10/01/25 08:19	1
N-ethylperfluorooctane sulfonamidoethanol (NEtFOSE)	ND		7.0		ng/L		09/29/25 20:31	10/01/25 08:19	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		1.0		ng/L		09/29/25 20:31	10/01/25 08:19	1
4,8-Dioxa-3H-perfluorononanoic acid (ADONA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoro-3-methoxypropanoic acid (PFMPA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
Perfluoro-4-methoxybutanoic acid (PFMBA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9Cl-PF3ONS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1

Eurofins Albuquerque

Client Sample Results

Client: Water Sentinels
Project/Site: Pecos River RPec 1-3 PFAS

Job ID: 885-33839-1

Client Sample ID: RPec 3 PFAS

Lab Sample ID: 885-33839-3

Date Collected: 09/22/25 10:50

Matrix: Water

Date Received: 09/22/25 14:00

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS (Continued)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Perfluoro (2-ethoxyethane) sulfonic acid (PFEEESA)	ND		1.4		ng/L		09/29/25 20:31	10/01/25 08:19	1
3-Perfluoropropylpropanoic acid (3:3 FTCA)	ND		2.8		ng/L		09/29/25 20:31	10/01/25 08:19	1
3-Perfluoropentylpropanoic acid (5:3 FTCA)	ND		7.0		ng/L		09/29/25 20:31	10/01/25 08:19	1
3-Perfluoroheptylpropanoic acid (7:3 FTCA)	ND		7.0		ng/L		09/29/25 20:31	10/01/25 08:19	1
Isotope Dilution	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
13C4 PFBA	66.4		5 - 130				09/29/25 20:31	10/01/25 08:19	1
13C5 PFPeA	66.6		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C5 PFHxA	79.3		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C4 PFHpA	74.4		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C8 PFOA	78.2		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C9 PFNA	66.8		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C6 PFDA	71.9		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C7 PFUnA	66.2		30 - 130				09/29/25 20:31	10/01/25 08:19	1
13C2 PFDoA	58.3		10 - 130				09/29/25 20:31	10/01/25 08:19	1
13C2 PFTeDA	41.8		10 - 130				09/29/25 20:31	10/01/25 08:19	1
13C3 PFBS	74.5		40 - 135				09/29/25 20:31	10/01/25 08:19	1
13C3 PFHxS	68.7		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C8 PFOS	71.8		40 - 130				09/29/25 20:31	10/01/25 08:19	1
13C8 FOSA	66.4		40 - 130				09/29/25 20:31	10/01/25 08:19	1
d3-NMeFOSAA	63.0		40 - 170				09/29/25 20:31	10/01/25 08:19	1
d5-NEtFOSAA	62.2		25 - 135				09/29/25 20:31	10/01/25 08:19	1
13C2 4:2 FTS	112		40 - 200				09/29/25 20:31	10/01/25 08:19	1
13C2 6:2 FTS	77.1		40 - 200				09/29/25 20:31	10/01/25 08:19	1
13C2 8:2 FTS	72.4		40 - 300				09/29/25 20:31	10/01/25 08:19	1
13C3 HFPO-DA	71.7		40 - 130				09/29/25 20:31	10/01/25 08:19	1
d7-N-MeFOSE-M	48.9		10 - 130				09/29/25 20:31	10/01/25 08:19	1
d9-N-EtFOSE-M	47.4		10 - 130				09/29/25 20:31	10/01/25 08:19	1
d5-NEtPFOSA	48.2		10 - 130				09/29/25 20:31	10/01/25 08:19	1
d3-NMePFOSA	51.9		10 - 130				09/29/25 20:31	10/01/25 08:19	1

Method: EPA 1633 - Per- and Polyfluoroalkyl Substances by LC/MS/MS - RA

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Nonfluoro-3,6-dioxahexanoic acid (NFDHA)	ND		1.4		ng/L		09/29/25 20:31	10/02/25 20:42	1
Isotope Dilution	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
13C5 PFHxA	82.0		40 - 130				09/29/25 20:31	10/02/25 20:42	1

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Statement of the Pueblo of Isleta

NMISC Rulemaking on Regional Water Security Planning (19.25.16 NMAC)

October 15, 2025

Good morning, Chairman Sanchez, Commissioners, and Hearing Officer.

My name is Charles Jojola, and I serve as Lieutenant Governor of the Pueblo of Isleta. I am honored to appear before you today on behalf of our Governor, our Tribal Council, and the people of Isleta to share our comments on the Proposed Rule for Regional Water Security Planning.

The Pueblo of Isleta is located fifteen miles south of Albuquerque, at the heart of the middle Rio Grande. Our community has stood here for centuries, long before New Mexico was a state or the United States was a nation. Our lands stretch from the Manzano Mountains to the mesa country along the Rio Puerco, encompassing over 300 square miles. For generations, the Rio Grande has sustained our way of life. It provides the water that nourishes our fields, our traditions, and our people.

To us, the river is sacred. It is alive. It has a spirit and purpose that go far beyond what can be measured in cubic feet per second. Yet over time, it has been reshaped and diverted in ways that have not always respected those who have lived with it the longest. The Rio Grande Compact divided the river among three states but left no share for the Pueblos. Even today, our water rights are only partially recognized—limited to certain prior and paramount uses defined nearly a century ago.

Meanwhile, we see our aquifers declining, our river channels shrinking, and our climate growing hotter and drier. Scientists tell us that flows in the Rio Grande may fall by as much as 25 percent in the coming decades. That is not just a statistic for us—it is a warning that we must change how we plan for the future.

Isleta, along with our sister Pueblos in the Middle Rio Grande Basin, has been working closely with the State of New Mexico and the United States to negotiate a settlement of Pueblo water rights. This settlement, still under development, will resolve long-standing legal questions and create a framework that benefits all water users—tribal and non-tribal alike. It is critical that the regional water security planning process be structured to support, not complicate, that effort.

We recognize and appreciate the Commission's work to implement the Water Security Planning Act, to establish the Water Security Tribal Advisory Council, also known as WSTAC, and its intention to strengthen water planning across New Mexico. The Pueblo of Isleta also fully supports the written comments and recommendations submitted by WSTAC, which

reflect the collective voice of New Mexico's Pueblos, Tribes, and Nations. However, to meet the Act's goals of protecting sovereignty, honoring federal law, and ensuring lasting water security, the rule must go further.

Let me touch on three key areas where revision is most needed.

First, tribal representation and decision-making.

The proposed rule provides for tribal representation on regional water security councils. We appreciate that inclusion, but representation without balance is not enough. When tribal members can be outvoted by other interests—counties, cities, irrigation districts—it does not reflect true government-to-government participation.

Decisions made by these councils can have real and lasting consequences for tribal water, lands, and data. For that reason, any decision that affects a Pueblo, Tribe, or Nation must require that community's consent. Sovereignty cannot be subject to a simple majority vote. Consent ensures that collaboration proceeds in a respectful and lawful way. It also prevents the conflicts that arise when decisions are made about tribal resources without tribal agreement.

Second, meaningful engagement at defined stages of the planning process.

The proposed rule mentions consultation, but it does not specify when or how that consultation must occur. Without clear requirements, consultation can too easily become symbolic rather than substantive.

We urge the Commission to require engagement with the Water Security Tribal Advisory Council and affected Tribes and Pueblos at three critical points:

1. At the start of plan development, when the framework is being shaped;
2. Before a draft plan is released for public comment; and
3. Before the final plan is submitted to the Commission.

Each plan should also include a summary of tribal comments, responses to those comments, and any unresolved issues. That transparency is what builds trust and accountability in the process.

Third, regional boundaries and the sub-region framework.

The Pueblo is very concerned that the current regional boundary for the Middle Rio Grande Council includes both the Middle Rio Grande and the growing areas to the north. For decades, water in the Middle Rio Grande Valley has been moved upstream to satisfy growth

and demand to the north, which causes increased depletions and adversely impacts water supply and the environment.

The Middle Rio Grande is already over-allocated, and cumulative upstream transfers add new depletions that exacerbate scarcity. Pueblos hold senior, unquantified water rights—both consumptive and non-consumptive—that risk impairment when junior, upstream depletions are approved. The water quality of the river may also be adversely impacted by the transfers, limiting the Pueblos' ability to use the water.

When irrigation acreage is dried up, the seasonal return flows that sustain drains, acequias, and riparian habitat are lost. Transfers convert surface rights into groundwater pumping or other surface water diversion that is not subject to the same curtailment rules, effectively firming up junior rights. Surface irrigation rights typically have a limited period of use—often only the seven-month irrigation season—and deplete the river only during that time. When those rights are transferred to municipal groundwater uses, the depletion becomes year-round.

Diminished river flows and lowered water tables from increased groundwater pumping harm cultural values, bosque ecosystems and endangered species recovery. It is critical that the Pueblo and other water users between Cochiti and Elephant Butte reservoirs have the ability to protect the water in the middle valley. The current regional boundary will hamper that ability, because it groups our communities with the very interests that have been draining water from the valley for decades.

For these reasons, the Pueblo urges the Commission to revise the boundary of the Middle Rio Grande Council so that it follows the proposed adjudication boundaries for the Middle Rio Grande. At a minimum, the Commission should carve out the northern areas—consistent with the approach taken in the previous regional water planning effort with the Jemez y Sangre region. Aligning the boundary in this way will better reflect hydrologic reality, protect existing users in the middle valley, and ensure that the regional planning process supports, rather than undermines, sustainable water management for all communities along this stretch of the Rio Grande.

In conclusion:

The Pueblo of Isleta deeply values its partnership with the State of New Mexico and the Interstate Stream Commission. We share your goal of creating a fair, forward-looking water security framework for our state. But this rule will only succeed if it fully incorporates the principles of tribal sovereignty, consent, and meaningful engagement.

The Pueblo respectfully urges the Commission to strengthen the final rule by:

- Requiring tribal consent for decisions that affect tribal water, land, or data;
- Defining clear stages for consultation and documentation of outcomes; and
- Redrawing regional boundaries to ensure that the Middle Rio Grande region can effectively protect its own water resources, ecosystems, and cultural values.

The Rio Grande is more than water—it is life itself. Our duty is to protect it, together, with wisdom and respect. The Water Security Planning Act gives us an opportunity to do that in a way that honors all of New Mexico’s communities, including its first peoples.

Thank you, Chairman Sanchez and Commissioners, for your time and for your continued partnership with the Pueblo of Isleta.



OFFICE OF THE GOVERNOR

Charles P. Riley, Governor
Loren Aragon, 1st Lt. Governor
Ted Ortiz, 2nd Lt. Governor
Ardell Concho, Tribal Secretary
Norman F. Torivio, Tribal Interpreter

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Governor Charles Riley Testimony Before the New Mexico Interstate Stream Commission October 15, 2025

Good afternoon Chairman Sanchez, members of the Interstate Stream Commission, and staff. My name is Charles Riley, Governor of the Pueblo of Acoma. I appreciate the opportunity to speak today on behalf of Acoma regarding the proposed rule for Regional Water Security Planning.

First, I want to acknowledge the hard work of the Water Security Tribal Advisory Council and its Ad Hoc Committee, as well as the NMISC staff. Together, we have spent many months reviewing, discussing, and refining this proposed rule to reflect the intent of the Water Security Planning Act and of the shared responsibility we all bear to protect New Mexico's most vital and sacred resource—water.

The Pueblo of Acoma strongly supports the recommendations presented by the WSTAC Ad Hoc Committee to the Commission submitted on September 27, 2025. These recommendations are formally adopted by the Pueblo of Acoma by reference and should be incorporated into the final rule under consideration today.

As part of these rules, we especially appreciate the recognition of WSTAC as a formal advisory body and its role in ensuring that tribal sovereignty, water rights, and water needs are respected in state water planning. However, there remain several key areas where this rule must be strengthened if it is to live up to the vision of true partnership between the State and the Nations, Pueblos, and Tribes of New Mexico.

First, the proposed rule must guarantee meaningful and equal participation of tribal governments in the regional councils. As currently written, tribes can be easily outnumbered by municipal, county, irrigation district representatives, and a variety of at-large members. The Pueblo of Acoma believes that when regional councils make decisions that may affect tribal water rights, lands, or data, those decisions must require the consent of the affected tribal governments. This is not simply a matter of courtesy, it is a matter of sovereignty.

The Water Security Planning Act itself, in Section 72-14A-4(B) of the New Mexico Statutes, requires the Commission to establish a procedure for “taking into account tribal sovereignty, tribal water rights, and the needs of tribal communities.” This rule should operationalize that mandate by requiring tribal consent before any regional action that affects tribal resources, water rights, or data. Our water rights and resources are not like any other. They arise from time immemorial use, federal law, and agreements between sovereign governments. We are not simply water users, but water managers, water regulators, and the oldest water rights holders.

To ensure that regional planning supports, not undermines, these rights, this rule must include a clear mechanism for tribal consent before any action is taken that would impact a Pueblo or Tribe.

Second, the rule must require engagement with Tribes and with WSTAC at defined and meaningful stages of the planning process. Consultation should not be a one-time notice or a general invitation to comment. It must occur at the beginning of the planning process, before any draft plans are finalized, and again before any plan is submitted to the Commission for approval. Consistent with WSTAC’s recommendation, engagement should occur at three defined stages: plan initiation, before publication of any draft plan, and before submission of the final plan to the Commission. Each plan should include a written summary of tribal comments, agency responses, and any unresolved concerns. Without this structure, tribal participation risks being symbolic rather than substantive.

Third, I want to focus on regional boundaries, particularly the need for distinct planning regions that reflect existing water settlements. For the Pueblo of Acoma, this issue is urgent and grounded in decades of experience. The Rio San Jose basin is among the most water-stressed in the state. For generations, upstream groundwater development has diminished the flow of the Rio San Jose to a fraction of what once sustained our lands, our people, and our fields. Compounding this is the reality of decades of contamination from uranium development, which has now seeped into the aquifers that feed the Rio San Jose.

Over the past several decades, Acoma, Laguna, the Navajo Nation, the cities of Grants and Milan, local Acequias, the United States, and the State of New Mexico have worked tirelessly to negotiate the Rio San Jose Indian Water Rights Settlement. This settlement is not just a legal agreement—it is, in every practical sense, a regional water plan. It is the result of detailed studies of basin hydrology, necessary water infrastructure, and the allocation and management of every available drop of water. It establishes administrative procedures, funding mechanisms, and coordination processes among all the governments and communities in the basin.

In short, the Rio San Jose Settlement represents what this rule seeks to create: a regional water plan built on science, consensus, and cooperation. For this reason, the Pueblo of Acoma urges

the Commission to adopt a distinct Rio San Jose Settlement region in the final rule. This region should correspond to the two Hydrologic Unit Code sub-basins that define the Rio San Jose stream system and the geographic scope of the pending federal settlement legislation.

Creating a smaller, settlement-based administrative region will allow planning efforts to align with the legal, hydrological, and governmental realities of the Rio San Jose basin. It will ensure that the regional plan's priorities and funding decisions directly support the implementation of the settlement and uphold the State's commitments. Larger administrative regions, like the currently proposed "Upper Colorado" region that stretches from Laguna Pueblo to the Four Corners, cannot adequately develop a regional water plan that addresses the specific conditions and needs of the Rio San Jose basin.

Fourth, and more broadly, the final rule must explicitly require regional councils to recognize and prioritize Indian water rights settlement projects. The implementation of these settlements is not optional. They are binding agreements that define how water will be managed, shared, and developed for decades to come. Each settlement reflects years of negotiation, scientific study, and intergovernmental compromise.

Section 72-14A-4(C)(9)(b) of the Water Security Planning Act directs the Commission to provide statewide objectives that include "compliance with interstate compacts, the federal Endangered Species Act, and congressionally authorized tribal water settlement acts." To comply with that statutory requirement, Sections 19.25.16.14 and 19.25.16.15 of the rule should require councils to identify and prioritize all projects, programs, and policies that support the implementation of federally approved Indian water rights settlements. When a settlement defines how water is to be managed in a basin, the State cannot treat it as just another stakeholder plan. It is a binding instrument of law, and the regional water security plan must be built around it. The Pueblo of Acoma asks the Commission to make this principle explicit in the final rule text, so that these statutory obligations are fulfilled through the regional planning framework.

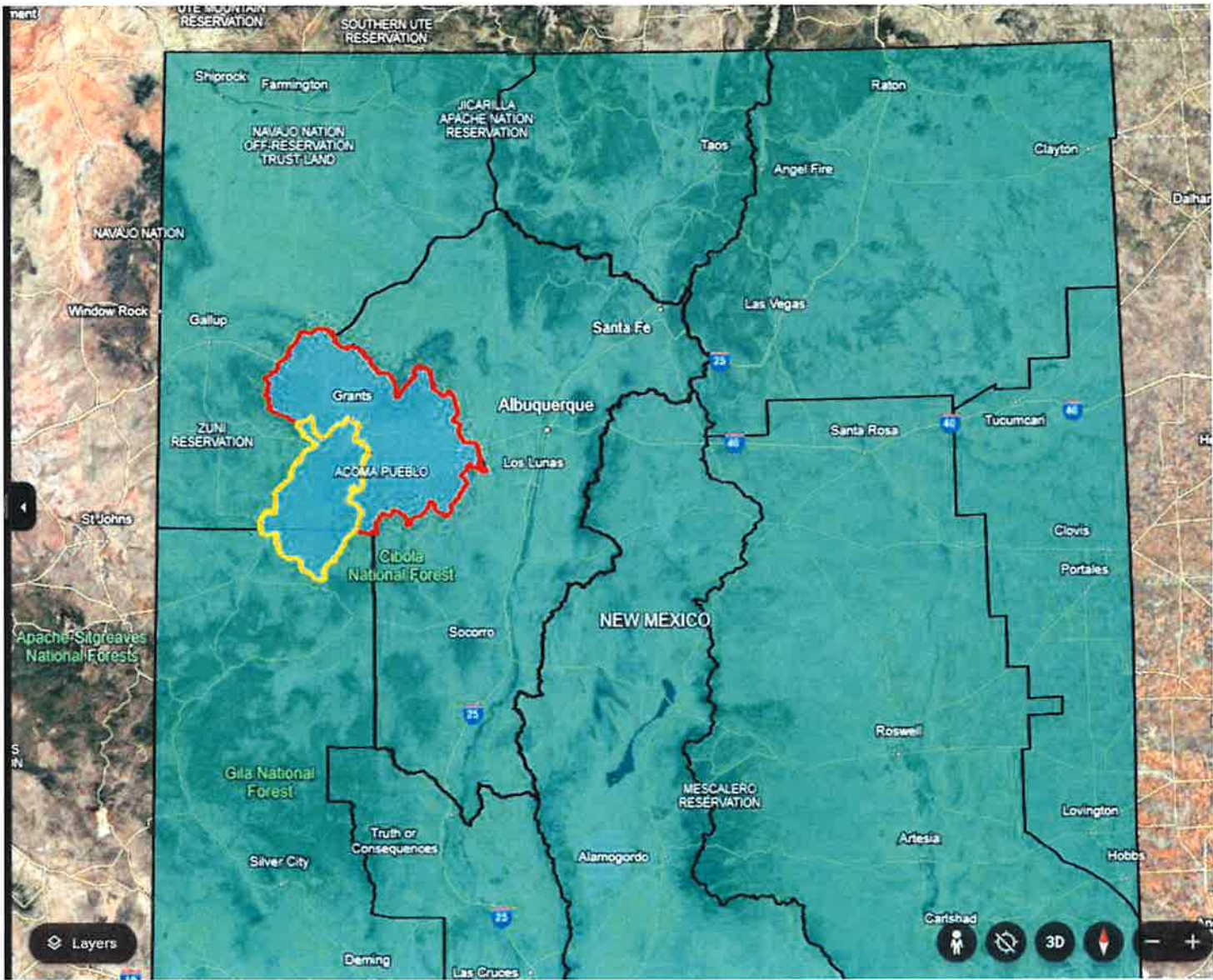
Finally, I want to emphasize that the Pueblo of Acoma supports the broader goal of this rule: to bring all of New Mexico's communities together to plan for a secure and sustainable water future. But water security cannot come at the expense of tribal sovereignty, or by overlooking the decades of work, collaboration, and compromise that Indian water settlements represent.

Pueblos and Tribes are already defining the legal and hydrologic framework of many basins. Regional water planning has to incorporate this reality. As such, the Pueblo of Acoma also supports the continued role of WSTAC as a permanent advisory body to review and strengthen the implementation of this rule.

Thank you for your time and consideration.

Attachment to Governor Riley Testimony

Propose Rio San Jose Council Region







September 23, 2025

Interstate Stream Commission
NMISC Administrator
5550 San Antonio Dr. NE,
Albuquerque, NM 87109

RE: NMAA Comments Regarding the Interstate Stream Commission's Proposed Rule on the Water Security Planning Act

Dear NMISC Administrator:

The New Mexico Acequia Association (NMAA) has been actively involved in the Interstate Stream Commission's planning process and rule development concerning the Water Security Planning Act. The New Mexico Acequia Association is a grassroots, membership based organization of acequias and community ditches in New Mexico. Since 1989, we have been working to protect acequias and agricultural water rights through community education, organizing, and advocacy. Please see our comments below to the Interstate Stream Commission's proposed rule on the Water Security Planning Act.

Sincerely,

Vidal Gonzales, Director of Policy and Planning
New Mexico Acequia Association

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 25 ADMINISTRATION AND USE OF WATER – GENERAL PROVISIONS
PART 16 REGIONAL WATER SECURITY PLANNING

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

19.25.16.2 SCOPE: This rule implements the provisions of the Water Security Planning Act, Section 72-14A-1 NMSA 1978, and sets forth the processes and criteria for convening and establishing regional water security planning councils and developing and maintaining regional water security plans.
[19.25.16.2 NMAC – N, xx/xx/202x]

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

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

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

19.25.16.6 OBJECTIVE: The objective of this rule is to establish a framework for regional water security planning councils to develop, maintain, and aid in implementation and tracking of regional water security plans. This framework will be grounded in regional values, scientific consensus, and New Mexico water law. The processes outlined in this rule are intended to: ensure that the plans will be based on the best available science, data, and models regarding available water supplies, use, and trends; provide transparency and opportunities for meaningful input and participation by the public, political subdivisions of the state, and Nations, Pueblos, and Tribes within each regional water security planning region; acknowledge the sovereignty, water rights, and water needs of tribal communities; consider public welfare and the needs of future generations of New Mexicans; align with state and federal laws; and identify and prioritize projects, programs, and policies that will help to ensure water security into the future. [19.25.16.6 NMAC – N, xx/xx/202x]

19.25.16.7 DEFINITIONS:

A. **“Commission”** means the New Mexico interstate stream commission and its nine appointed members, authorized under Section 72-14-1 NMSA 1978.

B. **“Initial planning period”** means the time period from the establishment of each council to the approval of its first regional water security plan by the commission.

C. **“NMISC staff”** means the employees of the New Mexico interstate stream commission.

D. **“Ongoing planning period”** means any time period following the initial planning period for each council. The ongoing planning period begins once an initial regional water security plan is approved by the commission.

E. **“Projects, programs, and policies”** or “PPPs” or “PPP” means identified strategies and alternatives, including infrastructure projects, conservation programs, watershed or groundwater management policies, and other types of initiatives that will promote regional water security and are identified in the plans and PPP lists.

F. **“Regional water security plan”** or “plan” means a plan produced by a council, that meets the requirements described herein and is approved by the commission.

G. **“Regional water security planning council”** or “council” means the members described herein who lead regional water security plan development, and aid in and track implementation of the plan in their respective region.

H. **“Regional water security planning region”** or “planning region” or “region” means an area of the state as described herein that is the planning area for each regional water security planning council.

I. **“Region-specific stakeholder”** means a member of the public who is not a member of a council but has identified themselves to NMISC staff or a council as interested in engaging in the planning process for a specific region.

Commented [VG1]: Adding political subdivisions of the state will help to make clear the following requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978.

SECTION 4. WATER PLANNING FUNDING--
REGIONAL WATER PLANNING--RULES--
GUIDELINES—Subsection C. The commission shall:
“(5) provide engagement with acequia communities;
(6) provide for the engagement of rural communities;”

SECTION 5. REGIONAL WATER PLANNING ENTITIES.—
Subsection C. Each regional water planning entity shall:
“(4) assist in the funding, development and incorporation of plans for rural communities;”

PROPOSED RULE – New Mexico Acequia Association Comments

[19.25.16.7 NMAC – N, xx/xx/202x]

19.25.16.8 WATER SECURITY TRIBAL ADVISORY COUNCIL:

A. NMISC staff shall provide administrative support and facilitation, in coordination 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 Nations, Pueblos, and Tribes.

B. The purpose of the WSTAC is to provide a forum for input from New Mexico Nations, Pueblos, and Tribes to ensure that their sovereignty, water rights, water needs, and viewpoints are considered and incorporated in regional water security planning and other related activities as determined by the commission.

C. The participating Nations, Pueblos, and Tribes shall determine their own procedures and principles for the operation of WSTAC.
[19.25.16.8 NMAC – N, xx/xx/202x]

19.25.16.9 ACEQUIA AND RURAL WATER SECURITY ADVISORY WORKING GROUP

A. NMISC staff shall provide administrative support and facilitation, in coordination with the New Mexico Acequia Association, the New Mexico Acequia Commission, the New Mexico Land Grant Council, and the New Mexico Rural Water Association for the establishment and operation of the Acequia and Rural Water Security Advisory Working Group ("ARWSAWG") comprising of the appointed representatives of each Regional Water Security Planning Council that represents acequias, mutual domestics or community regional water systems, and land grant-mercedes.

B. The purpose of the ARWSAWG is to provide a forum for input from New Mexico acequias, mutual domestics or community water systems, and land grant-mercedes to ensure that their water rights, water needs, and viewpoints are considered and incorporated in regional water security planning and other related activities as determined by the commission.

C. The participating appointed representatives of the acequias, mutual domestics or community regional water systems, and land grant-mercedes of each Regional Water Security Planning Council shall determine their own procedures and principles for the operation of ARWSAWG.

19.25.16.9 19.25.16.10 REGIONAL WATER SECURITY PLANNING REGIONS:

A. The nine regional water security planning regions are shown in exhibit A, water security planning regions (map).

B. Subject to commission approval, regional water security planning regions may be subdivided into sub-regions within a planning region or across multiple planning regions. In determining whether to approve a proposed sub-region, the commission shall use the following criteria:

- (1) the basis, hydrological or otherwise, for the sub-region and what circumstances make the proposed sub-region distinct from the region;
 - (2) whether there is sufficient population and capacity within the proposed sub-region to engage in a transparent and inclusive planning process for the proposed sub-region;
 - (3) the impact of the proposed sub-region on the ability of the remainder of the region to engage in a transparent and inclusive planning process;
 - (4) support from the associated council(s) for the proposed sub-region;
 - (5) the process for how the work of the proposed sub-region will be integrated with the regional water security plan(s) of associated regions, including the prioritization of projects, programs, and policies.
- [19.25.16.9 NMAC – N, xx/xx/202x]

(5) 19.25.16.11 REGIONAL WATER SECURITY PROGRAM FUND

19.25.16.10 19.25.16.12 INITIAL PLANNING PERIOD: During the initial planning period,

A. Responsibilities of NMISC staff include:

- (1) inviting governmental entities identified in Paragraph (1) of Subsection A of 19.25.16.12, NMAC to select their representatives, and convening a meeting of these representative members,
- (2) assisting representative members in the invitation of at-large members, identified in Paragraph 2 of Subsection A of 19.25.16.12, NMAC, and non-voting members, identified in Paragraph (3) of Subsection A of 19.25.16.12, NMAC.
- (3) acting as the commission's liaison to the councils for the purpose of ensuring the coordination of commission information, policies, and resources. Subject to adequate funding and resources, one NMISC staff shall be assigned to one planning region for the purpose of these tasks and shall be located at an

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Commented [VG2]: The creation of the Acequia and Rural Water Security Advisory Working Group will meet the following legal requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978, ensure the plans are equitable, and ensure that no water rights are affected:

SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES. --Subsection C. The commission shall (5) provide engagement with acequia communities; (6) provide for the engagement of rural communities;

SECTION 5. REGIONAL WATER PLANNING ENTITIES. --Subsection C. Each regional water planning entity shall: (4) assist in the funding, development and incorporation of plans for rural communities;

SECTION 3. CONDEMNATION OF WATER RIGHTS. --"Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state."

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Commented [VG3]: The current planning regions are hard to understand what regional acequia associations, political subdivisions of the state, and other entities will be in. Some regions divide these entities into different regions, while they should be in one region. To solve this issue, the nine planning regions shall overlap and/ or be contained within the Councils of Governments (COGs) regions. This will ensure that there are overlapping technical assistance services (such as free grant writing, planning, and project implementation services), which will improve the capacity available to implement the plans. The COGs are existing entities that have vast expertise/existing relationships with assisting local government bodies, tribes, and political subdivisions of the state with planning, project development, implementation, and grant writing services. This will provide additional support to ISC staff by partnering with the COGs to find funding and implement the plans. This will ensure that the plans are implemented by providing additional technical experience, capacity, and building upon existing relationships. Please see the attached map of the COGs located in the supporting documents section of our comments.

Commented [VG4]: The creation of the Regional Water Security Program Fund must be created to meet the following legal requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978.

SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES. --A. Subject to available funding, the commission

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PROPOSED RULE – New Mexico Acequia Association Comments

office of the state engineer district office within or near the region.

(4) providing administrative support and facilitation for at least four meetings of each council per calendar year ~~and in the convening of each councils' working groups.~~

(5) providing councils with technical support, including assistance with accessing the best available data and science, templates to guide decision making, ~~convening working groups of the councils,~~ and compilations of existing plans and additional resources.

(6) developing and maintaining lists of region-specific stakeholders, ~~planning stakeholder engagement opportunities,~~ and notifying stakeholders of opportunities to engage in the planning process.

B. Responsibilities of the council include:

(1) once convened by the NMISC staff, the representative members shall invite, with NMISC staff support, and select at-large members as identified in Paragraph (2) of Subsection A of 19.25.16.12 NMAC. NMISC staff shall review membership and confirm compliance with Paragraph (2) of Subsection A of 19.25.16.12 NMAC.

PROPOSED RULE – New Mexico Acequia Association Comments

(2) the representative members and the at-large members shall invite, with NMISC staff support, and select non-voting members as identified in Paragraph (3) of Subsection A of 19.25.16.12 NMAC.

(3) once the council has been formed through the convening, inviting, and selection of representative members, at-large members, and non-voting members, the council shall adopt and provide NMISC staff written operating principles that, at a minimum, describe the following:

- (a) the roles and responsibilities of the council's voting and non-voting members;
- (b) the duration(s) of the term(s) for at large council members;
- (c) the potential roles of committees, including a steering committee, sub-committees and/or work groups, if relevant;
- (d) the grounds and process for removing a member from the council;
- (e) the decision-making process to be used by the council to prioritize projects, programs, and policies; ~~and~~

~~(e)(f) the process for integration and engagement to be used by the council for the inclusion of input provided by the WSTAC and ARWSAWG; and~~

~~(f)(g) the process for integration and engagement with commission approved sub-regions, if relevant.~~

C. Councils may choose to self-convene provided the composition set forth in Section 19.25.16.12 is adhered to and the self-organized council is confirmed by NMISC staff.
[19.25.16.10 NMAC – N, xx/xx/202x]

~~19.25.16.11~~ 19.25.16.13 **ONGOING PLANNING PERIOD:** During the ongoing planning period,

A. Responsibilities of NMISC staff include:

- (1) reviewing and confirming compliance with Subsection A of 19.25.16.12 NMAC for representation of representative and at-large members, when council vacancies are filled;
- (2) providing administrative support and facilitation for at least two meetings of the council per calendar year during periods when the council is not in the process of updating a plan ~~and~~, providing at least four meetings of the council per calendar year when the council is in the process of updating a plan, and providing assistance for the operation of the councils' working groups;
- (3) providing councils with technical support, including assistance with accessing the best available data and science, decision-making guides, compilations of existing plans, and resources to aid in tracking and reporting on implementation.

~~(3)(4) providing administrative support, facilitation, and technical support to the councils for carrying out Subsection B of 19.25.16.12 NMAC.~~

~~(4)(5) publishing all regional water security plans developed by councils and approved by the commission.~~

B. Responsibilities of the council include:

- (1) filling vacancies on the council pursuant to Subsection A of 19.25.16.12 NMAC;
- (2) preparing proposed regional water security plans and presenting proposed plans to the commission for acceptance;
- (3) preparing proposed updates to regional water security plans and presenting proposed updates to the commission for acceptance;
- (4) reviewing the operating principles for the council and making changes consistent with Paragraph (3) of Subsection B of 19.25.16.10 NMAC if needed;
- (5) aiding in and tracking plan implementation, including outcomes;
- (6) developing, reviewing, and updating PPP lists;
- (7) developing and maintaining region-specific lists of stakeholders and providing information to stakeholders about opportunities to engage in the planning process. The council may request NMISC staff support to carry out these responsibilities.

C. Councils shall report to the commission by June 30 of each year on the progress of planning activities, status of plan implementation, funding recommendations, and outcomes.

D. During the ongoing planning period, councils shall update plans at least once every ten years. Councils shall review and update PPP lists at least once every 5 years.
[19.25.16.11 NMAC – N, xx/xx/202x]

Commented [VG5]: Representative members shall have their own authority and discretion to select their own representatives. Some political subdivisions of the state do not have the capacity to rotate their representatives every term. Also, could potentially be a sovereignty issue for tribal entities

Commented [VG6]: Creating this process will make the integration and input inclusion process of the WSTAC and ARWSAWG evident and provide a clear decision-making process for all parties. By adding this operating principle it will meet the following legal requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978, ensure the plans are equitable, and ensure that no water rights are affected.

SECTION 4. WATER PLANNING FUNDING--
REGIONAL WATER PLANNING--RULES--
GUIDELINES.—Subsection C. The commission shall
(4) provide engagement with Indian nations,
tribes and pueblos, including through the use of the State-
Tribal Collaboration Act;
(5) provide engagement with acequia communities;
(6) provide for the engagement of rural
communities;"

SECTION 5. REGIONAL WATER PLANNING ENTITIES.—
Subsection C. Each regional water planning entity shall:
"(2) ensure opportunities for participation
by Indian nations, tribes or pueblos located within the water
planning region;
(4) assist in the funding, development and incorporation of
plans for rural communities;"

SECTION 3. CONDEMNATION OF WATER RIGHTS.—
"Nothing in the Water Security Planning Act shall be
construed as permitting the condemnation of water
rights or as determining, abridging or affecting in any
way the water rights of water right owners in the state."

Commented [VG7]: This comment refers to this section of the rules.

19.25.16.12 ONGOING PLANNING PERIOD: During the ongoing planning period
B. Responsibilities of the council include:

PROPOSED RULE. — New Mexico Acequia Association Comments.

~~49.25.16.13~~19.25.16.14 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCILS:

A. Councils shall comprise three categories of members: representative members, at-large members and non-voting members. Representative members and at-large members shall be voting members of a council. If an

PROPOSED RULE – New Mexico Acequia Association Comments

~~qualified or willing representative member, as described in Paragraph (1) of Subsection A of 19.25.16.12 NMAC or~~ at-large member, as described in Paragraph (2) of Subsection A of 19.25.16.12 NMAC cannot be identified by the council, the council may propose or NMISC staff may select a replacement non-voting member who is knowledgeable about water resources in the region.

(1) Representative members. Each governmental entity listed below, if present within the region, is entitled to have a representative serve on the council for any planning region within which it is located. A single representative may represent multiple governmental entities. In the event that a governmental entity is located in multiple regional water security planning regions, the governing body may appoint the same or different representatives to each council. Each representative member shall be appointed by resolution ~~or official action~~ of each governmental entity's governing body. Representative members will consist of the following:

- (a) one representative member identified by the governing body of each municipality;
- (b) one representative member identified by the governing body of each county;
- (c) one representative member identified by the governing body of each irrigation or conservancy district;
- (d) one representative member identified by the governing bodies of each Nation, Pueblo, and Tribe;
- (e) one representative member identified by the governing bodies of each soil and water conservation district;
- (f) one representative member of each regional acequia association in the planning region or if no regional acequia association exists in a planning region, one representative from that region appointed by the New Mexico Acequia Commission; ~~and~~

~~(g) one representative member from an active land grant appointed by the Land Grant Council in a planning region; and~~

~~(g)(h) one representative member from a mutual domestic water consumer association or community regional water system in the region.~~

(2) At-large members. Up to ten at-large members shall represent each of the following stakeholder groups. There shall be one at-large member position for each stakeholder group, but members may represent multiple stakeholder groups. The stakeholder groups to be represented are:

- (a) ranchers in the region;
- (b) farmers in the region (these farmers may include 4H, Young Farmers, etc.);
- (c) statewide or regional public higher education institutions (such as a student, professor, administrator, etc.);
- (d) environmental, conservation, or water advocacy non-governmental organizations with members or local chapters in the region;
- (e) water-based recreational interests located in the region (fishing, rafting, etc.);
- ~~(f) mutual domestic water consumer associations or community regional water~~

~~systems in the region;~~

~~(g)(f)~~ commercial, industrial, mining, and power in the region;

~~(g)~~ watershed restoration organizations in the region;

(h) special districts established pursuant to Chapter 73, NMSA 1978, with staff whose responsibilities include water management, located in whole or in part within the region, and that do not fall within the previous membership categories within Paragraph (1) of Subsection A of 19.25.16.12. Should there be no representative pursuant to these criteria for the region, this becomes a general at-large member;

(i) existing regional water planning steering committees who have continuously operated since the conclusion of the 2014-2016 regional water planning effort. Should there be no regional water planning steering committee in the region, this becomes a general at-large member; and

(j) one general at-large member in the region.

(3) Non-voting members. Up to five non-voting members representing parties from outside the region with water interests in the region. These five non-voting members shall comprise up to three non-voting members for entities outside the region that own water rights within the region, and up to two non-voting members from other water security planning councils hydrologically linked to the region.

B. Region-specific stakeholders. Lists of region-specific stakeholders shall be developed and

Commented [VG8]: Representative members shall have their own authority and discretion to select their own representatives. Political subdivisions of the state are their own governing bodies and shall have the right to select their own representative. Also, could potentially be a sovereignty issue for tribal entities.

Commented [VG9]: Not all commissions, councils or other governmental entities approve actions through a resolution. The New Mexico Acequia Commission and the New Mexico Land Grant Council simply approve actions through a majority vote.

Commented [VG10]: Mutual domestics are political subdivisions of the state and shall be treaty as such through being a representative member on the councils. This will meet the following legal requirements of the **Water Security Planning Act §72-14A-1 et seq., NMSA 1978**, ensure the plans are equitable, and ensure that no water rights are affected:

SECTION 4. WATER PLANNING FUNDING--
REGIONAL WATER PLANNING--RULES--
GUIDELINES.—Subsection C. The commission shall:
“(6) provide for the engagement of rural communities;”

SECTION 5. REGIONAL WATER PLANNING ENTITIES.—
Subsection C. Each regional water planning entity shall:
“(4) assist in the funding, development and incorporation of plans for rural communities;”

SECTION 3. CONDEMNATION OF WATER RIGHTS.—
“Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state.”

Commented [VG11]: Strike and move these entities into being a representative member of the councils.

PROPOSED RULE – New Mexico Acequia Association Comments

maintained by NMISC staff and shared with councils. The identification of region-specific stakeholders shall, at a minimum, include:

PROPOSED RULE – New Mexico Acequia Association Comments

- (1) an email point of contact; and
- (2) documentation including a physical address, residential or professional, within the region;

or

- (3) written statement of interest identifying the individual or entity and explaining why the individual or entity is interested in engaging in the region's planning process.
- [19.25.16.12 NMAC – N, xx/xx/202x]

19.25.16.13 19.25.16.15 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING AND INPUT REQUIREMENTS:

A. Councils shall hold regularly scheduled meetings as follows:

- (1) meetings shall be held at least four times per year during periods when the region's plan is being developed or updated.
- (2) meetings shall be held at least two times per year during periods when the plan is not being developed or updated.
- (3) councils shall provide at least 14-day notice of meetings or other activities to council members, the public, region-specific stakeholders, Nations, Pueblos and Tribes, and the commission, with NMISC staff support as needed.
- (4) councils, with NMISC staff support, shall offer meetings for hybrid participation if practicable.

B. Councils shall develop regional water security plans through broad input and public comment opportunities. This shall include opportunities for the public, region-specific stakeholders, and Nations, Pueblos, and Tribes to be involved in the development, vetting and prioritization of PPPs. During the plan development or update of any plan, councils shall, with NMISC staff support, at a minimum:

- (1) notify the public, region-specific stakeholders, and Nations, Pueblos and Tribes, including by distributing publicly available information regionally about the development of the plan, and opportunities for input, at regular intervals.
- (2) provide in-person and virtual opportunities for input at council meetings.
- (3) provide a minimum of 60 days for the public, region-specific stakeholders, and Nations, Pueblos and Tribes to provide input and public comment in person, via email, or through a website on proposed regional water security plans.
- (4) make comments publicly available ahead of finalization of a regional water security plan to be presented for commission approval.

C. Councils shall consider a broad range of participation options for input and public comment, which may include but are not limited to:

- (1) providing materials in languages in common use within the region (e.g., ASL, Spanish, Tewa, Navajo).
- (2) hosting additional meetings, focus groups, listening sessions, open houses or other events.
- (3) providing engagement resources (e.g., presentations, paper surveys) to local community

partners with existing connections in rural areas.

- (4) providing multiple in-person opportunities distributed throughout the region and expanded strategies for community engagement.
- (5) providing meeting spaces or computer access and connectivity for remote participation.

D. To promote broad awareness and to encourage participation, council outreach efforts, with NMISC Staff support as needed, shall include, but are not limited to:

- (1) educational content; and
- (2) multimedia advertising of engagement opportunities.
- (3) additional opportunities may be developed at the determination of the council.

[19.25.16.13 NMAC – N, xx/xx/202x]

19.25.16.14 19.25.16.16 CONSIDERATIONS FOR COUNCILS DURING PLANNING PROCESSES:

A. Councils shall consider, with resources provided by NMISC staff, the following information for inclusion in regional water security plans:

- (1) existing water plans and water resources planning initiatives;
- (2) compliance with state water law, including recognition of established water rights;

PROPOSED RULE – New Mexico Acequia Association Comments

- (3) best available science for considering climate resiliency and increasing aridification;
- (4) recognition and respect of federally recognized or reserved tribal water rights;
- (5) access to water for domestic use;
- (6) compliance with applicable federal water law;
- (7) public welfare values;
- (8) balancing water uses and the needs of future generations of New Mexicans; and
- (9) public participation and comments.
- B. Councils may consider the following information for inclusion in any regional water security plan:
 - (1) best available resources or methodologies for considering the needs of rural and urban places and populations within the region;
 - (2) groundwater management strategies and needs;
 - (3) regional food security and agricultural resilience; and
 - (4) water needs for healthy upland and riparian habitats.
- C. Councils shall consider the following statewide objectives in any regional water security plan:
 - (1) state obligations under interstate compacts;
 - (2) compliance with the Endangered Species Act and the prevention of serious harm to the habitats of species that are threatened or endangered under state or federal law;
 - (3) implementation of water rights settlements, including local and federally executed Indian water rights settlements;
 - (4) the state's existing administration plans under the Active Water Resources Management program.
- D. Councils shall develop and update regional water security plans as provided herein using the best available science, data, and models, and may identify data gaps and recommend further studies in their regional water security plans. Councils may not delay the development of or updates to a plan due to lack of data. [19.25.16.14 NMAC – N, xx/xx/202x]

~~19.25.16.15~~ **19.25.16.17 CRITERIA FOR APPROVAL OF REGIONAL WATER SECURITY PLANS:** In order to be approved by the commission, a regional water security plan must meet the following criteria:

- A. Plans shall include documentation of the following items:
 - ~~(1)~~ Water Security Tribal Advisory Council (WSTAC) engagement, involvement, information and recommendations;
 - ~~(+)(2)~~ Acequia and Rural Water Security Advisory Working Group (ARWSAWG) engagement, involvement, information and recommendations;
 - ~~(2)(3)~~ public notice under Section 19.25.16.13;
 - ~~(3)(4)~~ stakeholder engagement in the development, vetting and prioritization of PPPs;
 - ~~(4)(5)~~ comments received, considered, and incorporated from stakeholders and the public;
 - ~~(5)(6)~~ comments received from state and federal agencies;
 - ~~(6)(7)~~ council consideration of public welfare values, balancing water uses and the needs of future generations of New Mexico in the region, if any;
 - ~~(7)(8)~~ Council committees, working groups and/or sub-regions, if applicable, within a region;
 - ~~(8)(9)~~ consideration of the regional water balance, including any projected reductions in water availability due to the impacts of climate change or other factors; and
 - ~~(9)(10)~~ compliance with statewide objectives identified in Paragraph C of Section 14.
- B. Plans may include documentation that the needs of rural and urban populations within the region were considered.
- C. Plans shall include a list of prioritized proposed projects, programs, and policies with each item ranked individually relative to all other PPPs on that sub-list region wide.
 - (1) The prioritized list of PPPs included in each plan shall be organized based on the readiness of each individual PPP.
 - (2) Each proposed PPP must list the sponsor(s) that intends to lead implementation of the PPP, including obtaining and administering any necessary funding for the PPP.
 - (3) PPPs shall be sorted by priority into the following readiness stages:
 - (a) ideas stage;
 - (b) scoping stage; and
 - (c) ready to proceed stage.

Commented [VG12]: Including documentation in the plan of the Acequia and Rural Water Security Advisory Working Group will meet the following legal requirements of the **Water Security Planning Act §72-14A-1 et seq., NMSA 1978**, ensure the plans are equitable, and ensure that no water rights are affected.

SECTION 4. WATER PLANNING FUNDING-- REGIONAL WATER PLANNING--RULES-- GUIDELINES —Subsection C. The commission shall:
“(5) provide engagement with acequia communities;
(6) provide for the engagement of rural communities;”

SECTION 5. REGIONAL WATER PLANNING ENTITIES — Subsection C. Each regional water planning entity shall:
“(4) assist in the funding, development and incorporation of plans for rural communities;”

SECTION 3. CONDEMNATION OF WATER RIGHTS.— “Nothing in the Water Security Planning Act shall be construed as permitting the condemnation of water rights or as determining, abridging or affecting in any way the water rights of water right owners in the state.”

PROPOSED RULE – New Mexico Acequia Association Comments

following: (4) PPP types include, but are not limited to projects, programs, and policies that address the

- (a) watershed health
- (b) drinking water
- (c) storm water
- (d) wastewater
- (e) water retention and delivery infrastructure
- (f) water conservation resulting in a reduction of total water use
- (g) education
- (h) efficiency resulting in a reduction of total or per-capita water use
- (i) water reuse
- (j) aquifer storage and recovery
- (k) aquifer recharge
- (l) agricultural resilience
- (m) development of new water resources
- (n) river and riparian habitat restoration
- (o) livestock management
- (p) alternative water administration strategies (under Active Water Resources

Management, water markets or banks, voluntary shortage sharing, etc.)

- (q) drinking water system regionalization
- (r) asset management planning
- (s) scientific studies

(5) Additional documentation for each PPP may include:
resources; (a) existing or potential funding, including funding to match state or federal

benefits; (b) ability to enhance regional water resilience or have long-lasting and sustainable

- (c) the presence of multiple benefits or ability to meet multiple objectives;
- (d) substantial support from diverse stakeholders; or
- (e) identification of interrelated PPP's and potential enhanced benefits of

implementing multiple PPPs in conjunction with each other.

(6) Councils may elect to repeat PPP list items in subsequent plans and updated PPP lists.

(7) Councils with sub-regions shall integrate all sub-regional priorities into a single prioritized list of PPPs for submittal to the commission with their plan. Processes for resolving sub-regional priorities alongside the recommendations of other sub-regions in the region shall be resolved by the council pursuant to its operating principles, as provided for in Paragraph (3) of Subsection B of 19.25.16.10 NMAC.
[19.25.16.15 NMAC – N, xx/xx/202x]

**19.25.16.16 19.25.16.18 STATE ENGINEER CONSIDERATION OF REGIONAL ISSUES
OF PUBLIC WELFARE IN PERMITTING DECISIONS:**

A. The state engineer, in its decisions on permit applications under Sections 72-5-6; 72-5-7; 72-5-23; 72-5-24; 72-5A-6; 72-6-5; 72-12-3; 72-12-7; and 72-12B-1 NMSA 1978, 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 welfare of the state.

B. A council's determination shall not be binding on the state engineer's determination of whether a particular permit application would be detrimental to the public welfare of the state.

C. The state engineer, in determining whether a regional public welfare issue identified by a council is relevant to the determination of whether a particular permit application would be detrimental to the public welfare of the state, shall explain the reasoning in writing.
[19.25.16.16 NMAC – N, xx/xx/202x]

HISTORY OF 19.25.16 NMAC: [RESERVED]

The creation of the Regional Water Security Program Fund must be created to meet the following legal requirements of the Water Security Planning Act §72-14A-1 et seq., NMSA 1978.

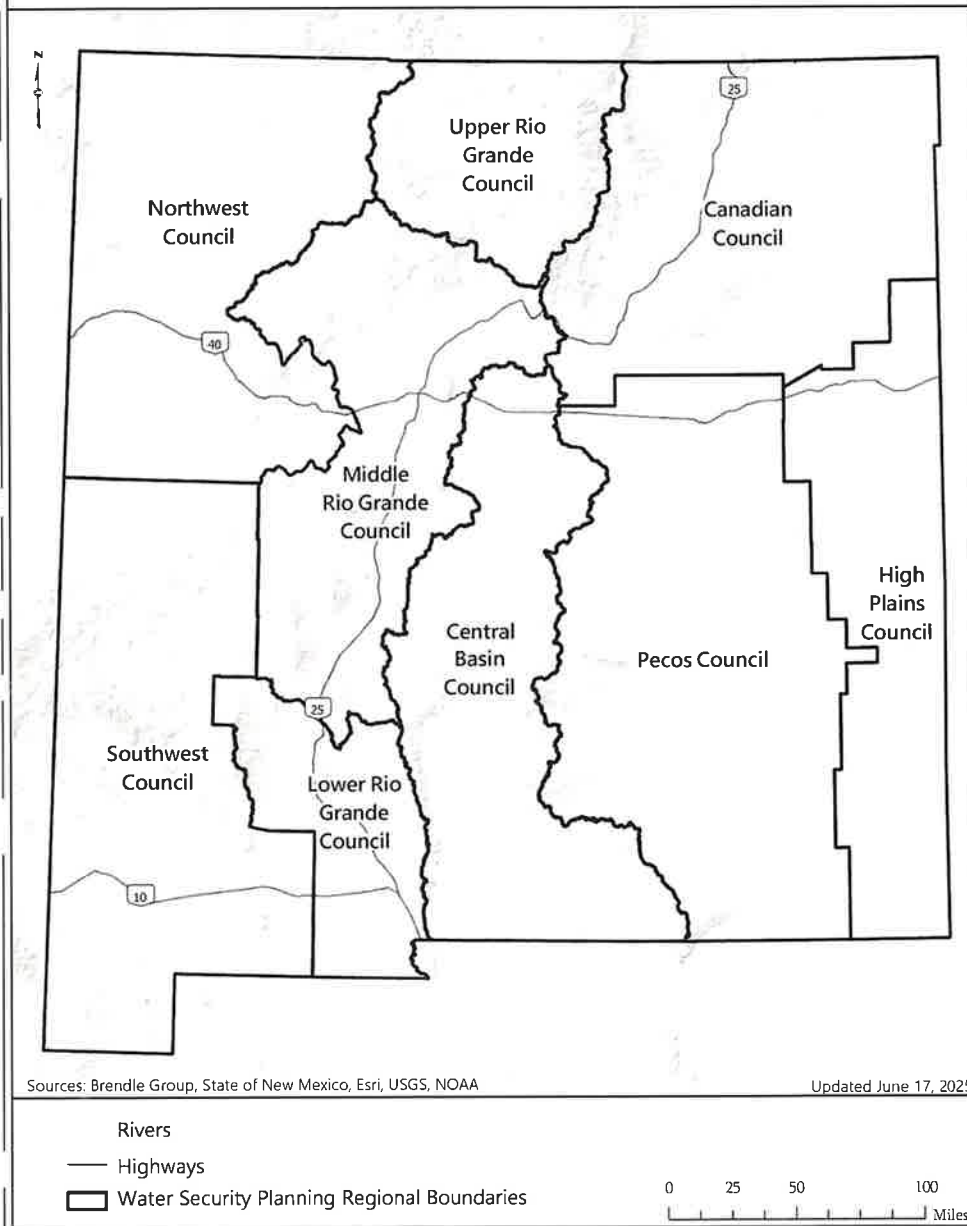
SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER PLANNING--RULES--GUIDELINES.--

A. Subject to available funding, the commission

shall establish and conduct a regional water security program pursuant to the provisions of the Water Security Planning Act. The commission may make grants or loans of funds for the purpose of regional water planning, as possible, using appropriations made for that purpose.

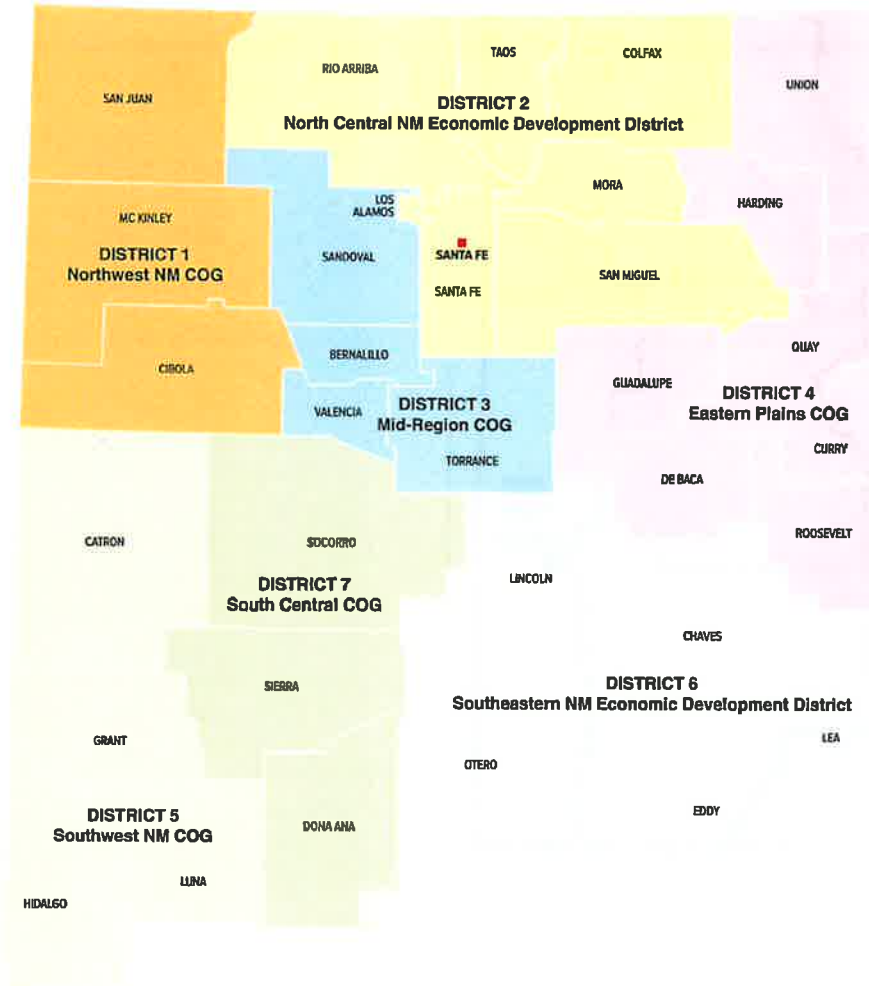
Water Security Planning Regional Boundaries

Formatted Table



Supporting Documents

Council of Government Maps



Commented [VG13]: The nine planning regions shall overlap and/ or be contained within the Councils of Governments (COGs) regions. This will ensure that there are overlapping technical assistance services (such as free grant writing, planning, and project implementation services), which will improve the capacity available to implement the plans. The COGs are existing entities that have vast expertise/existing relationships with assisting local government bodies, tribes, and political subdivisions of the state with planning, project development, implementation, and grant writing services. This will provide additional support to ISC staff by partnering with the COGs to find funding and implement the plans. This will ensure that the plans are implemented by providing additional technical experience, capacity, and building upon existing relationships. Please see the attached map of the COGs.

Water Security Planning Act:
Highlighted Supporting Language

1 AN ACT
2 RELATING TO WATER PLANNING; ENACTING THE WATER SECURITY
3 PLANNING ACT; AUTHORIZING THE INTERSTATE STREAM COMMISSION TO
4 MAKE LOANS AND GRANTS FOR REGIONAL WATER PLANNING; REQUIRING
5 THE INTERSTATE STREAM COMMISSION TO MAKE RULES AND GUIDELINES
6 FOR REGIONAL WATER PLANNING; PROVIDING DUTIES OF REGIONAL
7 WATER PLANNING ENTITIES; PROTECTING PRIORITY ADMINISTRATION
8 AND WATER RIGHTS OWNERS.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. SHORT TITLE.--Sections 1 through 5 of this
12 act may be cited as the "Water Security Planning Act".

13 SECTION 2. DEFINITION.--As used in the Water Security
14 Planning Act, "commission" means the interstate stream
15 commission.

16 SECTION 3. CONDEMNATION OF WATER RIGHTS.--Nothing in
17 the Water Security Planning Act shall be construed as
18 permitting the condemnation of water rights or as
19 determining, abridging or affecting in any way the water
20 rights of water right owners in the state.

21 SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER
22 PLANNING--RULES--GUIDELINES.--

23 A. Subject to available funding, the commission
24 shall establish and conduct a regional water security program
25 pursuant to the provisions of the Water Security Planning

SCONC/SB 337
Page 1

1 Act. The commission may make grants or loans of funds for
2 the purpose of regional water planning, as possible, using
3 appropriations made for that purpose.

4 B. The commission shall establish a procedure, in
5 consultation with the Indian affairs department, to establish
6 an advisory council for taking into account in the regional
7 water security program tribal sovereignty, tribal water
8 rights and the water needs of tribal communities.

9 C. The commission shall:

10 (1) promulgate rules that, at a minimum,
11 establish:

12 (a) the boundaries and number of water
13 planning regions in the state;

14 (b) the criteria for commission
15 approval of a regional water security plan with prioritized
16 projects, programs and policies;

17 (c) the procedure for a regional water
18 planning entity to develop and provide notice to the
19 commission of issues and concerns relating to the public
20 welfare of the water planning region;

21 (d) the composition of a regional water
22 planning entity; and

23 (e) the procedure for a regional water
24 planning entity to consider public welfare values and the
25 needs of future generations of New Mexicans;

1 (2) adopt guidelines that, at a minimum,
2 address:

3 (a) the identification of regional
4 stakeholders and opportunities for stakeholder collaboration;

5 (b) the public input requirements for
6 regional water planning;

7 (c) the requirements for a proposal for
8 grants or loans for planning activities;

9 (d) the process for approval of grants
10 or loans;

11 (e) the process for state agency
12 collaboration;

13 (f) the metrics for reporting on
14 regional water projects and, programs and policies;

15 (g) the procedures to support
16 implementation of a regional water security plan; and

17 (h) the schedule for implementation of
18 regional water planning, including integration with statewide
19 objectives;

20 (3) emphasize engagement, communication and
21 education in regional water planning activities statewide;

22 (4) provide engagement with Indian nations,
23 tribes and pueblos, including through the use of the State-
24 Tribal Collaboration Act;

25 (5) provide engagement with acequia

1 communities;

2 (6) provide for the engagement of rural
3 communities;

4 (7) ensure, by using the integrated water
5 data and information platform developed pursuant to the Water
6 Data Act and collaborating with the bureau of geology and
7 mineral resources of the New Mexico institute of mining and
8 technology and the water resources research institute, that
9 the best science, data and models relating to water resource
10 planning are available to the regional water planning
11 entities and are used with scientific integrity and adherence
12 to principles of honesty, objectivity, transparency and
13 professionalism in developing, vetting and prioritizing
14 proposals;

15 (8) report, by October 31 of each year, to
16 the appropriate legislative interim committee dealing with
17 water and natural resources and, by October 31 of each year,
18 distribute the report to the appropriate state agencies
19 dealing with water and natural resources on regional water
20 planning implementation that includes:

21 (a) approved regional water security
22 plans with prioritized projects, programs and policies for
23 state funding;

24 (b) outcomes of regional water security
25 plan implementation; and

1 (c) the status of regional water
2 planning expenditures; and

3 (9) support regional water planning entities
4 by:

5 (a) providing technical and local
6 capacity development support, including commission staff and
7 funding;

8 (b) providing statewide objectives for
9 regional water security plan development, including
10 compliance with interstate compacts, the federal Endangered
11 Species Act of 1973 and congressionally authorized tribal
12 water settlement acts;

13 (c) supporting the development of a
14 proposal for alternative administration through active water
15 resources management, if prioritized by the region, that may
16 be submitted to the state engineer and affected Indian
17 nations, tribes and pueblos for approval; and

18 (d) identifying funding sources and
19 supporting the acquisition of funds for implementation of
20 approved regional water security plans.

21 SECTION 5. REGIONAL WATER PLANNING ENTITIES.--

22 A. An entity shall not be made a part of a
23 proposal for planning funds under this section without that
24 entity's consent.

25 B. The outcomes sought by each regional water

1 planning entity shall:

2 (1) be established through broad public
3 input;

4 (2) consider public welfare values,
5 balancing water uses and the needs of future generations of
6 New Mexicans;

7 (3) be grounded in state water law;

8 (4) be developed using the best available
9 science;

10 (5) recognize and respect federally
11 recognized or reserved tribal water rights;

12 (6) consider access to water for domestic
13 use; and

14 (7) comply with applicable federal water
15 law.

16 C. Each regional water planning entity shall:

17 (1) be composed of regional stakeholders as
18 identified in the entity's guidelines;

19 (2) ensure opportunities for participation
20 by Indian nations, tribes or pueblos located within the water
21 planning region;

22 (3) obtain public input in the development,
23 vetting and prioritization of regional water planning
24 activities and proposals;

25 (4) assist in the funding, development and

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Page 6

1 incorporation of plans for rural communities;

2 (5) report to the commission by June 30 of
3 each year on the progress of planning activities and outcomes
4 of regional water security plan implementation; and

5 (6) review existing water plans and data
6 sets of municipalities, counties and other entities within
7 the water planning region and use them as appropriate.

8 SECTION 6. Section 72-14-44 NMSA 1978 (being Laws 1987,
9 Chapter 182, Section 2) is amended to read:

10 "72-14-44. INTERSTATE STREAM COMMISSION--GROUNDWATER
11 APPROPRIATION--WATER RIGHTS PURCHASE.--

12 A. The interstate stream commission is authorized
13 to appropriate groundwater or purchase water rights on behalf
14 of any of the various regions of the state.

15 B. Nothing in this section shall be construed as
16 permitting the condemnation of water rights or as determining,
17 abridging or affecting in any way the water rights of Indian
18 nations, tribes or pueblos".

19 SCONC/SB 337
20 Page 7
21
22
23
24
25

From: [william](#)
To: [Commission, ISC, OSE](#)
Subject: [EXTERNAL] Proposed Rule 19.25.16 NMAC
Date: Wednesday, October 15, 2025 9:33:00 AM

Some people who received this message don't often get email from southbaybill@fastmail.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I just learned about this proposed plan meeting.

Maybe you can slip this comment to the commissioners.

- One of the few decisive steps planners can take is to severely regulate or prohibit outdoor swimming pools, lawns, and golf courses - which don't make water retention sense in arid desert landscape. They are from a different era in both climate and population stress.

William Burt

Salazar, Jennifer, OSE

From: Elaine Hebard <eheward@yahoo.com>
Sent: Thursday, October 16, 2025 11:58 PM
To: Salazar, Jennifer, OSE
Subject: [EXTERNAL] Fw: Submit Your Comment: Shape Regional Water Planning
Attachments: Hebard Regional Water Planning Comments -- October 2025.docx; Hebard Regional Water Planning Comments -- September 2025.docx

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Ms. Salazar,

I am forwarding the earlier email with the attachment in case having the electronic version of my handout is helpful.

I have also attached my oral comments from today, which now include some additional information regarding the questions I was asked to use, again, if useful

Thank you,

Elaine Hebard.

September 27, 2025

Regional Water Planning Program
Interstate Stream Commission

Re: Draft Rules to Implement Water Security Planning Act

Thank you for another opportunity to review the draft Rules. For the sake of brevity, I am incorporating by reference my comments made on February 25 and April 30, 2025.

I was struck, once again, by the focus on structure rather than process. Although the objective states that the plans will fulfill lofty ambitions, there is precious little in the Rules as to how that will be accomplished. After all, planning not just a one-time deliverable.

1. No planning process is included.

Planning is to solve problems. So, first the problem must be articulated. The Rules call for projects, programs, and policies (PPPs) to be developed. PPPs are an end product of the planning process. Before they can be developed, the regions must go through a planning process.

The Rules must provide a template of the process. The template, incorporating water planning principles, should begin with the region creating a vision -- not just metrics and measures for reporting on implementation of PPPs.

Such a process must include the identification of the problem and goals, and an understanding of the consequences for not meeting goals. Once such steps are taken, scenarios can be developed, weighing feasibility, costs, impacts, and water savings before prioritizing projects and policies that in combination are the chosen initial regional water security plan. How can the public welfare statement to be generated without such information? And then, and only then, can PPPs be developed.

2. Lack of content as to what plans must contain.

The 1994 Water Planning Handbook set out the content and analysis which each plan was to accomplish. While the Rules require the ISC to provide "councils with technical support, including assistance with accessing the best available data and science, templates to guide decision making, and compilations of existing plans and additional resources," there is no substance to this.

What specifically will the ISC help with? A compilation of earlier plans will not be sufficient. The regional water planning process and plans in 2016 was useless, at least in the MRG. Data and PPPs were not derived from the participants, and were never evaluated, with the group disbanding immediately upon accepting the consultant-written plan. It has never met again. We cannot afford that to happen again.

3. Update data.

Each region must understand the limits and trends of their water supplies and evaluate alternatives for improving their resilience. Given that all regions are facing climate change stresses even more dramatically than the Leap Ahead Report projected, it is crucial to have up-to-date data on water supply and water demand so that recommendations can be discussed to reconcile the two. That must be a part of the technical support, along with developing a regional water budget which includes a spatial component to assist with Compact compliance and land use planning.

4. Implementation guidance is crucial to ensuring plans are successful.

Implementation must be included in the Rules. Will there be a template for implementation? Plans must include funding mechanisms, monitoring, update, and accountability to ensure follow-through. To show success, the councils will need to update their water budgets through measuring, metering and monitoring.

5. What happened to adjudication and priority administration?

The Rules mention the Active Water Resources Management program [The Councils are mandated to consider the state's existing administration plans under the Active Water Resources Management program, and PPPs can include alternative water administration strategies (under Active Water Resources Management, water markets or banks, voluntary shortage sharing, etc.)]

No mention is made with respect to adjudication being a part of a regional plan. Before AWRM or any similar strategy can be considered, determining who owns what water rights is essential. While it's easy to say agriculture should conserve the most since it uses the most, the situation changes when considering ownership. Plans may have to consider ways to compensate owners to use less of their property. Water rights should be mapped and modeled so that the region can see what the results would be when various strategies are employed. Any water budget model must include a spatial component so the region can see the impacts of transferring water rights, especially from surface rights to groundwater rights.

The following are specific *comments to sections in the draft Rules:

6. 19.25.16.12 Composition of Regional Water Security Planning Councils:

- (i) (c) one representative member identified by the governing body of each irrigation or conservancy district;

* One representative for MRGCD, which straddles 4 counties, and one for San Ysidro, with fewer than 200 residents, does not seem equitable.

- (ii) (d) environmental, conservation, or water advocacy non-governmental organizations with members or local chapters in the region;
- (e) water-based recreational interests located in the region (fishing, rafting, etc.);

- * Group (e) is a conservation group, versus there is no category for non-municipal water rights owners.

7. 19.25.16.14 Considerations For Councils During Planning Processes:

A. Councils shall consider, with resources provided by NMISC staff, the following information for inclusion in regional water security plans:

(i) (1) existing water plans and water resources planning initiatives;

* As mentioned above, nearly ten years have passed since the 2016 planning failure, and even more time will pass until the Councils are appointed and begin to work. Even now, the ISC should be preparing a rule/guideline for regional water budgets, to include up-to-date information regarding usage and climate change ("best available science for considering climate resiliency and increasing aridification"), as well as water rights ownership.

(ii) (2) compliance with state water law, including recognition of established water rights;

* Please include in the definitions what is meant by "established water rights."

(iii) (7) public welfare values

* More guidance as to how is this to be accomplished is needed.

(iv) (8) balancing water uses and the needs of future generations of New Mexicans

* More guidance as to how is this to be accomplished is needed.

B. Councils may consider the following information for inclusion in any regional water security plan:

(i) (2) groundwater management strategies and needs;

* Move to A. Considerations For Councils During Planning Processes.

D. Councils shall develop and update regional water security plans as provided herein using the best available science, data, and models, and may identify data gaps and recommend further studies in their regional water security plans. Councils may not delay the development of or updates to a plan due to lack of data.

* Such as it is, here is the essence of the planning process in the Rules. As described above, this lacks substance. What is needed is a template. Furthermore, the last sentence creates a dangerous loophole. "Gosh, we don't have the data but we can't wait so here's a list of PPPs and we're done."

8. 19.25.16.15 Criteria For Approval Of Regional Water Security Plans:

(i) Conflict?

19.25.16.14 Considerations For Councils During Planning Processes:

(7) public welfare values;

(8) balancing water uses and the needs of future generations of New Mexicans;

19.25.16.15 Criteria For Approval Of Regional Water Security Plans:

(6) council consideration of public welfare values, balancing water uses and the needs of future generations of New Mexico in the region, if any;

* Are these one or two considerations/criteria?

(ii) A. Plans shall include documentation of the following items:

(8) consideration of the regional water balance, including any projected reductions in water availability due to the impacts of climate change or other factors;

* First time a regional water balance is mentioned. Absolutely necessary to measure success but how is it to be created? More guidance as to how is this to be accomplished is needed.

(iii) 7. C. Plans shall include a list of prioritized proposed projects, programs, and policies with each item ranked individually relative to all other PPPs on that sub-list region wide.

* As noted in Comment 5, above, it appears that the regions are being urged to select Active Water Resources Management as opposed to determining the ownership of water rights and developing a plan which recognizes such ownership.

* Developing and maintaining a regional water budget should be included in this list.

* Implementation and reporting on the meeting the goals of the plan should be included in this list.

As others have written, the planning program rules must provide a clear, high-level framework, defining objectives, responsibilities, and implementation processes. The program as set out in the draft Rules does not do so. I hope that the above suggestions will be considered in making this a better program as we strive to create a robust and resilient water future.

Thank you,

Elaine Hebard
1513 Escalante SW
Albuquerque, NM

Regional Water Planning Program
New Mexico Interstate Stream Commission

Re: Draft Rules to Implement Water Security Planning Act

Dear Chairman Sanchez and Members of the Commission:

[my history with RWP]

Thank you for the opportunity to provide input into the development of Regional Planning Rules and Guidelines. What I have handed out is a copy of my comments submitted on September 28, too late for the comment portal but then omitted from the "Notice of Supplemental Filing of Comments after Close of Public Comment Period" document.

Summarizing those comments, there is no planning process included in the Rules. While the objective states that the plans will fulfill lofty ambitions, there is precious little in the Rules as to how that will be accomplished. And as has been said, Guidelines can be ignored.

The Rules call for projects, programs, and policies (PPPs) to be developed. PPPs are an end product of the planning process. Before they can be developed, the regions must go through such a process.

So as to be consistent state-wide, the Rules must provide a standardized template of the process. The template, incorporating water planning principles, should begin with each region creating a vision. Then comes the identification of the problem and goals, and an understanding of the consequences for not meeting goals. How can the needs of future generations be known without such information? How can a public welfare statement to be generated without such information?

Once such steps are taken, scenarios can be developed, weighing feasibility, costs, impacts, and water savings before prioritizing projects and policies that in combination are the chosen initial regional water security plan. Each region should develop a water budget to show success. And then, and only then, can PPPs be developed.

Rather than readiness as a prioritization criterion, PPPs should be evaluated for implementing the regional plan -- such as quantifiable reductions in water overuse or improving climate resiliency.

Implementation must also be included in the Rules. Plans must include funding mechanisms, monitoring, update of data and water budgets, and accountability to ensure follow-through.

It's worth looking again at the 1994 Water Planning Handbook, developed between the New Mexico Water Dialogue and the ISC, which set out the content and analysis of what each plan was to accomplish.

And now a few specific concerns:

1. What happened to adjudication and priority administration?

The Rules mention the Active Water Resources Management. No mention is made with respect to adjudication being a part of a regional plan. Before AWRM or any similar strategy can be considered, determining who owns what water rights is essential. While it's easy to say agriculture should conserve the most since it uses the most, the situation changes when considering ownership. Plans may have to consider ways to compensate owners to use less of their property. Water rights should be mapped and modeled so

that the region can see what the results would be when various strategies are employed. And the water budget model must include a spatial component so the region can see the impacts of transferring water rights.

2. The suggested changes to 9.25.16.12.A (2) (d) removed water advocacy non-governmental organizations. I would suggest adding that back in, to encourage participation from non-environmental groups, such as the League Of Women Voters.

3. The Rule calls for submission of PPPS even if the data is not there to support them. That could create a huge loophole. "Gosh, we don't have the data but we can't wait so here's a list of PPPs and we're done." Basically, that happened in the MRG. Omit that loophole.

There was mention made yesterday of the example of the Rio Puerco and Rio Jemez being a subregion and having their own plan. I'd be happy to answer any questions about that, since I was the lead on that process and plan.

In summary, planning not just a one-time deliverable, it is an iterative process. Planning is to solve problems. The plan must balance water uses and the needs of future generations in the region through an analysis of the long-term sustainability and cumulative impacts of any proposed project, including an estimate of how long any impact or benefits achieved from a project are expected to remain, if any.

As others have stated, the planning program rules must provide a clear, high-level framework, defining objectives, responsibilities, and implementation processes. The program as set out in the draft Rules does not do so. I hope that the above suggestions will be considered in making this a better program as we strive to create a robust and resilient water future.

Thank you,

Elaine Hebard, 1513 Escalante SW. Albuquerque, NM

~~~~~

PS I am providing the following information in hopes of answering some of the Commissioners' questions.

1. An example of a water budget showing the problem.

## **Middle Rio Grande Water Supply Study, Phase 3**

### ***Prepared for:***

**U. S. Army Corps of Engineers Albuquerque District**

**Contract No. DACW47-99-C-0012**

**and**

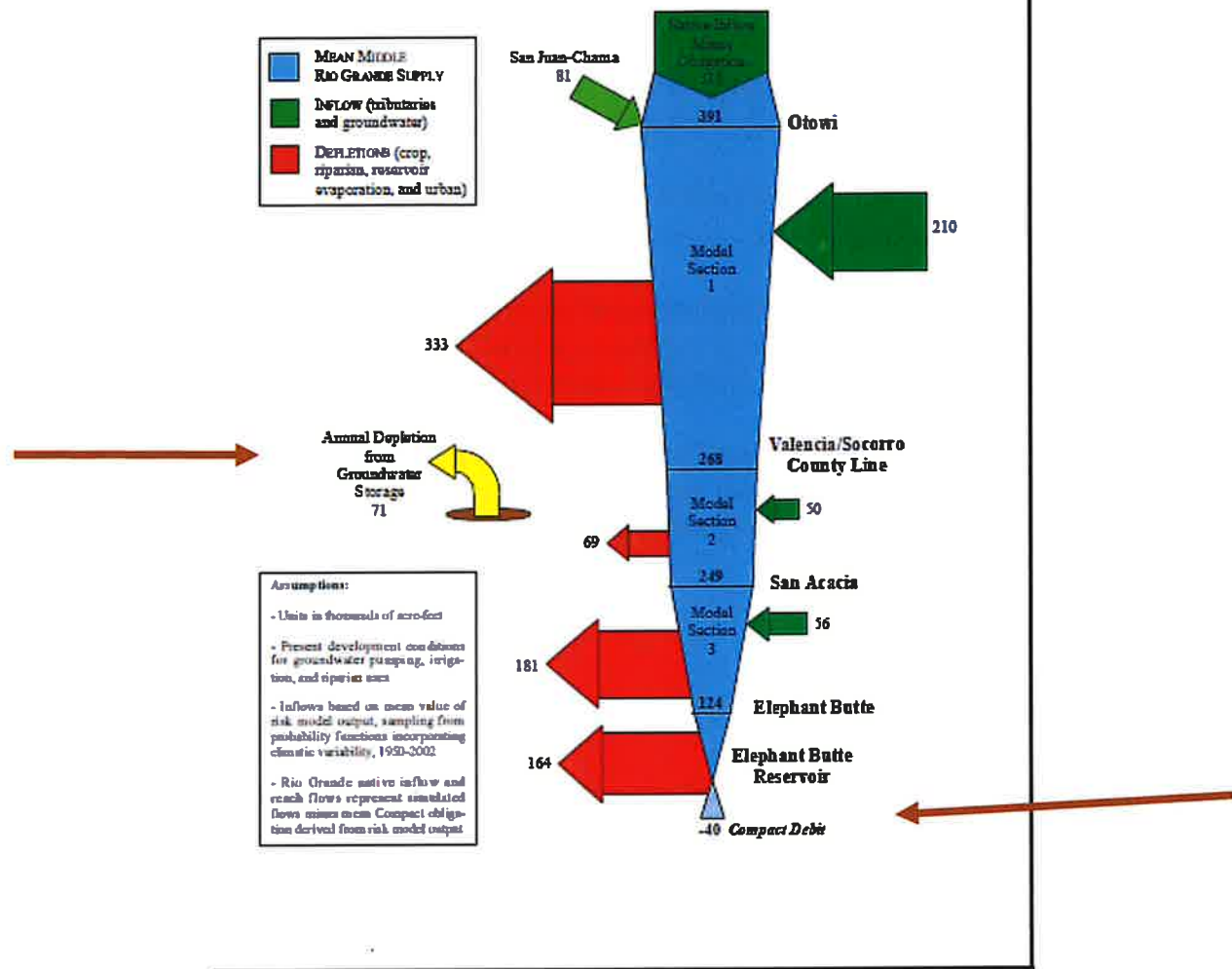
**New Mexico Interstate Stream Commission**

### ***Prepared by:***

**S.S. PAPADOPULOS & ASSOCIATES, INC.**

**November 24, 2004**

Figure ES-2  
Mean Annual Middle Rio Grande Water Supply  
Present Development Condition



## Summary of Conclusions

Key water supply and hydrologic concepts illustrated or derived from this study, with implications for water planning are:

- On average, the historically available water supply is not adequate (including San Juan-Chama Project water and groundwater withdrawals) to meet the present demands in the Middle Rio Grande region.
- To achieve a balance between *renewable supply* and Year 2000 demand, a minimum of 71,000 acre-feet per year, and perhaps as much as 110,600 acre-feet per year of additional supply or reduction in demand is required.
- Given the historic variability of water budget terms, under Year 2000 conditions Rio Grande Compact debit conditions are expected to occur 3 out of every 5 years.
- Under conditions of increased water use in any sector, a reduction of water use from other sectors is required to avoid increasing the Rio Grande Compact debit.

- The groundwater supply within the Study Area is not an independent, disconnected water supply. *Use of groundwater, regardless of location, results in diminished flows of the Rio Grande* that will occur in the present and continue into the future.
- *The water supply is only depleted by consumptive use*; reductions in diversions and return flows resulting in better delivery efficiency do not necessarily improve the water supply.
- *Under drought conditions, annual Compact debits increase in frequency and magnitude*, and water availability limits irrigated agricultural usage 1 year out of every 5.
- Assuming implementation of regional water planning alternatives, Compact deliveries are significantly improved, with Compact deliveries being met at the 50<sup>th</sup> percentile. However, *implementation of the joint alternatives as proposed and included in the planning region reports will be challenging, if feasible.*

In summary, the water supply of the Middle Rio Grande is marked by limitation and variability. Supply appears inadequate to meet demand, and though the regional water plans are a strong beginning in addressing regional water issues, further measures will probably be required to meet regional demand in 2040.

## 2. Sample language to include water rights owners.

The MRG Council of Governments entered into an MOU with the Water Assembly to develop the Regional Water Plan. The COG also created a set of Bylaws in 1999 to form the Water Resources Board and within that, the Water Providers Council. The following include some relevant excerpts:

### BYLAWS of the MIDDLE RIO GRANDE WATER RESOURCES BOARD of the MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS OF NEW MEXICO

There shall be established, within the Water Board membership, a **Water Providers Council** consisting of those representatives of public and tribal water rights holders. Members in the Water Providers Council shall be identified and endorsed by the Water Board. New members of the Water Providers Council may be added whenever appropriate, subject to criteria established by the Water Board.

The Water Providers Council within the Water Board shall serve the purpose of ensuring protection and appropriate utilization of water rights within the Middle Rio Grande Water Planning Region.

Actions taken by the Water Providers Council shall utilize a weighted voting procedure based on specific characteristics of individual members.

A majority vote shall be required to pass and approve decisions of the Water Board with the exception of any vote that would affect or impact water rights. In those cases where water rights are at issue, voting shall be transferred to the Water Providers Council wherein a three-fourths vote will be required to pass and

approve decisions. Any member of the Water Providers Council may call for a water rights issue to be transferred at any time to the Water Providers Council for resolution.

The decision-making procedure for the Water Providers Council shall consist of a separate and distinct weighted voting scheme. The criteria for assigning weighted votes on the Water Providers Council shall be based on the nature and extent of water rights held by each of its members. The number of weighted votes for each member of the Water Providers Council is also displayed on the matrix chart which is attached to these Bylaws as Exhibit 3.

3. Problems with using the Common Technical Platform included the omission of riparian evaporation and river evaporation, not to mention used withdrawals rather than consumption.

### Historical And Current Water Use In The Middle Rio Grande Region

prepared By John Shomaker & Associates, Inc. and Pioneerwest

prepared for

Middle Rio Grande Council of Governments

and the

Middle Rio Grande Water Assembly

June 2000

**Distribution of withdrawals by category in total region, 1995**

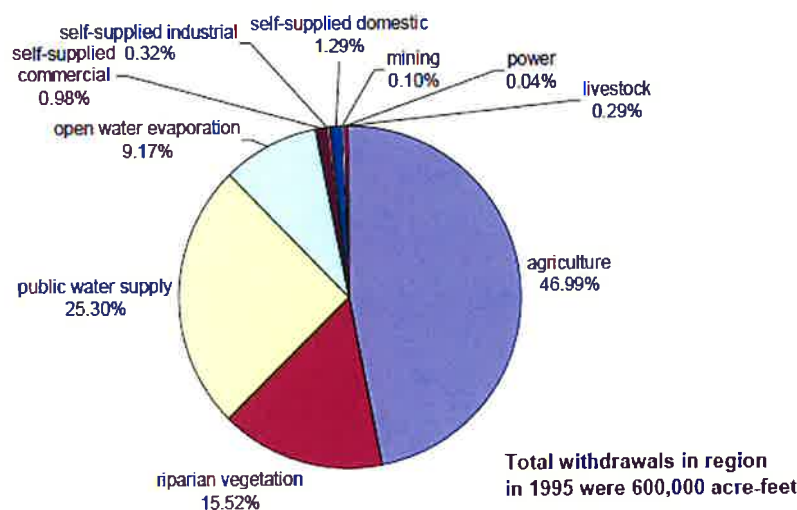


Figure 50. Withdrawal percentages in the entire Middle Rio Grande study area, by category.

Total consumptive use in region in 1995 was 340,000 acre-feet. Within the study area, riparian vegetation accounted for 29 percent of consumptive use; irrigated agriculture, 28 percent; public water supply, 25 percent; open-water evaporation, 16 percent; and all other consumption categories fill out the remaining 2 percent of water consumption.

### Distribution of consumptive use by category in whole region, 1995

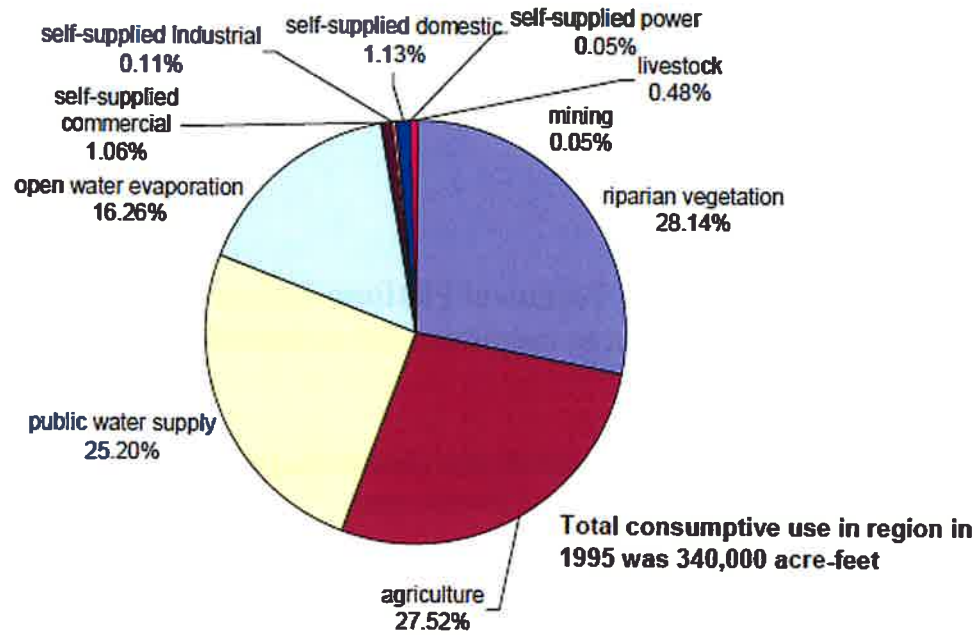


Figure 52. Percentages of consumptive use by different categories in the Middle Rio Grande Region.

**Salazar, Jennifer, OSE**

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**From:** Elaine Hebard <ehebard@yahoo.com>  
**Sent:** Friday, October 17, 2025 11:40 AM  
**To:** Salazar, Jennifer, OSE  
**Subject:** Re: [EXTERNAL] Fw: Submit Your Comment: Shape Regional Water Planning  
**Attachments:** Ch4.pdf; Water Board Laws.pdf

One last email.

The MRG had the Water Assembly and the Water Resources Board as the joint planning entity, with many serving in both groups. Attached is Chapter 4 from the 2004 Plan, which includes the Assembly. Also attached are the bylaws of the WRB.

Elaine

On Friday, October 17, 2025 at 10:56:51 AM MDT, Elaine Hebard <ehebard@yahoo.com> wrote:

Thank you!

In thinking about the subregion issue -- a bit more context to my answer yesterday.

When the ISC allowed Socorro and Sierra Counties to split off from the MRG planning region, it not only split the hydrologically connected basin as well as the Compact basin. Not only did it make it more difficult to plan to avoid Compact deficits, for instance, but it made it easier for certain groups in our region to balance the water budget using S/S water without pushback!

Allowing for the creation of the Rio Jemez y Rio Puerco subregion allowed for the development of their own plan while ensuring that the process and product meshed with the MRG one.

Elaine

# 4

## Public Participation in the Planning Process

This chapter describes how the public participated in the water planning process, including events, activities, and participants. It shows what was actually done to fulfill the public participation strategy identified in Chapter 3. Because the water planning process was directed largely through the volunteer efforts of the Middle Rio Grande Water Assembly (Water Assembly), it was de facto a public effort, as opposed to a government-led effort. More than 2000 individuals contributed many tens of thousands of person hours, some paid, mostly volunteer. Throughout the process, the Water Assembly has used the term public participation to mean providing numerous opportunities for residents in the region to provide input at every stage of plan development.

The authors have made every attempt to identify all the stakeholders, participants, events and materials that were part of this process. Any omissions are inadvertent. This chapter includes the following:

- List of Stakeholders and Participants
- Public Water Planning Events
- Materials Prepared for Public Dissemination
- Negotiation Process

### 4.1 List of Stakeholders and Participants

The coordination between the Water Assembly and the Water Resources Board, which the Mid-Region Council of Governments (MRCOG) established, made the process collaborative from the outset. As described in Chapter 1, the Water Assembly was responsible for working with non-governmental entities and the general public for generating the plan. The Water Resources Board has the responsibility for working with local governments to implement the plan.

The Water Assembly had active volunteers from throughout the region, thus providing input to the plan that represents the values and concerns for the entire planning area. Additionally, to ensure that various perspectives were well represented, the Water Assembly established five constituency groups, each advocating for particular interests in the region. These groups were:

- Specialists—including but not limited to academics, researchers, data managers, consultants, and agency staff
- Managers—representatives of firms, agencies or jurisdictions responsible for water provision or management
- Environmental Advocates
- Agricultural, Cultural and Historical Water Use Advocates
- Urban Users and Economic Development Advocates

The Water Resources Board includes representatives from local governments and other decision-making bodies through the region. The following local governments and other entities are active WRB members:

- Bernalillo County
- Sandoval County
- Valencia County
- City of Albuquerque

### *Middle Rio Grande Regional Water Plan*

- City of Rio Rancho
- Town of Bernalillo
- Village of Bosque Farms
- Village of Corrales
- Village of Cuba
- Village of Los Lunas
- Village of Los Ranchos de Albuquerque
- Village of Tijeras
- Albuquerque Metropolitan Arroyo Flood Control Authority
- Middle Rio Grande Conservancy District
- Southern Sandoval County Arroyo Flood Control Authority
- Village of Jemez Springs
- Village of San Ysidro
- City of Belen
- Isleta Pueblo (early in process)

Additionally, the Water Assembly, the Rio Jemez Subregion, and the Rio Puerco Subregion are ex-officio members. This highly representative structure ensured that the plan would be inclusive and represent the diversity within the region. To generate an even more inclusive process, the Water Assembly dedicated tremendous time and energy to presenting information to and requesting feedback from numerous stakeholder groups as well as the general public.

#### **4.1.1 Stakeholder Constituencies**

Everyone in the Middle Rio Grande Region is a stakeholder when it comes to regional water planning. One measure of public participation, however, is how many specific stakeholder groups were involved. The Water Assembly and the Mid-Region Council of Governments delivered numerous presentations and discussed the relevant issues with many different stakeholder groups. These meetings gave stakeholder groups the opportunity to ask questions and to comment on the planning process and plan contents.

In the Middle Rio Grande Region there are several categories of stakeholders, and within each category a number of different entities represent different water interests. Following is a list of these categories and stakeholders.

#### *Federal Entities*

The Mid-Region Council of Governments had the responsibility to keep the New Mexico congressional delegation informed about the water planning process. They submitted information as appropriate to:

- Senator Pete Domenici
- Senator Jeff Bingaman
- Representative Heather Wilson
- Representative Tom Udall

Additionally, the Water Assembly formally briefed Representative Udall on August 26, 2003.

The Water Assembly structure included the External Coordination Working Team, which had a responsibility to reach out to federal and state agencies to keep them informed about the planning process

and to request feedback on various activities. In an 8 October 2002 meeting, representatives from the following federal agencies received an update on the regional water plan:

- U.S. Geological Survey
- U.S. Army Corps of Engineers
- Bureau of Indian Affairs
- Kirtland Air Force Base
- U.S. Fish and Wildlife Service
- U.S. Bureau of Reclamation
- Sandia National Laboratories
- U.S. Department of Agriculture (Natural Resources Conservation Service)

A similar group of representatives were also briefed on 11 September 2003. Additionally, MRCOG staff met with several federal agencies concerning various specific aspects of the planning process.

### *Tribal Entities*

Tribal entities were invited to participate in both Water Assembly activities and to be members of the Water Resources Board. Water Assembly volunteers invited pueblo representatives to all meetings and have consistently had tribal representatives speak at the Annual Assemblies. Representatives from the planning group have discussed the water planning process with the pueblos and other tribal entities on various occasions. Additionally, following Water Resources Board meetings concerning the plan, the MRCOG sent information the pueblos to keep them apprised of planning activities and to reiterate that the pueblos were welcome to join the process at any time. See Historical Archive B for sample correspondence.

The tribes were reluctant to participate directly in the water planning process, perhaps due to concerns that such participation could jeopardize their legal positions and set a precedent for engaging in government to non-government relations. Tribal entities have prior and paramount water rights. What this means for the future is uncertain and most likely will become mired in the courts. Although this uncertainty of rights imposes uncertainty upon the planning process, the water plan can still make recommendations for how water should be used in the region while deferring the not inconsequential issues of who pays and who gets paid for the water.

### *State Entities*

The Water Assembly and MRCOG interacted regularly with various state-level organizations about the plan. Provided here are examples of this interaction:

- The Water Assembly gave presentations to the Interim Committee on Water and Natural Resources in the State Legislature in November 2001 and September 2003
- The External Coordination Working Team invited the sitting New Mexico State Senators and State Representatives from the region, as well as the candidates for State Representative positions to an informational meeting held on 8 November 2002.
- The State Engineer and the Director of the Interstate Stream were regularly kept apprised of the planning progress from both the Water Assembly volunteers and the MRCOG staff. Most recently, there were focused briefings held on 5 February 2002, 18 June 2002, and 16 May 2003.
- The Water Assembly and the MRCOG had regular ongoing discussions with ISC staff during execution of contracts for Phase I and Phase II (see Historical Archives A-1 and A-2 for contracts). Additionally, the regional ISC Commissioner regularly participated in Water Assembly Action Committee meetings through 2002.

### *Middle Rio Grande Regional Water Plan*

- A briefing was presented to personnel from the following State agencies that are concerned with water issues in late May 2003:
- John D'Antonio – State Engineer
- James Davis - Surface Water Quality Bureau, New Mexico Environment Department (NMED)
- Marcy Leavitt – Ground Protection and Remediation Bureau, NMED
- Howard Lundstrom, NMED
- Rhea Graham - Interstate Stream Commission
- Estavan Lopez – Director, Interstate Stream Commission
- Mary Helen Follingstad – Interstate Stream Commission
- David Ruiz – Director, Local Government Division, Department of Finance and Administration (DFA)
- Ken Hughes, Local Government Division, DFA
- Jim Condis – Director of Information, Solid Waste Department
- John O'Connell, Enforcement Division, Solid Waste Department

### *Local Governing Bodies*

Besides the monthly meetings of the Water Resources Board, which includes representatives from many local governments, there has been significant interaction with local governments through presentations to their governing bodies. The following is not a comprehensive listing, but provides examples of the types of agencies that Water Assembly volunteers or MRCOG staff met with throughout the planning process.

- Valencia County, County Commission—1 May 2001; 3 June 2003, 5 August 2003
- City of Belen, Ralph Sigula—6 March 2001; City Council—6 May 2002, 19 May 2003, 21 July 2003
- Town of Estancia—18 November 2001
- Village of Los Lunas, Village Council—6 June 2002, 24 July 2003
- Bosque Farms, City Council —16 January 2003, 17 July 2003
- Bernalillo County Commission—10 June 2003
- Town of Bernalillo, Board of Trustees —15 June 2002, 28 July 2003
- Albuquerque/Bernalillo joint city/county Utilities Board—27 October 2000
- Albuquerque City Council—22 Jan 2003, 18 August 2003
- Village of Los Ranchos de Albuquerque, Board of Trustees—12 December 2002, 31 July 2003
- Sandoval County, County Commission—6 December 2001, 19 June 2003
- City of Rio Rancho, Planning and Zoning Board—29 August 2000; Mayor Owen—14 February 2002; City Council—8 October 2002, 28 May 2003, 10 September 2003
- Village of Jemez Springs—30 April 2002; Water Co-op—18 May 2002, Board of Trustees—13 August 2003
- San Ysidro Board of Trustees—12 August 2003
- Cuba Village Council—29 July 2003
- Tijeras City Council—11 August 2003

- Corrales Village Council—22 July 2003
- Sandia and Manzano Regional Acequia Association gave a presentation to Action Committee—21 May 2003
- Water Assembly gave a presentation to Sandia and Manzano Regional Acequia Association—14 June 2003
- Water Resources Board membership request from Acequia La Rosa de Castilla, Inc. to Mid-Region Council of Governments—24 September 2002.
- Water Assembly gave a presentation to Las Placitas Acequia Association—20 February 2003
- Water Picture Show Presentation for San Antonio de las Huertas Acequia—30 August 2000
- Albuquerque and Bernalillo County Ground Water Protection Advisory Board—14 August 2003

### *Special Districts*

- Middle Rio Grande Conservancy District Board—25 November 2002
- Albuquerque Metropolitan Arroyo Flood Control Agency, Presentations to Directors—30 October 2001, 26 September 2002
- Southern Sandoval County Arroyo Flood Control Agency, Presentation to Directors – 19 August 2003

### *Neighboring Regions*

- Socorro-Sierra Region—August 2002; April 2003; gave presentation to the Water Assembly Action Committee—19 July 2000
- Estancia Region—21 December 2000, 18 January 2001, 15 March 2001, 19 April 2001
- Jemez y Sangre Region gave a presentation to the Water Assembly Action Committee—19 July 2000

### *Non-Governmental Organizations*

Throughout the planning process representatives from a diverse array of organizations participated in Water Assembly presentations, public meetings or were more actively involved in developing this plan. Additionally, Water Assembly volunteers gave formal presentations and frequently discussed the planning process with leaders from these various organizations.

- League of Women Voters, Water Assembly delivered a formal presentation—19 June 2001.
- National Council of Churches, presentation—8 January 2003
- Intel Corporation, presentation—2001, 25 February 2002
- American Water and Wastewater Association, Water Assembly gave a presentation—27 November 2001.
- City of Albuquerque, Chamber of Commerce —30 October 2002, 13 December 2002, 5 June 2003
- Economic Forum —20 February 2003
- Hispano Chamber of Commerce —19 June 2003
- Master Gardeners, Water Assembly gave a presentation—6 June 2003
- Friends of Placitas, Water Assembly gave a presentation—8 November 2000
- New Mexico Water Dialogue

### *Middle Rio Grande Regional Water Plan*

- NM Rural Water Association
- Sierra Club
- National Association of Industrial and Office Properties
- Business Water Task Force
- ESA Collaborative Program
- Rio Grande Restoration
- 1000 Friends of New Mexico
- Association of Rate Payers (Middle Rio Grande Conservancy District)

### *Other Outreach Efforts*

There were other places and events where the Water Assembly presented information on the water planning process. Examples include:

- Presentation to a seminar at the University of New Mexico—26 April 2001
- State Fair Booth—20 September 2002
- Middle Rio Grande Conservancy District (MRGCD) Irrigation System Tour—2002
- Santa Fe Opera Wetlands Tour—8 June 2003

### **4.1.2 Individual Participants**

This water planning process involved thousands of people at different times and in different capacities. Tracking all individuals who actively participated in the planning process was a monumental task and hence, there are undoubtedly inadvertent omissions in the following lists.

Approximately 3000 individuals have attended Water Assembly activities as indicated by sign-ins at annual Assemblies, Community Conversations, and other gatherings. MRCOG has documented who attended in order to maintain a mailing list so that interested individuals received pertinent information about the planning process and opportunities for continued public input. Additionally, as part of their contract with the Interstate Stream Commission, the MRCOG was tasked with maintaining a public comment database to record individual comments on the plan as the process unfolded. More than 2300 comments were received in this planning effort.

Each of the constituency groups who advocate for one viewpoint or another met through the course of the planning process. Active participants for each group are listed below:

### *Specialists*

|                   |                 |                 |
|-------------------|-----------------|-----------------|
| Lee Brown         | B.J. Brock      | Corinne Brooks  |
| Brian Burnett     | Cliff Crawford  | Cliff Dahm      |
| Chuck Easterling  | Bob Grant       | Sterling Grogan |
| Steve Hansen      | Michelle Henrie | Ed Kelley       |
| Mike Kernodle     | Steve Kolk      | Dick Kreiner    |
| Jamie McCall      | Joanne McEntire | Mike McGovern   |
| Dwight Miller     | Suzanne Mills   | Ken Muller      |
| Howard Passell    | Frank Robinson  | John Shomaker   |
| Gail. R. Stockton | Howard Stone    | Amber Tafoya    |

*Middle Rio Grande Regional Water Plan*

Frank Titus

Erik Webb

Bob Prendergast

*Managers*

Mary Murnane

John Stomp

Subhas Shah

Dee Fuerst

Ed Whaley

Jaqueline Guilbault

Bob Swartwout

Betty Behred

Matt Holmes

Susan Kelly

Larry Webb

Lorri Skeie-Campbell

*Environmental Advocates*

Kevin Bean

Danny Hernandez

Reid Bandeen

Sue Sayton

Mike Hightower

Marty J Mitchell

Thomas E. Luebben

Steve Harris

Martin Zehr

Maya Key

Ed Payne

Elaine Hebard

Maggie Seeley

Leanne Leith

Cynthia Gomez

Terry Hicks

Larry Shore

Harry Day

Peter Neils

Simone Seiler

Marcus Hopkins

Andrew Homer

Dee Fuerst

*Agricultural, Cultural and Historical Water Use Advocates*

Janet Jarratt

Jessie Fitzgerald

Glen Young

Ann Rustebakke

Lisa Robert

Will Ouellette

Marcia Fernandez

Rip Anderson

Ted Hewes

Elizabeth Chestnut

John Brown

Carlos Madrid

*Urban Users and Economic Development Advocates*

Andy Smith

Bill Keleher

Bob Simon

Brian Burnett

Bud Williams

Carol Hart

Chuck Barnhart

Chuck Gara

Dave Hill

Dave Simmons

Donna Detwile

Eileen Grevey Hillson

Elaine Hebard

Fred Ambrogi

Helen Wright

Jennifer Schuetz

Jim Mocho

John Henderson

John Hooker

Julia Fitzsimmons

Julie Stephens

Kate Southard

Keith Bandoni

Larry Shore

Leslie Kryder

Lilly Otto

Lora Lucero

Marianne Woodard

Martin Haynes

Martin Zehr

Michael Kelly

Pauline Gubbels

Scott Throckmorton

Scott Whittington

Stan Euston

Trudy Jones

### *Middle Rio Grande Regional Water Plan*

Water Assembly working teams completed most of the actual planning work. As their respective names imply, each team had a different functional role in the planning process (see Section 1.3.9). Participants in those teams are listed below:

#### *Public Participation and Communication*

|                   |                    |                |
|-------------------|--------------------|----------------|
| Kevin Bean        | Bob Prendergast    | Bob Wessely    |
| Danny Hernandez   | Don Rudy           | Elaine Hebard  |
| Janet Blair       | Jennifer Schuetz   | Jessica Ciddio |
| Joanne McEntire   | John Brown         | Kim Greenwood  |
| Larry Shore       | Linda Jackson      | Lisa Robert    |
| Marty Mitchell    | Elizabeth Chestnut | Eric Roth      |
| Kristan Cockerill | Susan Gorman       | Steve Harris   |
| Ric Richardson    | Joe Quintana       | Jim Gross      |

#### *Alternatives Working Team*

|                 |                 |                 |
|-----------------|-----------------|-----------------|
| Mary Murnane    | Ed Payne        | Frank Robinson  |
| Joanne McEntire | Bob Prendergast | Andy Smith      |
| Joe Quintana    | Lynn Montgomery | Mike McGovern   |
| Sue Umshler     | Marilynn Cooper | Leslie Kryder   |
| Mike Voorhees   | Reid Bandeen    | Richard Barrish |
| Marty Mitchell  |                 |                 |

#### *Analysis Team*

|                 |                |                 |
|-----------------|----------------|-----------------|
| Lee Brown       | Howard Stone   | Frank Robinson  |
| Sterling Grogan | Howard Passell | Brian Burnett   |
| Bob Wessely     | Mike Kernodle  | Michelle Henrie |
| Elaine Hebard   | Marty Mitchell | Frank Titus     |
| Mike McGovern   | Corinne Brooks | Janet Jarratt   |
| Ed Payne        | Glenn Young    | Scott Hak       |
| Gary Stansifer  | Suzanne Mills  | John Stomp      |
| Subas Shah      | Frank Jones    |                 |

#### *Cooperative Modeling Team*

|                 |                 |                       |
|-----------------|-----------------|-----------------------|
| Howard Passell  | Celina Jones    | Andy Smith            |
| Bob Prendergast | Bob Wessely     | Charles M. Easterling |
| Elaine Hebard   | Janet Jarratt   | John R. Brown         |
| Marilyn O'Leary | Matthew Holmes  | Mike Kernodle         |
| Reid Bandeen    | Vincent Tidwell | Lee Brown             |

*External Coordination Working Team*

|                 |                 |                   |
|-----------------|-----------------|-------------------|
| Pauline Gubbels | B.J. Brock      | Mary Anne Woodard |
| Bob Swarthout   | Danny Hernandez | Elaine Hebard     |
| Brian La Motta  | Bob Wessely     | Bob Prendergast   |
| Lee Brown       | Larry Blair     | Mike Trujillo     |
| Joe Quintana    |                 |                   |

*Administration and Finance Team*

|                 |                |              |
|-----------------|----------------|--------------|
| Bob Prendergast | B.J. Brock     | Sharon Aller |
| Elsa Bumstead   | Larry Webb     | Lee Brown    |
| Sterling Grogan | Marty Mitchell | Joe Quintana |
| John Shomaker   |                |              |

Over the seven years, several people served as officers for the Water Assembly. These people are listed below.

|              |                                                           |
|--------------|-----------------------------------------------------------|
| Chairs:      | Bob Swartwout, Lee Brown, Bob Wessely                     |
| Vice Chairs: | Frank Robinson, Bob Prendergast                           |
| Treasurers:  | James Burson, Marty Mitchell, Howard Stone, Elaine Hebard |
| Secretaries: | Marty Mitchell, Lisa Robert, Betty Behrend, B.J. Brock    |

**4.1.3 Organizational Participants**

Mid-Region Council of Governments staff supported the planning process. One of the key tasks that MRCOG completed was to maintain the Public Comment Database (see Supporting Document D). For the community conversations, regional forums and annual assemblies, public comments were captured and entered into the database for use in developing this plan. Following MRCOG staff members who contributed to this plan at some point during the process:

Lawrence Rael, Executive Director (2002-2003)  
Fabrizo Bertoletti, Acting Executive Director (2000-2001)  
Chris Blewett, Acting Executive Director (2001)  
Dennis R. Foltz, former Executive Director (-2000)  
Joe Quintana, Regional Planning Manager  
Steve Burnstein, former Senior Regional Planner  
James Gross, former Director of Water Planning  
Mike Trujillo, Water Planning Coordinator, Administrative Services Director  
Janice Carolan, former Administrative Services Director  
Linda Jackson, former Communications Specialist, Accountant  
Dave Abrams, Information Systems Manager  
Carol Earp, GIS/Cartographer  
Wendy Vigil, Office Manager

*Middle Rio Grande Regional Water Plan*

Barbara Thomas, Secretary  
Deborah Eckert, former Secretary  
Lily Montoya, former Secretary  
Barbara Yelle, former Secretary  
Hope Nealson, Secretary  
Jerilynn Sans, Secretary  
Nicole Ortiz, Clerk

Following are the individuals who have served on the WRB at various points since its inception.

*Special Districts and Authorities*

Hector Gonzales, MRGCD  
Joseph Griego, MRGCD  
Subhas Shah, MRGCD  
Daniel Hernandez, Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA)  
David Stoliker, Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA)

*Municipalities*

**City of Albuquerque**

|            |             |            |
|------------|-------------|------------|
| Ted Asbury | Larry Blair | John Stomp |
|------------|-------------|------------|

**City of Belen**

|                    |                   |
|--------------------|-------------------|
| Julie Baca         | Eric Hill         |
| A. Terese Ulivarri | Richard Jaramillo |

**Town of Bernalillo**

|                 |            |
|-----------------|------------|
| Charles Aguilar | Ida Fierro |
|-----------------|------------|

**Village of Bosque Farms**

|                |                 |
|----------------|-----------------|
| Kenneth Bishop | Ginger Eldridge |
|----------------|-----------------|

**Village of Corrales**

|              |               |
|--------------|---------------|
| F. Lee Brown | Ed Richardson |
|--------------|---------------|

**Village of Los Lunas**

|               |
|---------------|
| Betty Behrend |
|---------------|

**Village of Los Ranchos de Albuquerque**

|                  |              |
|------------------|--------------|
| Leo Bartolucci   | John Hooker  |
| Marianne Woodard | Donald Lopez |

**City of Rio Rancho**

|                |               |
|----------------|---------------|
| Frank Faustine | Dee Fuerst    |
| Larry Webb     | Henry Pacelli |

*Counties*

**Bernalillo County**

|              |               |            |
|--------------|---------------|------------|
| Mary Murnane | Jeff Peterson | Juan Vigil |
|--------------|---------------|------------|

**Sandoval County**

|                |                |
|----------------|----------------|
| William Sapien | Brad Stebleton |
|----------------|----------------|

**Valencia County**

|                |                 |            |
|----------------|-----------------|------------|
| Alicia Aguilar | James Fernandez | Al Padilla |
|----------------|-----------------|------------|

*The Pueblos*

John Sorrell, Isleta Pueblo

*Ex-Officio Members*

|                                      |                                    |
|--------------------------------------|------------------------------------|
| F. Lee Brown, Water Assembly         | Emmett Cart, Rio Jemez Subregion   |
| Robert Cordova, Rio Puerco Subregion | Robert Swartwout, Water Assembly   |
| Robert Wessely, Water Assembly       | Marion Woolf, Rio Puerco Subregion |

Other people, as contractors or subcontractors, made significant contributions in various roles. They include:

Howard Passell, Sandia National Labs, Regional Modeler  
Vincent Tidwell, Sandia National Labs, Regional Modeler  
Steve Conrad, Sandia National Labs, Regional Modeler  
Erik Webb, Sandia National Labs, Regional Modeler  
Marilyn O’Leary, UNM/Utton Transboundary Center, Director  
Celina Jones, UNM/Utton Transboundary Center, Modeling Facilitator  
Lucy Moore, Lucy Moore and Associates, Facilitator  
Ric Richardson, Lucy Moore and Associates, Facilitator  
Ed Moreno, Ed Moreno and Associates, Facilitator  
Lilly Irvin-Viteal, Ed Moreno and Associates, Facilitator  
Leslie Kryder, LesLie Consulting, Technical Editor  
John Shomaker, John Shomaker & Associates, Hydrologist  
John Brown, UNM Institute for Public Policy, Opinion Surveyor  
Amelia Rouse, UNM Institute for Public Policy, Opinion Surveyor  
Amy Goodin, UNM Institute for Public Policy, Opinion Surveyor

## *Middle Rio Grande Regional Water Plan*

Dominique Cartron, D.B. Stephens & Associates, Program Manager

Mark Miller, D.B. Stephens & Associates, Analyst

Joanne Hilton, D.B. Stephens & Associates, Analyst

Rob Leuthauser, Natural Resources Management, Consultant

Myra Siegal Friedman, Public Policy Administration, EJJ Communications

Phyllis Taylor, Senior Planner, Sites Southwest

Mike McGovern, Bohannon Huston, Inc., Analyst

Brian McDonald, Consultant, Economist

Ted Jojola, University of New Mexico, Professor of Planning

Susan Kery, JD, Sheehan, Sheehan & Stelzner

John, Utton, JD, Sheehan, Sheehan & Stelzner

Peter Chestnut, JD, Sheehan, Sheehan & Stelzner

Amy Miller, Rick Johnson & Company, Public Outreach

Alexis Kerschner, Rick Johnson & Company, Public Outreach

## **4.2 Public Water Planning Educational Events**

Crucial to ensuring opportunities for the general public to participate in the planning process, the Water Assembly and the Mid-Region Council of Governments hosted numerous public events. The diverse opportunities for the public to provide input or otherwise contribute to the plan are described here.

**Annual Assemblies** – From 1997 through 2003, seven annual assemblies were held on the University of New Mexico campus. These sessions, with attendance ranging from 100 to 300, served to present various aspects of the regional water situation and the status of the water planning process to interested parties. The sessions also provided an opportunity for the various constituencies to select Action Committee representatives and bring their interests/issues into the process. Representative advertising flyers and posters for annual assemblies are in Historical Archive G-1.

**Roadshows** – The first series of presentations to community groups and the general public were called Roadshows. Primarily educational, they were designed to provide background information on regional water planning, the conclusions reached in previous water supply studies, and the essential questions that a regional water plan would have to address. The Roadshow was presented 27 times throughout the region from January through September 1999. The slides, script and a list of the sessions are in Supporting Document C-3.

**Water Picture Show** – The Water Picture Show was an updated and expanded version of the Roadshow, which provided a more detailed explanation of the water situation. The slides for the Water Picture Show presentations appear in Supporting Document C-4.

**Community Conversations** – From 2000 through 2003, there were six series of facilitated community conversations. Each series consisted of well-advertised public meetings conducted in the region's three counties. The themes/topics for the six series were: Issues and Problems, Goals and Objectives, Preliminary Alternatives, Alternative Actions, Alternative Action Evaluations, and Alternative Scenario Convergence. The community conversations were designed to be more intimate settings to allow the public to ask questions and interact with technical experts and to then express their opinions and concerns related to developing the plan. Advertising flyers and posters for various community conversations are in Historical Archive G-3.

**Regional Forums** – Following several series of community conversations, facilitated regional forums were held, inviting participants from across the entire region. These well-attended sessions were used to refine and coordinate the feedback that had been received from the respective community conversations.

Advertising materials for forums are in Historical Archive G-2 and summaries from forums are in Supporting Document C-5.

Open Houses - To gather public comment on the actual plan, there were three Open Houses , one in each county. Attendees had the opportunity to provide feedback on the final draft of the plan.

Public Opinion Surveys – The Institute for Public Policy at the University of New Mexico conducted two public opinion surveys on water issues. One was conducted in late 1999 and the other in late 2002. Both surveys were conducted on a statewide basis, with an oversample in the Middle Rio Grande Region. Survey results were worked into the overall water planning decision processes. The first survey looked at respondents' relative values for water, and the second focused on asking how the respondents would trade off uses in a water-short situation. A summary of the first survey results is in Appendix C-5 and a full report from the survey is in Supporting Document H-7.

Action Committee Meetings – The Action Committee of the Water Assembly was the primary decision-making body. It consisted of five representatives and five alternates from each of the five constituency groups, and the four officers (59 people in all). As noted previously, the constituency groups are:

- Specialists
- Managers
- Environmental Advocates
- Agricultural, Cultural and Historical Water Use Advocates
- Urban Users and Economic Development Advocates

The Action Committee met at least once each month and like all meetings, they were open to the public. At these meetings, attendees reviewed and discussed all of the diverse aspects of water planning, including public attitudes and feedback. The group negotiated among the constituency groups to reach resolution as to what elements became part of the regional water plan. Meeting agendas are presented in Historical Archive D-1.

Executive Committee Meetings - The Executive Committee of the Water Assembly was the administrative body and consisted of the chairs of the five constituency groups and the four officers (nine people in all). The Executive Committee met at least once each month. These public sessions addressed managerial and logistical issues in the water planning process. Meeting agendas are presented in Historical Archive D-2.

Constituency Group Meetings – The constituency groups were established to ensure that the diverse opinions found throughout the region had a strong voice in the planning process. Each constituency group met at a frequency that was comfortable to the group. This frequency ranged from quarterly to monthly. At constituency group meetings, attendees reviewed issues and advocated a position to take back to the larger planning body. These groups completed several tasks to contribute to the water plan, including developing a water balancing budget and creating scenario vision statements that reflected each groups' advocacy position. In addition, the groups regularly provided feedback and guidance to the water planning process and activities. Information from the Water Balancing Exercise is in Supporting Document I. Constituency group meetings were not formal and minutes were usually not kept.

Working Team Meetings – The Water Assembly working teams were the non-advocacy groups whose role was to ensure that the planning process stayed on track. The Water Assembly has six permanent working teams:

- Public Participation and Communication
- Alternatives Working Team
- Analysis Team
- Cooperative Modeling Team
- External Coordination Working Team
- Administration and Finance Team

### *Middle Rio Grande Regional Water Plan*

Typically, these working teams met once or twice per month to accomplish their respective tasks. Meetings were not formal and minutes were usually not kept.

**Water Resources Board Meetings** – The Mid-Region Council of Governments established the Water Resources Board with a representative and an alternate from many of the government entities within the region. The Water Resources Board served as an information conduit to and from the local governments in the region. The Water Resources Board met on a monthly basis and received regular briefings on various aspects of the water planning program. A selection of minutes or summaries are presented in Historical Archive D-3.

**Joint Action Committee and Water Resources Board Meetings** –Public joint meetings were held with the Water Assembly Action Committee and the Mid-Region Council of Governments' Water Resources Board. The first was an all day working session at Intel in January 2001 to develop the outline and annotated table of contents for the regional water plan. The second was a series of in-depth briefings, mostly for the Water Resources Board people, at the South Valley Community Center in July 2002. Several more sessions were held in 2003 to develop the preferred scenario and resolve other issues. Reports from these joint sessions are in Historical Archive G-4.

**Media Interaction** – In addition to providing regular press releases and a full media kit (see Supporting Document C-7), including story ideas, Water Assembly volunteers participated in several local radio and television publicity events and delivered presentations to print media outlets. These included:

- Regional Forum Series 3 was televised by KRQE TV, Channel 13—4 November 2000
- “Hell or High Water - I” KNME TV Channel 5, KRQE Channel 13 Specials—26 October 2000 and Channel 5—19 April 2003
- “Hell or High Water - II” KNME TV Channel 5, KRQE Channel 5 Specials—April 2003
- “Hell or High Water - III” KNME TV Channel 5, KRQE Channel 5 Specials—April 2003
- KNAT Channel 23 Interviews—October 2002, September 2003
- “In Focus” KNME TV Channel 5 Regular Program—March 2003
- Regular call-In Program, KUNM Radio—April 2002
- Albuquerque Journal Editorial Board —February 2002
- Albuquerque Tribune Editorial Board—August 2002

### **4.3 Educational Materials Prepared for Public Dissemination**

The Water Assembly prepared written materials to distribute at meetings and/or to mail to the general public. The materials also formed the basis for collecting media kits that were presented to editorial boards, and other media personnel. These materials addressed particular topics in and around the water planning process and the water planning issues. The printed materials included:

- The Water Budget – A public readable booklet with the results of an analysis showing where water comes from and where it goes
- Middle Rio Grande Regional Water Plan Background - a handout containing some history, progress and plans
- A Water Plan for the Middle Rio Grande – a handout addressing what, why, and who of regional water planning
- Water Budgeting and Planning for the Middle Rio Grande: Information Summary and Water Budget Facts – a handout identifying multiple aspects of the water planning problem
- Water Budgeting and Planning for the Middle Rio Grande: Questions and Answers – handout describing water planning

### *Middle Rio Grande Regional Water Plan*

- Some Statistics on Attitudes and Preferences of Residents of the Middle Rio Grande Water Planning Region Regarding Water Issues – a handout summarizing the results of the first public opinion survey
- Monthly Meeting Schedule Public Notice – a handout announcing the various standard working team and other regular meetings along with contact information
- Middle Rio Grande Regional Water Plan Publications Listing – a list of references on various water planning topics
- Candidate Alternative Action Descriptions for the Regional Water Plan – a booklet defining and describing the 44 candidate alternative actions
- Alternative Action Database – a matrix showing the results of an analysis with 28 attributes for each of the 44 candidate alternative actions
- Feasibility of Candidate Alternative Actions - a booklet providing summaries, technical details, and analyst ratings for the 44 alternative actions
- Summary Tabulation of Technical Attributes of Alternative Actions – a matrix showing the analysts' summary data for each alternative action
- Press Releases (numerous) – summaries for the press to announce meetings or other key events
- Water Alternatives Fact Sheet – a handout listing the 44 candidate alternative actions
- Water Planning FAQ's – a handout updating the previous questions and answers
- Water Budget Fact Sheet – a handout depicting the water budget situation for the region
- Most Valued Water Uses – a handout extracting a key preferences tabulation from the first public opinion survey
- Today's Water Use Picture – pie chart showing the allocation of consumptive uses in the region
- Story Ideas – a handout focusing on some of the key issues and problems in the water planning process
- Newsletter – July 1999 - summarizing 3<sup>rd</sup> Assembly
- Newsletter – February 2000 - report on water planning activities
- Newsletter – May/June 2000 - summarizing water budget information from the 4<sup>th</sup> Assembly
- Newsletter – October 2001 - summarizing tale of contents and goals and objectives for the plan
- Mailer – November 2002 - summarizing information from the 4<sup>th</sup> and 5<sup>th</sup> series of Community Conversations.
- Newsletter – December 2002 - summarizing all activities in 2002
- Mailer – April 2003 - summarizing the March Forum.
- OpEd and Other Articles – Numerous media articles written by Water Assembly volunteers have appeared in the local press

The Water Assembly developed and maintained an Internet website, [www.WaterAssembly.org](http://www.WaterAssembly.org) to provide information relevant to the water planning process. MRCOG also developed and maintained an Internet website [www.mrcog-nm.gov](http://www.mrcog-nm.gov). Among other things, these websites provided access to numerous relevant studies including:

- Historical and Current Water Use in the Middle Rio Grande Region, prepared by John Shomaker & Associates, Inc. and PioneerWest
- Middle Rio Grande Water Supply Study, prepared by S.S. Papadopoulos & Associates, Inc.

### *Middle Rio Grande Regional Water Plan*

- Future Water Use Projections for the Middle Rio Grande Water Planning Region, prepared by the Middle Rio Grande Council of Governments (now the Mid-Region Council of Governments)
- Attitudes and Preferences of Residents of the Middle Rio Grande Water Planning Region Regarding Water Issues, prepared by the University of New Mexico Institute for Public Policy
- Alternative Action Analysis Report, prepared by Daniel B. Stephens & Associates, Inc.
- Assessment of Regional Water Quality Issues and Impacts to the Water Supply, prepared by Daniel B. Stephens & Associates, Inc.
- Overview of Water Law Applicable to the Middle Rio Grande Water Planning Region and Legal Issues Specific to the Middle Rio Grande Water Planning Region, prepared by Daniel B. Stephens & Associates.

## **4.4 Negotiation Process**

The Middle Rio Grande water planning process mission was to decide how to balance water use with renewable supply through an open, inclusive and participatory process.

A partnership was established between the Water Assembly and the Mid-Region Council of Governments through a Memorandum of Understanding signed in 1998. This document determined that the Water Assembly would: 1) be the negotiating table for all non-government entities; and 2) build public support for the regional water plan so that elected officials could implement the plan. The Water Resources Board would be the vehicle for negotiating among local governments and for adopting and implementing the resulting regional water plan.

The first step in negotiating was to develop a credible understanding of the region's current water supply and water demand situation. This understanding was initially established through developing a Water Budget (see Chapter 6) describing the region's water sources, how much is available for use in this region, and how it's being used. More than two-dozen Water Assembly experts contributed to the water budget analysis. S.S. Papadopoulos & Associates (2000) and Bartolino and Cole (2002) confirmed the results in the water budget. Nearly all participants agreed that while there was some uncertainty in the budget numbers, they were sufficiently accurate and precise to understand that there already was a substantial deficit of consumptive demand over renewable supply, and that demand was increasing with time. In other words, the water budget revealed that the region uses more water that is renewed each year and than the numbers in the budget were reliable enough to use in the planning process..

Participants at a community conversation series and a regional forum built a mission, a set of supporting goals, and a set of supporting objectives during 2001. These were discussed and negotiated in Water Assembly committees and at the Water Resources Board. The mission and goals were adopted. Action on the objectives was deferred because they were seen to be at a level where we were doing the water planning, rather than setting targets for the water planning. In 2003 the objectives were resurrected, re-edited, and approved.

Using a projection that showed the annual deficit approximately tripling during the next 50 years, each of the constituency group used a simple computerized graphic spreadsheet tool to see how, and in what sectors, to bring the consumptive use into balance – in essence to establish sector-by-sector budgets for water consumption. In addition to the constituency groups, the general public was asked to perform similar balancing exercises in a series of community conversations. While these budgets were established at a very coarse level, and with limited understanding of their real impacts, they provided participants with an indication of the difficulty of balancing the budget and the Water Assembly with some reference guidelines for further negotiation steps.

Having an array of budgetary targets, the next step was to look at what could be done to ameliorate the budget deficit. Through a series of community conversations and technical discussions, attendees identified 273 suggested actions. Water Assembly working team experts merged these into a set of 44 candidate alternate actions, which became the basis for creating this plan. At the 5<sup>th</sup> Series of Community Conversations, attendees “voted” for their most and least preferred of the 44 alternative actions. People unable to attend a meeting could mail their votes.

In October 2002 the Mid-Region Council of Governments awarded a contract to D.B. Stephens and Associates to provide detailed analyses for 25 of the 44 alternatives. Ideally, all 44 would have been subject to an expert assessment, but funding constraints precluded this. Based on a preliminary review, including the results of the public preferences, the Water Assembly selected 25 of the 44 for consultant review. The other 19 alternatives were evaluated by the Water Assembly's Alternatives Working Team and the Analysis Team. (Supporting Documents Series G and Supporting Document J). The analysis results for all alternatives were presented to the public in a regional forum, and to the Action Committee and the Water Resources Board at their regular meetings.

At about the same time, the constituency groups created a vision of the future around which a scenario would be built. The scenario was to be a collection of alternative actions. Aiding this process was a computerized model of many of the alternative actions. The model allowed participants to see what the aquifer, downstream delivery, and cost implications were for various combinations of alternative actions.

Several scenario development committees were established. Using all available analytical and public preference data, as well as the computerized model, each such committee developed a draft scenario. One scenario was based on the urban user and economic development vision; one was based on the agricultural vision; one was based on the environmental vision; and one was based on a synthesis of the three visions. Two other committees built a scenario based upon their own visions.

Each scenario development committee had members drawn from each of the constituency groups, so that their product scenario would itself be somewhat balanced as the result of a negotiation. These draft scenarios, representing an array of viewpoints, were reviewed by the Action Committee and then presented to the public in Community Conversations Series 6 for their review and input.

The Action Committee then developed a single converged scenario to serve as the framework for this plan. This scenario was presented at a June 2003 regional forum. It was refined based on input received at that forum and from input at a joint Water Resources Board and Action Committee meeting. The result became the basis for the recommendations that appear in Chapter 10 of this plan.

## **Chapter 4 References**

Bartolino, James R. and James C. Cole. Ground-Water Resources of the Middle Rio Grande Basin, New Mexico. U.S. Geological Survey Circular 1222, 2002.

S.S. Papadopoulos & Associates, Inc. Middle Rio Grande Basin Water Supply Study. Prepared for the New Mexico Interstate Stream Commission and the U.S. Army Corps of Engineers, Albuquerque District, under contract no. DACW47-99-C-0012. Boulder, CO, August 2000.

**BYLAWS  
of the  
MIDDLE RIO GRANDE WATER RESOURCES BOARD  
of the  
MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS OF NEW MEXICO**

**Article 1. Purpose and Objectives**

The purpose of the Middle Rio Grande Water Resources Board (hereinafter referred to as the Water Board) of the Middle Rio Grande Council of Governments (MRGCOG) is to provide a decision-making process for regional water issues in the Middle Rio Grande Water Planning Region (see boundary map attached as Exhibit 1 and made a part of these Bylaws). These Bylaws are intended to guide the establishment of the Water Board during its initial period of operation.

The Water Board was created to achieve the following objectives:

- A. To establish an intergovernmental forum for discussion and possible resolution of significant water resource issues affecting the Middle Rio Grande Water Planning Region;
- B. To provide for the preparation, coordination, and adoption of a regional water plan that is applicable to a diversity of jurisdictions and communities in the Middle Rio Grande Water Planning Region, and to carry out a planning process in partnership with other regional water planning organizations such as the Middle Rio Grande Water Assembly;
- C. To promote the voluntary coordination of individual and collective actions of local governments, tribal governments, and other water management entities in order to implement a regional water plan; and
- D. To make recommendations to appropriate entities for the implementation of the regional water plan.

**Article 2. Authority**

- A. The Water Board is established under the authority granted by Article VI of the MRGCOG Articles of Agreement, and is created pursuant to MRGCOG Resolution R-98-5.
- B. The Water Board is authorized to carry out the functions and responsibilities stated in these Bylaws.
- C. The Water Board may establish and approve the bylaws of such committees and other bodies it deems necessary in order to carry on its duties and discharge its

responsibilities. The membership of such bodies shall be established in the bylaws of such committee.<sup>1</sup>

### **Article 3. Organization and Membership**

In order to ensure that the Water Board is appropriate and acceptable to relevant water management agencies, and in order to maintain an organization with entities who have the ability to implement a regional water plan, it will be necessary to establish a Water Board membership with clearly defined functions and responsibilities. A current Water Board membership list is attached as Exhibit 2 and made a part of these Bylaws. Water Board membership shall be characterized as follows:

- A. The general membership of the Water Board shall be open to all governmental entities with jurisdiction and authority in water planning and management within the Middle Rio Grande Water Planning Region.
- B. There shall be established, within the Water Board membership, a Water Providers Council consisting of those representatives of public and tribal water rights holders. Members in the Water Providers Council shall be identified and endorsed by the Water Board. New members of the Water Providers Council may be added whenever appropriate, subject to criteria established by the Water Board.
- C. Other public entities wishing to join the Water Board shall so inform the Water Board, in writing, and shall comply with whatever standards or criteria the Water Board has established. The written request to join the Water Board must include a statement providing the reasons the entity desires to become a participant on the Water Board.
- D. The Water Board shall incorporate an organizational structure which requires direct input from technical and public participation entities in order to achieve an open and effective planning and implementation process. An ex officio membership position shall be established on the Water Board for the Middle Rio Grande Water Assembly.
- E. Advisory membership positions may be established on the Middle Rio Grande Water Resources Board. Advisory membership shall be non-voting and will include members which the Water Board considers qualified to make an effective contribution to the Board.<sup>2</sup>
- F. A mechanism and process may be established for involving private sector water rights holders and operators of major public water supply systems.

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<sup>1</sup>Amendment 1 - October 12, 2000

<sup>2</sup> Amendment 1 - October 12, 2000

- G. Officers of the Water Board and the Water Providers Council shall each consist of a Chair and a Vice-Chair, who shall be members of the Water Board or the Water Providers Council, respectively, and who shall serve one year terms. Said Chairs and Vice-Chairs shall be elected annually at the June meeting of the MRGCOG Board of Directors by a majority vote of the Board of Directors. The Chair shall preside at all meetings. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair. In the event that a Chair or Vice-Chair is vacated before the term expires, a replacement shall be appointed by the Executive Board of the MRGCOG at their next regularly scheduled meeting to serve for the remainder of the unexpired term. The Executive Director of the MRGCOG shall serve as Secretary to the Water Board and the Water Providers Council.
- H. Each entity shall be entitled to one voting delegate and alternate. In the event of the absence of the delegate, the alternate shall have all participation and voting privileges of the delegate.

#### **Article 4. Function and Responsibilities**

- A. The Water Board shall function as a specialized board of the MRGCOG and shall focus on the regional water planning process.
- B. The Water Board shall annually review and approve the Regional Water Planning Work Program of the MRGCOG
- C. The Water Board shall establish broad regional policies regarding water resources and shall identify priorities and strategies to guide water-related planning in the region.
- D. The Water Board shall respect the water resource planning efforts of local, Tribal, State, and Federal entities which are active within the Region, and shall seek to compliment and supplement such planning efforts
- E. The Water Providers Council within the Water Board shall serve the purpose of ensuring protection and appropriate utilization of water rights within the Middle Rio Grande Water Planning Region.

#### **Article 5. Meetings**

- A. The Water Board shall determine how frequently to meet and shall establish a regular meeting schedule and a standard time and place for meetings. The Water Board may meet at times other than those regularly scheduled as deemed necessary by the Water Board.
- B. Except as otherwise provided herein, all meetings and other activities of the Water Board shall be conducted in accordance with the Articles of Agreement

and the Rules and Procedures of the MRGCOG.

- C. All scheduled meetings of the Water Board shall be advertised and open to the public. A Summary of Proceedings shall be published for each meeting and shall be made available for public inspection.
- D. A quorum necessary to transact business, adopt motions, or conduct voting shall consist of a majority of the filled voting membership positions of the Water Board, or the Water Providers Council, whichever is applicable.

## **Article 6. Voting Procedures**

Due to the diverse nature of the Water Board membership, a special decision making process is required. All actions taken by the Water Board shall be subject to a standard one vote per member. Actions taken by the Water Providers Council shall utilize a weighted voting procedure based on specific characteristics of individual members. The principles for voting shall be expressed as follows:

- A. Each governmental entity shall designate one person or alternate to act as its representative with the authority to place a vote wherever a vote is required to approve a motion, decision, or recommendation of the Water Board. Said designated person or alternate shall serve on both the Water Board and the Water Providers Council, when applicable. The voting status of the Water Board is displayed on a matrix chart attached as Exhibit 3 and made a part of these Bylaws.
- B. A majority vote shall be required to pass and approve decisions of the Water Board with the exception of any vote that would affect or impact water rights. In those cases where water rights are at issue, voting shall be transferred to the Water Providers Council wherein a three-fourths vote will be required to pass and approve decisions. Any member of the Water Providers Council may call for a water rights issue to be transferred at any time to the Water Providers Council for resolution.
- C. The decision-making procedure for the Water Providers Council shall consist of a separate and distinct weighted voting scheme. The criteria for assigning weighted votes on the Water Providers Council shall be based on the nature and extent of water rights held by each of its members. The number of weighted votes for each member of the Water Providers Council is also displayed on the matrix chart which is attached to these Bylaws as Exhibit 3.
- D. Any voting which is conducted with reference to the regional water plan, or in the adoption of the regional water plan shall require documentation of findings

supporting the decision as well as documentation of minority or dissenting positions.

## **Article 7. Staff**

The MRGCOG shall provide staff support to the Water Board and shall be responsible for the arrangement of meetings and any other activities of the Water Board. The MRGCOG staff will also perform such other duties related to the functions of the Water Board as may be assigned by the Chair of the Water Board through the Executive Director of the MRGCOG.

## **Article 8. Program Funding**

- A. Members of the Water Board shall establish a mechanism for funding the Regional Water Planning Program of the MRGCOG.
- B. The Water Board shall prepare or have prepared each year a budget reflecting the anticipated expenses and required income necessary to carry out the Regional Water Planning Work Program of the MRGCOG.

## **Article 9. Bylaw Approval and Amendments**

- A. These Bylaws shall be in effect upon approval by the MRGCOG Board of Directors.
- B. These Bylaws may be amended by action of the MRGCOG Board of Directors provided such amendments have been subject to the review of the Water Board prior to any action.

PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of December, 1999, by the Board of Directors of the Middle Rio Grande Council of Governments of New Mexico.

/s/ Mary Lee Martin  
Mary Lee Martin, Chair  
Middle Rio Grande  
Council of Governments

ATTEST:

/s/ Dennis R. Foltz  
Dennis R. Foltz, AICP  
Executive Director  
Middle Rio Grande  
Council of Governments

AMENDMENT NUMBER 1, PASSED, ADOPTED AND APPROVED this 12<sup>th</sup> day of October 2000, by the Board of Directors of the Middle Rio Grande Council of Governments of New Mexico.

/s/ Alan B. Armijo

Alan B. Armijo, Chair  
Middle Rio Grande  
Council of Governments

ATTEST:

/s/ Dennis R. Foltz

Dennis R. Foltz, AICP  
Executive Director  
Middle Rio Grande  
Council of Governments

## Salazar, Jennifer, OSE

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**From:** Kian Dadras <kian@luckylocksmithing.com>  
**Sent:** Thursday, October 16, 2025 12:19 PM  
**To:** Salazar, Jennifer, OSE  
**Subject:** [EXTERNAL] Public comment from Alcalde

You don't often get email from kian@luckylocksmithing.com. [Learn why this is important](#)

**CAUTION:** This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Kian Dadras

My Majordomo Alfredo may or may not be able to mention this on my behalf

I'm busy repairing backhoe to do repairs on our Acequia de Alcalde.

Point that you could bring up is the gutting of carbon capture regulatory market in the United States.

Parciantes could pool their acreage to fund the Acequia association with carbon capture. This roll back of environmental regulatory market presents a lost value of 5-15 million in USD down to maybe 15 thousand possible from carbon capture just for the Alcalde area.

Also since we got rid of the beavers and the wolves we now have to act as the keystone species in this area to maintain the watershed. Acequia funding needs priority because it does what the beavers and wolves used to.

Otherwise the wetland will continue to erode into desert and we will hurt farmers and lose water to evaporation and Texas.

Prepared Statement by the Pueblo of Sandia  
to the New Mexico Interstate Stream Commission  
Rulemaking on Regional Water Security Planning  
October 17, 2025

Thank you for this opportunity to provide additional comments on a topic of importance to the Pueblo of Sandia.

I am Greg Kaufman, Environment Director for the Pueblo of Sandia. I am here today to present a prepared statement on behalf of Governor Felix Chaves and the Pueblo of Sandia. The Governor is unable to be here in person today due to traditional responsibilities to his Community.

The Pueblo concurs with the comments offered by the Water Security Tribal Advisory Council (or WSTAC) in response to the Proposed Rule and Guidelines to implement the 2023 Water Security Planning Act (or WSPA).

The Pueblo also concurs with Taos and Laguna Pueblos comments relating to the State Engineer's consideration of regional public welfare issues in permitting decisions. The WSPA does not authorize the Commission to establish procedures for the State Engineer's determination of public welfare in water rights permitting.

The Pueblo has filed its own written comments relating to proposed Section 19.25.16.16 of the Proposed Rule. We now offer the following additional comments to assist with your decision-making.

Land and water constitute more than mere property interests for the Pueblo of Sandia. While they are part of the physical and economic landscapes so often debated in public discourse, for the Pueblo they are the irreplaceable and sacred cultural landscape interwoven with who we are as Pueblo people.

As Pueblo people, we are obligated to protect our traditions, ceremonies and natural resources. Water is sacred and central to our way of life.

Pueblo communities have lived in what is now the American Southwest since time immemorial. By the time the Spanish arrived in present-day New Mexico in the mid-1500s, the Pueblos and tribes had been using ancient irrigation methods to water crops using ditches and canals for hundreds of years.

Despite a long history of water use, our right to water and to define water uses remains in question.

It is difficult for us to harmonize a willingness to participate in regional water planning matters with on-going concerns for procedural details that provide the appearance of fairness while concealing sometimes conflicting world-views on the value and responsibility for our natural resources.

For example, in its response to the initial WSTAC comments on the discussion draft rule and guidelines, the ISC determined that because the current Proposed Rule provides for governmental entities to have a representative seat at the table, and because all tribal governments have a seat, the process is safeguarded against stacking in the composition of the Council. This was not our underlying concern.

The proposed procedural process obscures important sovereign interests of the Pueblo of Sandia. We support a weighted voting mechanism that ensures tribal representatives' votes carry equitable influence in matters directly impacting tribal water resources. We also support consensus-based decision-making for any water planning decisions affecting tribal water rights. These commitments would help to minimize the possibility of future regional conflicts.

The Pueblo recognizes that fostering collaboration among heterogeneous interests is a challenge. For all practical purposes, however, this Middle Rio Grande Regional Council is unwieldy in size, comprised of several dozens of voting members.

New Mexico's population is presently estimated at 2.1 million people. Nearly half of the entire State's population is within the proposed Middle Rio Grande regional water planning area.

According to our GIS data, within this planning area representative members of the planning council will include an estimated 11 Nations, Pueblos or Tribes, 27 municipalities, 9 counties, the Middle Rio Grande Council of Governments, the Middle Rio Grande Conservancy District, 9 soil and water conservation districts, 4 regional acequia associations, a couple of active land grants and dozens of representatives for the at-large stakeholder group. It will be exceptionally difficult to achieve consensus.

These communities are diverse and complex. Yet none, except for the 11 Nations, Pueblos or Tribes can speak to non-consumptive religious, ceremonial and cultural uses of water. These unique uses, and the sovereign status of tribes should

result in, at a minimum, consensus-based decision-making for any water planning decision affecting our water rights and uses. We believe that the Proposed Rule and Guidelines should avoid overrepresentation in interests by the largest water users in a planning region at the expense of senior water rights holders smaller in number.

We understand the complexities of the task put before you by the Act.

We also understand the importance of developing regional water security plans with prioritized projects and activities from each planning region. This is demonstrated by the fact that the Pueblo has in the past participated in regional water planning activities.

However, unlike our previous efforts, the State has now offered a voting seat at the table. The Pueblo is concerned that its interests and concerns may not be reflected in, and may even be at odds with, majority-vote determinations made by a regional water planning entity, especially in a region as large and populous as the proposed Middle Rio Grande Region.

We believe that well supported state engagement efforts within a government-to-government framework for decision-making may have a better chance at being successful in promoting tribal-state water planning efforts in a regional context.

As with our earlier written comments, the Pueblo asks for, and appreciates, your meaningful consideration of our concerns. We also request that the Proposed Rule and Guidelines to implement the 2023 Water Security Planning Act be referred back to the ISC staff for consideration and revisions consistent with our comments.

Hearing Regarding  
Rulemaking on  
Regional Water Security Planning  
October 15-17, 2025  
Willie Ortiz Building, 2600 Cerrillos Road,  
Santa Fe, New Mexico

**Presentation by Senator Steve Lanier**

*Senator Steve Lanier, San Juan Water Commission*

*Page 1*

1

Overview  
of  
Presentation

- New Mexico State Senator Steve Lanier Background
- San Juan Water Commission's Role in Water Planning and Policy
- Proposed Amendments

*Senator Steve Lanier, San Juan Water Commission*

*Page 2*

2

## Senator Steve Lanier

San Juan Water  
Commission  
Farmington,  
New Mexico

- Chairman of San Juan Water Commission
- State Senator, 2<sup>nd</sup> District
  - Elected in 2024
    - Covers the north-eastern section of San Juan County
    - Serves on Senate Finance Committee
- Trustee, Colorado River Water Users' Association
- Educator
  - 28 years teaching experience
- Coach
  - Coached high school football, track, and cross country

*Senator Steve Lanier, San Juan Water Commission*

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## San Juan Water Commission's Role in Regional Planning and Policy

- Mission Statement: Protect use of Future and Existing Water Rights and Water Resources of Its Member Entities
- Long history of water planning efforts
  - Commissioned 1989 Black & Veech "40-Year Regional Water Supply Plan"
  - Organized and led regional planning in early 2000s
  - Assists Member Entities with Water Planning and Resources
- Important Participant in Management of New Mexico's Colorado River Allocation
  - More than 60% of New Mexico Surface Water is in San Juan River Flows
  - Active member of Colorado River Water Users Association
  - Participant in San Juan River Basin Recovery Implementation Project (RIP)
  - Founding Member of the Animas-La Plata Project OM&R Association

*Senator Steve Lanier, San Juan Water Commission*

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|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Suggested Amendments</p> <p>— —</p> <p>Public Welfare</p> | <ul style="list-style-type: none"> <li>• The ISC Cannot Exceed Its Statutory Authority in Promulgating the Rule             <ul style="list-style-type: none"> <li>• Delete Section Concerning Public Welfare Consideration in Regional Plans in OSE Decisions                 <ul style="list-style-type: none"> <li>• It is beyond the statutory authority granted by the WSPA</li> <li>• It could restrict water rights owners' ability to use their water rights</li> <li>• Public Welfare should be defined by the Legislature</li> <li>• Water Code does not prioritize one use of water over another</li> </ul> </li> </ul> </li> </ul> <p><i>Senator Steve Lanier, San Juan Water Commission</i></p> <p><i>Page 5</i></p> |
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| <p>Suggested Amendments</p> <p>— —</p> <p>Council Membership</p> | <ul style="list-style-type: none"> <li>• Expand Representative Members             <ul style="list-style-type: none"> <li>• Council Should Be Expanded to Include Other Political Subdivisions and Community Ditch Associations in Addition to Seven Entities Proposed                 <ul style="list-style-type: none"> <li>• Representation from community ditches</li> <li>• Community ditches in San Juan County serve as many residents as small towns</li> </ul> </li> </ul> </li> </ul> <p><i>Senator Steve Lanier, San Juan Water Commission</i></p> <p><i>Page 6</i></p> |
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## Suggested Amendments

### Council Membership

- Expand Representative Members
- Proposed Language in Context:
  - (g) One representative member of each regional community ditch association or rural water users association in the planning region or if no regional community ditch association or rural water users association exists, one representative from that region appointed by the New Mexico Rural Water Users Association;
  - (gh) One representative member from an active land grant appointed by the Land Grant Council in a planning region and
  - (i) One representative from each additional political subdivision located in whole or in part within the planning region not falling within the previous membership categories.

Senator Steve Lanier, San Juan Water Commission

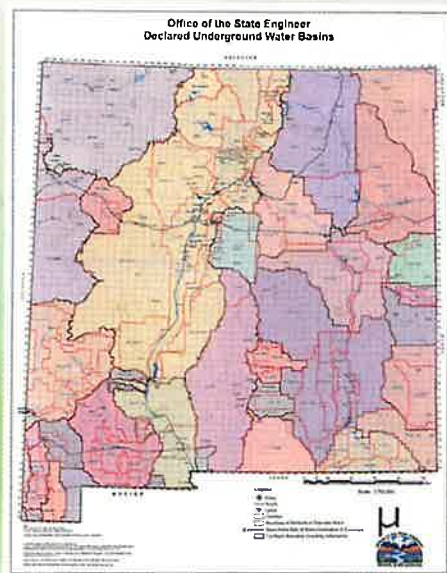
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## Suggested Amendments

### Improve Map

- Improve Map Describing Water Security Planning Regional Boundaries



Senator Steve Lanier,  
San Juan Water Commission

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## Suggested Amendments

### Severability Clause

- **Add Severability Clause**

- A severability clause should be added to the Rule to ensure that the Rule will continue in effect if a court determines that one section is invalid and cannot be enforced.
- Proposed language is:

**19.25.16.17 SEVERABILITY CLAUSE:** If any section, paragraph, clause or provision of 19.25.16 NMAC shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Regional Water Security Planning Rule.

*Senator Steve Lanier, San Juan Water Commission*

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# THANK YOU!

# Questions?

*Senator Steve Lanier, San Juan Water Commission*

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Hearing Regarding  
Rulemaking on  
Regional Water Security Planning  
October 15-17, 2025  
Willie Ortiz Building, 2600 Cerrillos Road,  
Santa Fe, New Mexico

**Presentation by Liz Newlin Taylor**

*Liz Newlin Taylor, Esq.*

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Overview  
of  
Presentation

- Profile of Liz Newlin Taylor
- Subjects of Comments
- Proposed Amendments
- Comments by OSE, NMISC, and Others

*Liz Newlin Taylor, Esq.*

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Liz Newlin  
Taylor

Taylor &  
McCaleb, P.A.  
Corrales, New  
Mexico

- NM Water Law Attorney
  - 30+ years of experience
  - Routinely obtains permits from OSE
- Represents Public and Private Clients in Water Law
  - Elected Director of AMAFCA, Flood Control Authority in Albuquerque
  - Attorney for San Juan Water Commission in water law matters
  - Private clients include Select Water Solutions, Entramosa Water Association, North Ranchos de Placitas Water and Sanitation District
- Legislative Activities
  - Testified on proposed changes to the Water Code and related statutes for more than 10 years
- Participated in OSE Rulemakings in 2013 and Draft Rule on the Water-Use Leasing Act in 2024

*Liz Newlin Taylor, Esq.*

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## Oral Testimony Regarding the Proposed Regional Water Security Planning Rule 19.25.16 NMAC

Elizabeth Newlin Taylor  
Taylor & McCaleb, P.A.  
Corrales, New Mexico  
[etaylor@taylormccaleb.com](mailto:etaylor@taylormccaleb.com)  
(505) 888-6600

*Liz Newlin Taylor, Esq.*

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## Suggested Amendments

### Public Welfare

- The ISC Cannot Exceed Its Statutory Authority in Promulgating the Rule
  - Delete Section Concerning Public Welfare Consideration in Regional Plans in OSE Decisions
    - It is beyond the statutory authority granted by the WSPA
    - It could restrict water rights owners' ability to use their water rights
    - Public Welfare should be defined by the Legislature
    - Water Code does not prioritize one use of water over another

*Liz Newlin Taylor, Esq.*

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## Suggested Amendments

### Council Membership

- Expand Representative Members
  - Council Should Be Expanded to Include Other Political Subdivisions and Community Ditch Associations in Addition to Seven Entities Proposed
    - Representation from entities like flood control authorities (e.g., AMAFCA) and water and sanitation districts
    - Representation from community ditches

*Liz Newlin Taylor, Esq.*

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## Suggested Amendments

### Council Membership

- Expand Representative Members
- Proposed Language in Context:
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Liz Newlin Taylor, Esq.

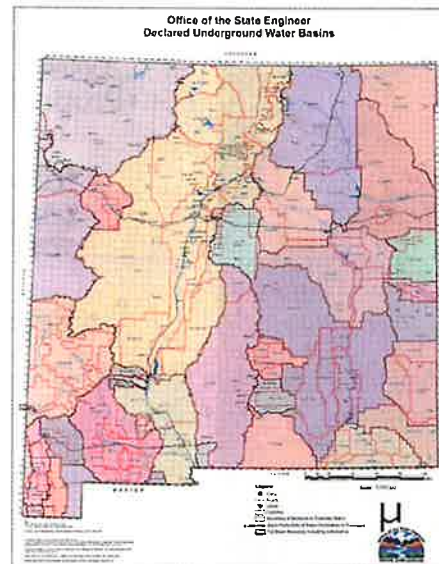
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Liz Newlin Taylor, Esq.

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*Liz Newlin Taylor, Esq.*

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## Comments by OSE, NMISC, and Others

- Agree with Hannah Riseley-White that “it is essential to have local governing entities represented in the Councils...” (NMISC Testimony 00052)
- Agree with Andrew Erdman that the Rule should not include an acequia-focused group like the Water Security Tribal Advisory Council (WSTAC). (NMISC Testimony 02046)
- Agree with Nat Chakeres that Regional Plans do not bind the State Engineer on Public Welfare issue in decision.
- But the Rule goes too far otherwise and that section should be deleted.
- If language stays, keep “may consider” instead of “shall consider.”
- Agree with Pueblo of Acoma comment that Public Welfare section is beyond the NMISC’s authority under the WSPA.

*Liz Newlin Taylor, Esq.*

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THANK  
YOU!

Questions?

*Liz Newlin Taylor, Esq.*

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**New Mexico Water Advocates (NMWA)**  
**Submission to the 2025 Formal Rule Promulgation Process**  
**under the**  
**2023 Water Security Planning Act (72-14A NMSA)**

**Recommended Improvements to the NMISC Staff’s “Proposed Rule”**  
**Submitted As a Word Document Redline**

**Exhibits**



**Table of Contents**

Exhibit B-1 - Rationale for Improvements to the “Proposed Rule” – Summary

Exhibit B-2 - Reasons for Change and Proposed Improvements

Exhibit B-3 - Acknowledgements

Exhibit B-4 – Resume of Dr. Wessely

## Exhibit B-1

### Rationale for Improvements to the "Proposed Rule" – Summary

New Mexico must face up to its current and growing water shortfalls. New Mexico has a diverse set of regions whose water needs and problems must be well-addressed for the future economic and cultural well-being of the state. The unanimously passed 2023 Water Security Planning Act (WSPA, 72-14A NMSA) presents a once in a generation opportunity to competently address those needs and problems.

The ISC staff's "proposed rule" provides for a limited and top down (ISC controlled) planning process, contrary to the statutory words and intent for a region/community driven process with support from the state. Further, the ISC staff's "proposed rule" does not lay out either an objective or a process to build the regions' (and thus the state's) resiliency. We are concerned that it would again result in "shelf reports"

The WSPA paragraph 4.C.(1) words "**at a minimum**" allow, and even encourage, development of rules beyond those explicitly called out in the WSPA paragraphs. The WSPA calls for, allows, and encourages each region of the state to conduct a highly public scientifically/data-based water planning process that, using local knowledge, will yield resiliency against current and growing water shortfalls in its region.

As indicated in 72-14-43 NMSA "The future water needs of New Mexico can best be met by allowing each region of the state to plan for its water future" with help from the state. The state should simply monitor and help regions with tribal liaison support, as-proposed funding support, and as-requested technical support to allow the regions to build their respective water resiliency programs.

To develop regional plans whose implementation will create the needed resiliency under the guidance and direction of WSPA, the following framework for rulemaking is designed to establish a robust regional/community-driven water planning process. The resulting state supported highly public and scientifically based water security planning process should enable each region to:

- self-organize a regional council to conduct the water security planning process
- ensure the council represents, on a continuing basis, the diverse water interests in the region
- understand the region's water availability situation, current and future
- understand the region's demographically driven demands for water, current and future
- declare the region's public welfare and values
- use community and regional knowledge to identify possible remedial policies and projects
- evaluate and prioritize such policies and projects
- select a preferred program (or package) of policies and projects that best meets the region's public welfare and whose implementation would establish regional resiliency
- properly document its water resiliency planning and plan
- obtain state approval for implementation of the plan
- provide ongoing monitoring of the plan's implementation
- provide ongoing monitoring of the region's water and demand environments
- develop and seek state approval of plan updates based on the monitoring

Following the above rationale and framework, the Water Advocates have marked up the ISC staff's "proposed rule" to establish a "Revised Proposed Rule." The "Revised Proposed Rule," if approved, will yield a statewide regional/community water planning process. We expect the implementation of the products of that process can establish New Mexico's needed current and future water resiliency.

## Exhibit B-2

### Markup of ISC Staff's Proposed Rule

#### Reasons for Change Are In Red Type and Proposed Improvements Are Shown with Tracked Changes

Based on our dealing for nearly three decades with New Mexico's regional water planning, the New Mexico Water Advocates have formulated a substantial partial comment, recommending specific changes to the ISC staff's "proposed rule." We have tried to present information in a way that will be convenient for the Commission to understand and make use of.

We present here an "Improved Proposed Rule" in the form of a paragraph-by-paragraph markup of the ISC staff's "Proposed Rule". For each paragraph, we start with a brief summary statement in red typeface of the rationale or reasons for any changes in that paragraph, or a statement that no change is needed from the ISC staff's "Proposed Rule".

Paragraphs 19.25.16.1 through 19.25.16.5 need no change.

#### TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 25 ADMINISTRATION AND USE OF WATER – GENERAL PROVISIONS PART 16 REGIONAL WATER SECURITY PLANNING

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

**19.25.16.2 SCOPE:** This rule implements the provisions of the Water Security Planning Act, Section 72-14A-1 NMSA 1978, and sets forth the processes and criteria for convening and establishing regional water security planning councils and developing and maintaining regional water security plans. [19.25.16.2 NMAC – N, xx/xx/202x]

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

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

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

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.6 OBJECTIVE does not cite WSPA's requirement, opportunity, and need for regions and communities to identify and address regional water problems, including current and growing water shortfalls.

WE RECOMMEND a revision similar to that written below in tracked changes.

**19.25.16.6 OBJECTIVE:** ~~The objective of this rule is to establish~~

**A. Objective:** The objective of this rule is to establish the Commission's requirements for New Mexico's regional water security program, as provided in § 72-14A-4(A), NMSA 1978. The rule empowers the nine geographical regions illustrated in Exhibit I to organize, plan, and act collectively to improve regional and statewide water security. Its purpose is to ensure that water planning functions as a problem-solving process grounded in science, data, and public participation.

**B. Organization of Regional Water Security Planning Councils:** The rule authorizes and directs the organization of nine regional water security planning councils corresponding to the regions shown in Exhibit I. It establishes requirements for the Commission to organize and convene councils and for councils, if they choose, to organize and convene themselves.

Representative groups within a region may apply to the Commission to receive funds to establish a council if the Commission determines the proposal would be helpful to the regional council's creation. Once a council is established and approved by the Commission, it may apply for additional funding to develop a detailed work plan.

**C. Work Plan Development and Commission Support:** Following any needed negotiation and upon Commission approval of the work plan, the council applies to the Commission to receive the best available data, expert services, grants, and staff assistance to implement the approved plan. Councils and the Commission work cooperatively to ensure that each plan is based on the best available science, data, and models describing regional water supply, use, and trends.

**D. Council Responsibilities and Planning Process:** Councils shall emphasize public communications and transparency. Councils shall transparently develop, document, and publicly report their work and progress; draft plan sections for public review and comment; obtain public review of the complete draft plan; submit the complete draft plan to the Commission; respond fully to review comments; and obtain Commission approval of the completed regional water security plan.

Each council shall provide opportunities for meaningful participation by credentialed experts, the public, local communities, and the Nations, Pueblos, and Tribes within its region. Councils shall acknowledge and respect tribal sovereignty, water rights, settlements, and water needs, and document how their work advances the public welfare and the needs of future generations of New Mexicans.

**E. Plan Content and Outcomes:** Each completed regional plan shall document the region's prioritization of policies, projects, and programs to improve water security. Plans shall demonstrate how the region's planning responds to the hydrologic realities of the region and to statewide objectives and constraints. Councils shall take full cognizance of those realities and produce vetted, prioritized, and implementable regional water security plans that define and document their consideration of the public welfare and the needs of future generations.

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

F. Implementation, Tracking, and Updating: With Commission assistance, councils secure funding, implement their plan, and keep it current. They track and publicly report implementation progress, including progress toward achieving the mandatory planning outcomes specified in § 72-14A-5(C), NMSA 1978.

~~a framework for regional water security planning councils to develop, maintain, and aid in implementation and tracking of regional water security plans. This framework will be grounded in regional values, scientific consensus, and New Mexico water law. The processes outlined in this rule are intended to: ensure that the plans will be based on the best available science, data, and models regarding available water supplies, use, and trends; provide transparency and opportunities for meaningful input and participation by the public and Nations, Pueblos, and Tribes within each regional water security planning region; acknowledge the sovereignty, water rights, and water needs of tribal communities; consider public welfare and the needs of future generations of New Mexicans; align with state and federal laws; and identify and prioritize projects, programs, and policies that will help to ensure water security into the future.—~~

[19.25.16.6 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.7 DEFINITIONS for several additional terms are needed or modified to reduce the likelihood of multiple interpretations.

WE RECOMMEND revisions similar to those shown below in tracked changes.

### 19.25.16.7 DEFINITIONS:

- A. **"Commission"** means the New Mexico interstate stream commission ~~and its nine appointed members,~~ authorized under Section 72-14-1 NMSA 1978.
- B. **"Communities"** means geographically bounded communities and communities of interest within subregions, including users of a discrete groundwater resource, that are the centers of subregional water planning because water problems arise in communities and solutions to those problems must be shaped there.
- C. **"Council"** means a body organized and convened in accordance with these Rules, with the authority and responsibilities delegated to regional water planning entities by the Water Security Planning Act and accountable for achieving the outcomes set forth in § 72-14A-5(B). The primary responsibilities of each Council are to assist and support the subregions and communities within its region in fulfilling their planning and implementation roles as agreed in work plans and to create and obtain approval of their regional water security plan that reconciles their water security problem analyses and solutions and presents their cooperatively developed, fully prioritized list of policies, programs, and projects (PPPs) to achieve the measurable mandatory outcomes.
- DB. **"Initial planning period"** means the time period from the establishment of each council to the approval of its first regional water security plan by the commission.
- EG. **"NMISC staff"** means the employees of the New Mexico interstate stream commission.
- FD. **"Ongoing planning period"** means any time period following the initial planning period for each council. The ongoing planning period begins once an initial regional water security plan is approved by the commission.
- E. ~~"Projects, programs, and policies" or "PPPs" or "PPP" means identified strategies and alternatives, including infrastructure projects, conservation programs, watershed or groundwater management policies, and other types of initiatives that will promote regional water security and are identified in the plans and PPP lists.~~
- G. **"Policy"** means a definite course or method of action adopted by a governmental body under color of state law to guide and determine present and future decisions in managing water and related resources, specifying responsible entities and providing for implementation and compliance
- H. **"Project"** means a discrete infrastructure project of any size, undertaken to deliver a defined outcome within a set timeframe; projects may be integral components of broader programs.
- I. **"Program"** means an organized set of related policies and projects coordinated to achieve a defined goal or strategic objective in water management or planning.
- JF. **"Regional water security plan" or "plan"** means a plan produced by a council, that meets the requirements described herein and is approved by the commission.
- K. ~~"Regional water security planning council" or "council" means the members described herein who lead regional water security plan development, and aid in and track implementation of the plan in their respective region.~~
- L. ~~"Regional water security planning region" or "planning region" or "region" means an area of the state as described herein that is the planning area for each regional water security planning council.~~
- K. **"Regions"** means the administrative planning areas delineated by the Commission as shown in Exhibit 1, *Regional Boundaries Delineation (Exhibit I to the Rule)*, within which subregions and communities collaborate to prepare integrated, science-based water security plans. Each region is responsible for reconciling all subregional analyses and solutions into a unified set of prioritized policies, programs, and projects that achieve measurable outcomes at the regional scale, including the reconciliation of all water-overuse matters.

IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

~~L.G. — "Regional water security planning council" or "council" means the members described herein who lead regional water security plan development, and aid in and track implementation of the plan in their respective region.~~

~~L. — "Regional water security planning region" or "planning region" or "region" means an area of the state as described herein that is the planning area for each regional water security planning council.~~

~~I. — "Region-specific stakeholder" means a member of the public who is not a member of a council but has identified themselves to NMISC staff or a council as interested in engaging in the planning process for a specific region.~~

~~M. — "Subregion" means a tributary basin, hydrologically or hydrogeologically distinct aquifer, or other coherent area within a planning region that encompasses one or more communities sharing related water sources, problems, and management needs. Subregions are essential building blocks of regional water security planning in large administrative regions, providing the scale at which locally grounded analyses and actions can be integrated into a coherent regional plan.~~

[19.25.16.7 NMAC – N, xx/xx/202x]

**IMPROVED PROPOSED RULE – NMWA’s Recommended Revisions to ISC Staff’s PROPOSED RULE**

**Paragraph 19.25.16.8 needs no change.**

**19.25.16.8 WATER SECURITY TRIBAL ADVISORY COUNCIL:**

A. NMISC staff shall provide administrative support and facilitation, in coordination 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 Nations, Pueblos, and Tribes.

B. The purpose of the WSTAC is to provide a forum for input from New Mexico Nations, Pueblos, and Tribes to ensure that their sovereignty, water rights, water needs, and viewpoints are considered and incorporated in regional water security planning and other related activities as determined by the commission.

C. The participating Nations, Pueblos, and Tribes shall determine their own procedures and principles for the operation of WSTAC.

[19.25.16.8 NMAC – N, xx/xx/202x]

IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.9 needs changes to allow for planning communities within regions or subregions.

WE RECOMMEND revisions similar to those shown below in tracked changes.

19.25.16.9 REGIONAL WATER SECURITY PLANNING REGIONS:

       A. The nine regional water security planning regions are shown in exhibit A, water security planning regions (map).

       B. Subject to commission approval, regional water security planning regions may be subdivided into sub-regions consistent with the definition in 19.25.16.7.M within a planning region ~~or across multiple planning regions~~. In determining whether to approve a proposed sub-region, the commission shall use the following criteria:

      (1) the basis, hydrological or otherwise, for the sub-region and what circumstances make the proposed sub-region distinct from the region;

      (2) whether there is sufficient population and capacity within the proposed sub-region to engage in a transparent and inclusive planning process for the proposed sub-region;

      (3) the impact of the proposed sub-region on the ability of the remainder of the region to engage in a transparent and inclusive planning process;

~~(4) support from the associated council(s) for the proposed sub-region;~~

      (45) the process for how the work of the proposed sub-region will be integrated with the regional water security plan(s) of associated regions, including the prioritization of projects, programs, and policies.

       C. Regions and subregions may identify contained communities as defined in 19.25.16.7.B to enable, encourage, and support planning for local issues based on local knowledge.

[19.25.16.9 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.10 INITIAL PLANNING PERIOD does not direct an adequate planning process. The paragraph envisions too much in-line ISC staff approval in what should be reserved as regional processes. Further, the paragraph omits many of the obligations that must be imposed upon the ISC staff and councils to specify functions, functionality, outcomes, and accountability to achieve legitimacy for the resultant planning. This will constitute a robust process resulting in water security plans whose implementation will yield water resiliency for the regions, and thus for the state.

**WE RECOMMEND** revisions similar to those shown below in tracked changes.

**19.25.16.10 INITIAL PLANNING PERIOD:** During the initial planning period,

A. The NMISC staff shall:

- (1) provide grants to an appropriate fiscal agent within each region defined in 19.25.15.9 to allow the region to self-convene a broad public process, to establish the initial membership of the regional council consistent with the requirements of 19.25.16.12. If self-convening doesn't occur in a timely manner, NMISC staff may perform the convening, inviting governmental entities identified in Paragraph (1) of Subsection A of 19.25.16.12, NMAC to select their representatives, and convening a meeting of these representative members.
- (2) provide grants to established Councils' fiscal agents for Councils to develop funding proposals that contain work plans for the Councils' water planning process and regional security water plan assisting representative members in the invitation of at large members, identified in Paragraph 2 of Subsection A of 19.25.16.12, NMAC, and non-voting members, identified in Paragraph (3) of Subsection A of 19.25.16.12, NMAC.
- (3) establish guidelines for recommended practices, protocols or requirements for regional councils to conduct their regional water security planning consistent with 72-14A NMSA and these rules, acting as the commission's liaison to the councils for the purpose of ensuring the coordination of commission information, policies, and resources. Subject to adequate funding and resources, NMISC staff assigned to these tasks shall be located at an office of the state engineer district office within or near the region.
- (4) -prior to accepting any regional work plan funding proposals, develop guideline criteria for evaluating such proposals. These guideline criteria at a minimum shall provide for: providing administrative support and facilitation for at least four meetings of each council per calendar year.
  - (a) clear identification of the water planning region requesting funds,
  - (b) reasonable proposed costs and timetables for completion of the planning process,
  - (c) adequate provisions for the notice of, review of, and comment on the regional water security planning proposal,
  - (d) satisfactory planned use of a water security planning process consistent with the requirements of 19.25.16.10.B,
- (5) contract with established Councils to execute acceptable proposals using funds provided by NMISC staff and other available funds.
- (6) providing councils with technical support, including assistance with accessing the best available and sufficient data, models, and science, templates to guide decision making, and compilations of existing plans and additional resources.
- (7) support acquisition of state and federal implementation funding for approved regional water security plans, developing and maintaining lists of region-specific stakeholders and notifying stakeholders of opportunities to engage in the planning process.
- (8) cooperate with federal and state agencies to jointly fund and conduct groundwater resources investigations, intended to make available reliable water data in regions where remaining available groundwater resources are uncertain or knowledge is insufficient to support water security planning
- (9) provide regionally relevant inputs and guidance to Councils based on the WSTAC collaboration processes as described in 19.25.16.8.

IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

(10) Refine, as necessary, the 19.25.16.14.C statewide goals and objectives for the overall planning and provide those to the regional councils

(11) each year before August 1, prepare and deliver to the Interim Committee on Water and Natural Resources a regional water security planning report describing:

(a) actual funding compared to requests for the current fiscal year,

(b) expenditures to date

(c) progress achieved since the most recent annual report,

(d) plans for regional water security planning during the coming fiscal year, and,

(e) legislative funding requests/requirements to meet those plans.

**B.** Responsibilities of the ~~Once established with members through a broad convening process, each council shall include:~~

~~(1) — once convened by the NMISC staff, the representative members shall invite, with NMISC staff support, and select at-large members as identified in Paragraph (2) of Subsection A of 19.25.16.12 NMISC. NMISC staff shall review membership and confirm compliance with Paragraph (2) of Subsection A of 19.25.16.12 NMISC.~~

~~(2) — the representative members and the at-large members shall invite, with NMISC staff support, and select non-voting members as identified in Paragraph (3) of Subsection A of 19.25.16.12 NMISC.~~

(13) establish and update as needed its own operating rules or adaptation of NMISC staff-supplied templates for conducting water security planning which may include: once the council has been formed through the convening, inviting, and selection of representative members, at-large members, and non-voting members, the council shall adopt and provide NMISC staff written operating principles that, at a minimum, describe the following:

(a) the roles and responsibilities of the council's ~~voting and non-voting~~ members;

(b) the duration(s) of the term(s) ~~and term limits if any~~ for council members;

(c) methods for membership succession

~~(e) — the potential roles of committees, including a steering committee, subcommittees and/or work groups, if relevant;~~

(d) the grounds and process for removing a member from the council;

(e) mechanisms to assure ongoing membership balance consistent with

19.25.16.12.B

(f) meeting and operating rules

(g) needs for planning, technical and administrative staff,

(h) the potential roles of committees and work groups;

(i) procedures for administrative and financial management,

~~(j) the decision-making process to be used by the council ~~to prioritize projects,~~ programs, and policies; and~~

~~(k) the process for integration and engagement with ~~commission approved~~ communities and any subregions, if relevant.~~

(2) maintain cooperation and coordination with internal and external organizations throughout the planning process

(3) in recognition of the proposal evaluation criteria developed under 19.25.16.10.A.(4), prepare and deliver to the NMISC staff proposals for funding grants to conduct all or part of the necessary regional water security planning effort and develop a resultant plan of action. Such proposals shall include:

(a) the regional council's work plans and plans for progress reporting,

(b) any embedded subregions and communities' work plans,

(c) any needs for planning, technical and support staff,

(d) schedule milestones, and,

(e) funding requirements.

(4) seek to obtain regional water security planning funds from outside of the NMISC staff

**IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE**

(5) support and facilitate subregion and community level water security planning which may include:

- (a) public outreach and education to create and engage community planning groups,
- (b) provide water security planning guidance,
- (c) provide funds in response to well-organized requests,
- (d) provide or obtain NMISC staff technical support as requested,
- (e) monitor subregion's and communities' financial and planning progress, and,
- (f) incorporate communities' planning information into the regional plan.

(6) Conduct an ongoing process to enhance water security across the region. The process shall include:

- (a) establishing a quantitative understanding of the legal, hydrologic, and demand attributes of the region, yielding knowledge of the region's water situation and problems,
- (b) extensive iterative interaction with NMISC staff, public, and communities by providing interim work products and ingesting inputs throughout the planning process,
- (c) developing a coherent statement of public welfare and values of the region in accordance with 19.25.16.17,
- (d) ensuring scientific integrity in the planning through use of data and models,
- (e) requesting technical support from NMISC staff as needed,
- (f) identifying potential infrastructure projects and administrative policies at regional and community levels to enhance regional water adaptability
- (g) evaluating, such projects and policies against multiple criteria
- (h) prioritizing such projects and policies in accordance with their evaluations,
- (i) packaging groups of prioritized projects and policies into one or more alternative programs,
- (j) modeling or otherwise evaluating the alternative to programs to determine that, if implemented, they would meet the statewide goals and outcomes developed under 19.25.16.10.A.(10)
- (k) selecting a preferred alternative program that best meets the declared public welfare of the region, and,
- (l) creating a detailed plan for implementation of the preferred alternative program.

(7) Only if the regional council determines that implementation of a duly evaluated high-priority project or policy is sufficiently urgent, the regional council may pursue an interim plan element for that project or policy sooner than approval of the full regional plan. The interim plan element shall be submitted to the commission for approval, and, if needed, be subject to negotiated changes

(8) develop a regional plan document in recognition of the approval criteria stated in 19.25.16.15 which regional plan shall include:

- (a) the region's hydrological situation,
- (b) the statement of public welfare of the region,
- (c) description of the planning process that led to the regional plan,
- (d) a description of each recommended policy and project,
- (e) a summary of the project and policy evaluations,
- (f) a prioritized list of recommended infrastructure projects for the region,
- (g) a prioritized list of recommended administrative policies for the region,
- (h) the preferred alternative program for the region, and,
- (i) the implementation plan for the preferred alternative program.

(9) submit the regional plan to the NMISC staff and commission for approval, and if needed negotiate changes to obtain NMISC staff and commission approval for implementation

(10) provide quarterly summary progress reports to the NMISC staff including:

- (a) use of funds,

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(b) progress to date,

(c) any difficulties encountered and possible paths to resolution,

(d) cost or progress deviations from the proposed processes,  
cost to complete, and,

(e) near term plans.

~~C. Councils may choose to self convene provided the composition set forth in Section 19.25.16.12 is adhered to and the self-organized council is confirmed by NMISC staff.~~

[19.25.16.10 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.11 ONGOING PLANNING PERIOD is probably premature and would be better written in a few years after we all become smarter. However, it doesn't hurt to leave it in at this time. As written in ISC staff's "Proposed Rule", the subparagraphs are too prescriptive in some places (as in meetings) and too silent in noting needs for funding, etc. in other places.

WE RECOMMEND revisions similar to those shown below in tracked changes.

**19.25.16.11 ONGOING PLANNING PERIOD:** During the ongoing planning period.

A. ~~Responsibilities of~~The NMISC staff ~~shall include:~~

- (1) review~~ing~~ and confirm~~ing~~ compliance with ~~Subsection A of 19.25.16.12 NMAC for representation of representative and at-large members,~~ when council vacancies are filled.
- (2) providing administrative support and facilitation for ~~councils as requested at least two meetings of the council per calendar year during periods when the council is not in the process of updating a plan and providing at least four meetings of the council per calendar year when the council is in the process of updating a plan.~~
- (3) provid~~e~~ing councils with technical support as requested, including assistance with accessing the best available data and science, decision-making guides, compilations of existing plans, and resources to aid in tracking and reporting on implementation.
- (4) publish~~ing~~ all regional water security plans developed by councils and approved by the NMISC staff and commission.
- (5) subject to appropriations, provide funding grants to regional councils consistent with submitted proposed work plans.

B. ~~Responsibilities of~~ After approval of the initial water security plan, each council shall perform a continued publicly interactive planning process which may include~~the council include:~~

- (1) proposing work plans to NMISC staff for funding ongoing efforts
- (3) monitoring changes to water supply and demand
- (3) addressing newly recognized issues at community and regional levels
- (4) filling vacancies on the council as they occur in accordance with ~~pursuant to Subsection A of 19.25.16.12 (-A), NMAC.~~
- (5) preparing proposed regional water security plan updates and presenting proposed plans to the NMISC staff and commission for implementation approval~~acceptance.~~
- (6) ~~3~~ preparing proposed updates to regional water security plans and presenting proposed updates to the NMISC staff and commission for a approval~~acceptance.~~
- (7) reviewing the operating principles for the council and making changes ~~consistent with Paragraph (3) of Subsection B of 19.25.16.10 NMAC if needed.~~
- (8) aiding in and tracking plan implementation, including outcomes.
- (6) ~~developing, reviewing, and updating PPP lists.~~
- (9) developing and maintaining region-specific lists of stakeholders and providing information to stakeholders about opportunities to engage in the planning process. The council may request NMISC staff support to carry out these responsibilities.
- (10) updating plans at least once every ten years.
- (11) providing semi-annual summary reports to the NMISC staff reflecting:
  - (a) use of funds,
  - (b) progress to date,
  - (c) any difficulties encountered,
  - (d) cost or progress deviations from the proposed processes,cost to complete, and,

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(e) near term plans.

~~C. — Councils shall report to the commission by June 30 of each year on the progress of planning activities, status of plan implementation, and outcomes.~~

~~D. — During the ongoing planning period, councils shall update plans at least once every ten years. Councils shall review and update PPP lists at least once every 5 years.~~

[19.25.16.11 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

Paragraph 19.25.16.12 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCILS details the ISC staff's perception of how a region should represent interests of water stakeholders in a balanced way. Besides overweighting the balance away from actual stakeholders, the paragraph specifies too much complexity, unnecessary ISC staff involvement, and an unwieldy set of council members unlikely to create an agreed-upon useful product.

WE RECOMMEND a total replacement of the paragraph to provide criteria for, rather than specification of, the membership with revisions similar to those written below in tracked changes.

**19.25.16.12 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCILS:** Membership of a regional council shall be determined within the region with support as needed from the NMISC staff, subject to the following:

A. A regional council shall be self-selected and composed of at least six individual members and not more than twenty individual members having needed expertise. Each member may designate an alternate with similar interests to serve in the member's absence

B. The set of members collectively must represent water interests in the region, balanced for the region, among residential, community, commercial, agricultural, natural, technical and institutional interests, including water right owners and groundwater permit holders who depend on the shared water supplies of the region.:

C. In the event of conflict about membership balance or quantity within a region, the NMISC staff shall mediate, or arbitrate if necessary, to resolve the controversy.

D. Regional councils may hire planning, technical and administrative staff.

~~A. Councils shall comprise three categories of members: representative members, at large members and non-voting members. Representative members and at large members shall be voting members of a council. If a qualified or willing representative member, as described in Paragraph (1) of Subsection A of 19.25.16.12 NMAC or at large member, as described in Paragraph (2) of Subsection A of 19.25.16.12 NMAC cannot be identified by the council, the council may propose or NMISC staff may select a replacement non-voting member who is knowledgeable about water resources in the region.~~

~~(1) Representative members. Each governmental entity listed below, if present within the region, is entitled to have a representative serve on the council for any planning region within which it is located. A single representative may represent multiple governmental entities. In the event that a governmental entity is located in multiple regional water security planning regions, the governing body may appoint the same or different representatives to each council. Each representative member shall be appointed by resolution of each governmental entity's governing body. Representative members will consist of the following:~~

~~(a) one representative member identified by the governing body of each municipality;~~

~~(b) one representative member identified by the governing body of each county;~~

~~(c) one representative member identified by the governing body of each irrigation or conservancy district;~~

~~(d) one representative member identified by the governing bodies of each Nation, Pueblo, and Tribe;~~

~~(e) one representative member identified by the governing bodies of each soil and water conservation district;~~

~~(f) one representative member of each regional acequia association in the planning region or if no regional acequia association exists in a planning region, one representative from that region appointed by the New Mexico Acequia Commission; and~~

~~(g) one representative member from an active land grant appointed by the Land Grant Council in a planning region.~~

## IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

~~(2) — At large members. Up to ten at large members shall represent each of the following stakeholder groups. There shall be one at large member position for each stakeholder group, but members may represent multiple stakeholder groups. The stakeholder groups to be represented are:~~

- ~~(a) — ranchers in the region;~~
- ~~(b) — farmers in the region (these farmers may include 4H, Young Farmers, etc.);~~
- ~~(c) — statewide or regional public higher education institutions (such as a student, professor, administrator, etc.);~~
- ~~(d) — environmental, conservation, or water advocacy non-governmental organizations with members or local chapters in the region;~~
- ~~(e) — water-based recreational interests located in the region (fishing, rafting, etc.);~~
- ~~(f) — mutual domestic water consumer associations or community regional water systems in the region;~~
- ~~(g) — commercial, industrial, mining, and power in the region;~~
- ~~(h) — special districts established pursuant to Chapter 73, NMSA 1978, with staff whose responsibilities include water management, located in whole or in part within the region, and that do not fall within the previous membership categories within Paragraph (1) of Subsection A of 19.25.16.12. Should there be no representative pursuant to these criteria for the region, this becomes a general at large member;~~
- ~~(i) — existing regional water planning steering committees who have continuously operated since the conclusion of the 2014-2016 regional water planning effort. Should there be no regional water planning steering committee in the region, this becomes a general at large member; and~~
- ~~(j) — one general at large member in the region.~~

~~(3) — Non-voting members. Up to five non-voting members representing parties from outside the region with water interests in the region. These five non-voting members shall comprise up to three non-voting members for entities outside the region that own water rights within the region, and up to two non-voting members from other water security planning councils hydrologically linked to the region.~~

~~B. — Region-specific stakeholders. Lists of region-specific stakeholders shall be developed and maintained by NMISC staff and shared with councils. The identification of region-specific stakeholders shall, at a minimum, include:~~

- ~~(1) — an email point of contact; and~~
- ~~(2) — documentation including a physical address, residential or professional, within the region; or~~
- ~~(3) — written statement of interest identifying the individual or entity and explaining why the individual or entity is interested in engaging in the region's planning process.~~

[19.25.16.12 NMAC – N, xx/xx/202x]

**IMPROVED PROPOSED RULE – NMWA’s Recommended Revisions to ISC Staff’s PROPOSED RULE**

**Paragraph 19.25.16.13 needs no change.**

**19.25.16.13 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING AND INPUT REQUIREMENTS:**

**A.** Councils shall hold regularly scheduled meetings as follows:

(1) meetings shall be held at least four times per year during periods when the region’s plan is being developed or updated.

(2) meetings shall be held at least two times per year during periods when the plan is not being developed or updated.

(3) councils shall provide at least 14-day notice of meetings or other activities to council members, the public, region-specific stakeholders, Nations, Pueblos and Tribes, and the commission, with NMISC staff support as needed.

(4) councils, with NMISC staff support, shall offer meetings for hybrid participation if practicable.

**B.** Councils shall develop regional water security plans through broad input. This shall include opportunities for the public, region-specific stakeholders, and Nations, Pueblos, and Tribes to be involved in the development, vetting and prioritization of PPPs. During the plan development or update of any plan, councils shall, with NMISC staff support, at a minimum:

(1) notify the public, region-specific stakeholders, and Nations, Pueblos and Tribes, including by distributing publicly available information regionally about the development of the plan, and opportunities for input, at regular intervals.

(2) provide in-person and virtual opportunities for input at council meetings.

(3) provide a minimum of 60 days for the public, region-specific stakeholders, and Nations, Pueblos and Tribes to provide input in person, via email, or through a website on proposed regional water security plans.

(4) make comments publicly available ahead of finalization of a regional water security plan to be presented for commission approval.

**C.** Councils shall consider a broad range of participation options for input, which may include but are not limited to:

(1) providing materials in languages in common use within the region (e.g., ASL, Spanish, Tewa, Navajo).

(2) hosting additional meetings, focus groups, listening sessions, open houses or other events.

(3) providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.

(4) providing multiple in-person opportunities distributed throughout the region and expanded strategies for community engagement.

(5) providing meeting spaces or computer access and connectivity for remote participation.

**D.** To promote broad awareness and to encourage participation, council outreach efforts, with NMISC Staff support as needed, shall include, but are not limited to:

(1) educational content; and

(2) multimedia advertising of engagement opportunities.

(3) additional opportunities may be developed at the determination of the council.

[19.25.16.13 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA’s Recommended Revisions to ISC Staff’s PROPOSED RULE

**Paragraph 19.25.16.14 CONSIDERATIONS FOR COUNCILS DURING PLANNING PROCESSES.** The paragraph allows (Subparagraph C) councils to treat the stated statewide objectives as optional. This is a contradiction of the requirements of WSPA 4.B.(9).(b). The paragraph requires (Subparagraph D.) councils to conduct planning without the benefit of needed hydrological data. This is contradiction of the WSPA 4.B.(7) requirement for scientific integrity.

**WE RECOMMEND small revisions similar to those shown below in tracked changes.**

### 19.25.16.14 CONSIDERATIONS FOR COUNCILS DURING PLANNING PROCESSES:

- A. Councils shall consider, with resources provided by NMISC staff, the following information for inclusion in regional water security plans:
- (1) existing water plans and water resources planning initiatives;
  - (2) compliance with state water law, including recognition of established water rights;
  - (3) best available science for considering climate resiliency and increasing aridification;
  - (4) recognition and respect of federally recognized or reserved tribal water rights;
  - (5) access to water for domestic use;
  - (6) compliance with applicable federal water law;
  - (7) a consensus definition of the region’s public welfare values;
  - (8) balancing water uses and the needs of future generations of New Mexicans; and
  - (9) public participation and comments.
- B. Councils may shall consider the following information for inclusion in any regional water security plan:
- (1) best available resources or methodologies for considering the needs of rural and urban places and populations within the region;
  - (2) groundwater management strategies and needs;
  - (3) regional food security and agricultural resilience; and
  - (4) water needs for healthy upland and riparian habitats and wetlands.
- C. Councils shall comply with~~consider~~ the following statewide objectives in any regional water security plan:
- (1) state obligations under interstate compacts;
  - (2) compliance with the Endangered Species Act and the prevention of serious harm to the habitats or wetlands of species that are threatened or endangered under state or federal law;
  - (3) implementation of water rights settlements, including local and federally executed Indian water rights settlements;
  - (4) the state’s existing administration plans under the Active Water Resources Management program.
- D. Councils shall develop and update regional water security plans as provided herein using the best available science, data, and models. Councils shall identify data gaps and seek further studies in their regional water security plans to fill such data gaps.
- [19.25.16.14 NMAC – N, xx/xx/202x]

IMPROVED PROPOSED RULE – NMWA's Recommended Revisions to ISC Staff's PROPOSED RULE

**Paragraph 19.25.16.15 CRITERIA FOR APPROVAL OF REGIONAL WATER SECURITY PLANS.** The paragraph specifies needed content of the plans but does not provide criteria by which the commission should approve/disapprove the plan. Those criteria should ask the commission to evaluate the sufficiency of the planning process and the effectiveness of the recommendations in the plan.

**WE RECOMMEND** the insertion of new subparagraphs A and B ~~with words similar~~ to those written below in tracked changes. We also recommend a correction of the cross reference in Subparagraph C.(7) to match our recommendations for Improvements to 19.25.16.10.

**19.25.16.15 CRITERIA FOR APPROVAL OF REGIONAL WATER SECURITY PLANS:** In order to be approved by the commission, a regional water security plan shall show compliance with these criteria:

A. Adequate Planning Process: the regional council prepared its regional plan or interim plan element through a coherent planning process that demonstrated:

(1) evenly balanced participation: the regional council sought, documented, considered and acted upon stakeholder and public voices,

(2) transparency: the regional council regularly brought the water security planning program work and progress to the public and facilitated public participation and comments

(3) a scientific foundation: water security planning has taken full cognizance of the scientific foundation for planning provided by the ISC staff and commission and the regional plan demonstrates scientific integrity,

(4) formal evaluation: proposed policies and projects that have been well vetted and grouped into alternative programs, including a no action alternative program, from which a preferred alternative program has been selected,

(5) public welfare: the regional council's planning developed and adhered to a statement of current and future public welfare of the region as specified in 19.25.16.17,

(6) tribal sovereignty: the regional council's planning took into account ongoing cognizance of tribal sovereignty and interests within the particular region, and,

(7) natural water uses: the regional planning identified groundwater/aquifer, riverine, riparian habitat, and wetlands impacts and addressed how those impacts would be limited and balanced under reduced water availability due to increasing temperatures and aridity.

B. Adequate Planning Content: implementation of the preferred alternative program in the regional plan would:

(1) close the gap between overall regional water demand and regional water supply,

(2) address any significant intraregional gaps between supply locations and demand locations,

(3) increase the long-term viability of the water planning region's water supplies and the water adaptability for current and future generation users,

(4) provide for reliable domestic water supplies for rural communities,

(5) protect riverine, wetlands, and riparian habitat and species values,

(6) include groundwater management plans,

(7) for regions containing perennial streams, surface water management plans,

(8) for regions containing interstate perennial streams, assure ongoing compliance with interstate compacts,

(9) achieve consistency with community, municipal and institutional water plans within the region, and,

(10) provide for the regional council to lead and manage regional plan implementation, monitor and report the outcomes, and prepare amendments and updates to the approved regional plan.

CA. To meet the approval criteria in 19.25.16.15.A and 19.25.16.15.B, Pplans shall include documentation of the following items:

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(1) Water Security Tribal Advisory Council (WSTAC) engagement, involvement, information and recommendations;

(2) public notice under Section 19.25.16.13 ~~A.(3)~~;

(3) stakeholder engagement in the development, vetting and prioritization of PPPs;

(4) comments received, considered, and incorporated from stakeholders and the public;

(5) comments received from state and federal agencies;

(6) council consideration of public welfare values, balancing water uses and the needs of future generations of New Mexico in the region, if any;

(7) Council committees, working groups and/or sub-regions, if applicable, within a region;

(8) consideration of the regional water balance, including any projected reductions in water availability due to the impacts of climate change or other factors; and

(9) compliance with statewide objectives identified in Paragraph C of Section 14.

**DB.** Plans shall include documentation that the needs of rural and urban populations within the region were considered.

**EC.** Plans shall include a list of prioritized proposed projects, programs, and policies with each item ranked individually relative to all other PPPs on that sub-list region wide.

~~(1) The prioritized list of PPPs included in each plan shall be organized based on the readiness of each individual PPP.~~

(12) Each proposed PPP must list the sponsor(s) that intends to lead implementation of the PPP, including obtaining and administering any necessary funding for the PPP.

(23) PPPs shall be classified in accordance with ~~sorted by priority into~~ the following readiness-  
to-implement stages:

(a) ideas stage;

(b) ~~- whether or not it is fully scoped~~; and

(c) ~~ready to proceed~~ rapidly implementable if funded stage.

(34) PPP types include, but are not limited to projects, programs, and policies that address the following:

(a) watershed health

(b) drinking water

(c) storm water

(d) wastewater

(e) water retention and delivery infrastructure

(f) water conservation resulting in a reduction of total water ~~use~~ depletions

(g) education

(h) efficiency resulting in a reduction of total or per-capita water use

(i) water reuse

(j) aquifer storage and recovery

(k) aquifer recharge

(l) agricultural resilience

(m) development of new water resources

(n) river and riparian habitat and wetlands restoration

(o) livestock management

(p) alternative water administration strategies (under Active Water Resources Management, water markets or banks, voluntary shortage sharing, etc.)

(q) drinking water system regionalization

(r) asset management planning

(s) scientific studies

(45) Additional documentation for each PPP ~~may if appropriate shall~~ include:

(a) existing or potential funding, including funding to match state or federal resources;

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benefits; (b) ability to enhance regional water resilience or have long-lasting and sustainable

(c) the presence of multiple benefits or ability to meet multiple objectives;

(d) substantial support from diverse stakeholders; or

(e) identification of interrelated PPP's and potential enhanced benefits of implementing multiple PPPs in conjunction with each other.

**(56)** Councils may elect to repeat PPP list items in subsequent plans and updated PPP lists.

**(67)** Councils with sub-regions shall integrate all sub-regional priorities into a single prioritized list of PPPs for submittal to the commission with their plan. Processes for resolving sub-regional priorities alongside the recommendations of other sub-regions in the region shall be resolved by the council pursuant to its operating principles, as provided for in Paragraph (1) of Subsection B of 19.25.16.10 NMAC.

[19.25.16.15 NMAC – N, xx/xx/202x]

## IMPROVED PROPOSED RULE – NMWA’s Recommended Revisions to ISC Staff’s PROPOSED RULE

Paragraph 19.25.16.16 STATE ENGINEER CONSIDERATION OF REGIONAL ISSUES OF PUBLIC WELFARE IN PERMITTING DECISIONS. WSPA 4.C.(1).(c) asks for a procedure to report planning issues to the commission. The “proposed rule” does not appear to address that requirement.

WE RECOMMEND the revision of the title of this 19.25.16.16, to address the matter of “Issues” and a total replacement of the text in the paragraph with text similar to that written below in tracked changes.

Further, WSPA 4.C.(1).(e) asks councils to consider public welfare for their region. It does not seek to provide guidance or direction to the State Engineer for her interpretation of Public Welfare of the State. We believe the intent is to have each region decide what its public welfare and values are, for use in conducting the planning and in evaluating alternative recommendations

Accordingly, WE ALSO RECOMMEND the creation of a new paragraph 19.25.16.17 to address the matter of public welfare of the region with text similar to that written on the next page in tracked changes.

### 19.25.16.16 PROCEDURE FOR REGIONAL WATER SECURITY PLANNING COUNCILS TO DEVELOP AND PROVIDE NOTICE TO THE NMISC STAFF OF ISSUES STATE ENGINEER CONSIDERATION OF REGIONAL ISSUES OF PUBLIC WELFARE IN PERMITTING DECISIONS:

A. The issues to be reported may include problems such as:

- (1) needs for state level technical assistance or financial assistance,
- (2) difficulties in supporting at risk communities within the region,
- (3) delays affecting timely work product deliveries, or,
- (4) difficulties in coordination with internal or adjacent water planning

agencies. The state engineer, in its decisions on permit applications under Sections 72-5-6; 72-5-7; 72-5-23; 72-5-24; 72-5A-6; 72-6-5; 72-12-3; 72-12-7; and 72-12B-1 NMSA 1978, 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 welfare of the state.

B. In response to reported issues, the NMISC staff shall promptly take necessary action to resolve the issue and get the regional council back on track. The actions may include

- (1) negotiated revision of the approved work plan,
- (2) supplemental funding
- (3) negotiation or mediation support, or,
- (4) provision of technical advice, data and modeling.

A council’s determination shall not be binding on the state engineer’s determination of whether a particular permit application would be detrimental to the public welfare of the state.

C. The state engineer, in determining whether a regional public welfare issue identified by a council is relevant to the determination of whether a particular permit application would be detrimental to the public welfare of the state, shall explain the reasoning in writing.

[19.25.16.16 NMAC – N, xx/xx/202x]

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Paragraph 19.25.16.17 PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES OF THE REGION AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS. As noted in the introduction of 19.25.16.16, this is a new paragraph to address the matter of public welfare. WSPA 4.C.(1).(e) asks councils to consider public welfare for their region. It does not seek to provide guidance or direction to the State Engineer. The intent is to have each region decide what its public welfare and values are, for use in conducting the planning and in evaluating alternative recommendations.

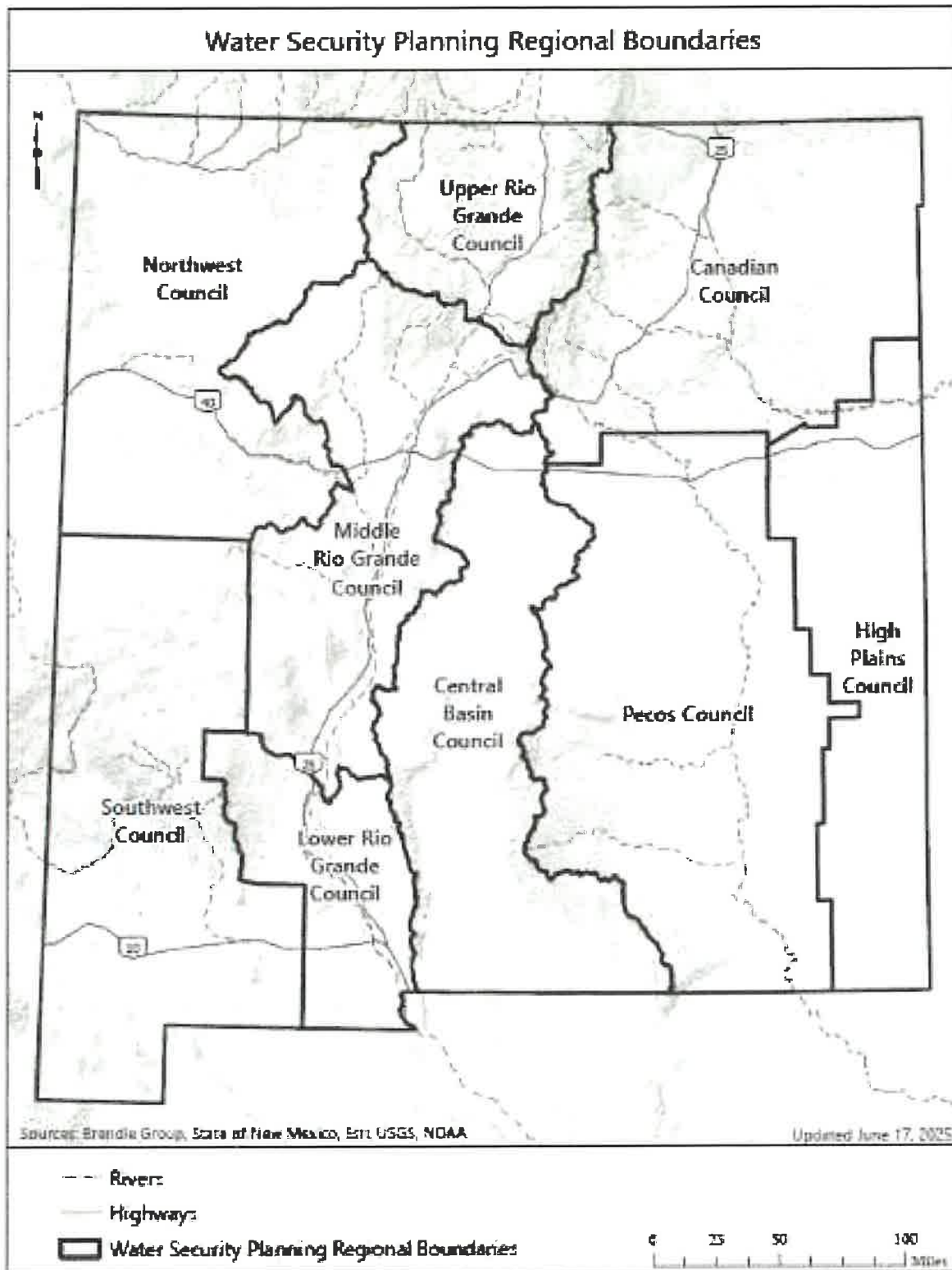
WE RECOMMEND the creation of this new paragraph 19.25.16.17 with text similar to that written below in tracked changes.

19.25.16.17 PROCEDURE FOR A REGIONAL WATER PLANNING COUNCIL TO CONSIDER PUBLIC WELFARE VALUES AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS: Through a broad public process, regional councils shall develop a statement defining the public welfare of the region. Regional councils shall ensure their planning processes and recommendations take careful cognizance of welfare needs that might not be specifically or sufficiently represented among the regional council's membership. At a minimum, aspects to be considered for possible inclusion shall include:

- A. understanding the legal, hydrologic, and demand attributes of the region
- B. avoiding or minimizing impacts to disadvantaged communities within the region,
- C. preserving non-renewable resources (aquifers) for future generations of New  
Mexicans;
- D. avoiding or minimizing impacts to wetlands, habitats of threatened or endangered  
species,
- E. avoiding or minimizing impacts to traditional communities' uses of water,
- F. recognizing and respecting the property rights of water rights holders,
- G. needs for economic growth and encouragement of new business opportunities,
- H. ensuring consistency with internal and adjacent water planning processes,
- I. avoiding or minimizing degradation of existing traditional and acequia water rights  
and uses.

[19.25.16.17 NMAC – N, xx/xx/202x]

HISTORY OF 19.25.16 NMAC [RESERVED]



## **Exhibit B-3**

### **Acknowledgements**

We wish to express our appreciation to Water Advocates Board members and others who supported the 30-month effort and resultant product. Almost all these people participated at various times, in large or small roles, as part of the team that developed and critiqued precursor rule document drafts. These drafts were the source for our submissions to ISC staff and for our recommended markup improvements to the ISC staff’s “proposed rule:”

Norm Gaume, BSEE, MSCE, P.E. (ret.), the President, is a water Professional and former director of the New Mexico Interstate Stream Commission.

Ann McCartney, JD, the Vice President, is a leader of the Valencia Water Watchers and is an attorney at the New Mexico Environmental Law Center.

Carolyn Kennedy, the Secretary-Treasurer, is District Manager for the Coronado S&WCD and has worked for more than 20 years as a paralegal with a prominent Albuquerque law firm.

Bob Wessely, Ph.D., the Past President, is a system engineer who co-led the development of the \$3 million Middle Rio Grande 2004 Regional Water Plan.

Brittany Gaume, MBA, a member of the Board, is a water rights consultant and works closely with the Office of the State Engineer.

Gillian Gonda, MA, a member of the Board, consults regularly as a communications advisor.

John Brown, B.A. C.L. Harvard., M.A. UCLA, a member of the Board, is a policy analyst whose work has focused on the governance of common-pool resources, and who served for several years as executive director of the NM Water Dialogue.

Mihael, Marcus, Ph.D., a member of the Board, is a biologist and has been a member of the Endangered Species Act Collaborative Program.

Lynn Montgomery, a member of the Board, is the Chair of the Coronado Soil and Water Conservation District.

Ralph Wrons, a member of the Board, is a political activist and recreational advocate.

Rip Anderson, Ph.D. and Marcia Fernandez, MA, two members of the Board, are farmers and water activists in the Albuquerque South Valley.

Sarah Knopp, Ph.D. Candidate, a member of the Board, is a policy specialist for Amigos Bravos.

Betsy Diaz, Ph.D., an advisor, is regular committee participant and is a leading participant with the Interfaith Power and Light Organization.

Tricia Snyder, an advisor, on the improved rules design is the Rivers and Waters Program Director for New Mexico Wild.

Rachel Conn, an advisor, on the improved rules design is the Deputy Director of Amigos Bravos.

John Mumm, an advisor, previously a water planner with the ISC.

## Exhibit B-4

270 County Road A3  
Las Vegas, New Mexico 87701

**Robert M. Wessely, Ph.D.**

(505) 259-7842  
wessely@sciso.com

### Experience Abstract

Following a twenty-nine-year career as owner, founder, and technical director of an Albuquerque-based high tech system engineering company, Dr. Wessely turned his efforts toward improving the long-term viability and sustainability of New Mexico's water resources.

### Water Related Experience – 1998 to Present

Middle Rio Grande Water Assembly, Albuquerque, New Mexico 1998 - Present

Chairman 2000 - 2004, Vice President 2005 - 2012, President 2013 - 2021

The Water Assembly (recently renamed MRG Water Advocates) developed and wrote the 2004 Regional Water Plan for Sandoval, Bernalillo and Valencia Counties in New Mexico. Dr. Wessely interactively directed and coordinated the planning process, including the public and governmental interaction, as well as the hydrological and modeling aspects. The multi-faceted role found Dr. Wessely deeply involved with the analyses of water science, engineering and technologies, presentations to lay personnel, and sometimes contentious mediations associated with the water issues involved in the planning process. Examples of the involvement include:

- reconciling various water budgeting approaches for the region
- understanding the aquifer status and rates of change
- dealing with fluctuations in annual inflows
- evaluating the relative feasibilities of candidate water saving technologies
- evaluating alternative proposed means for enhancing water supplies
- selecting from among varied urban conservation techniques
- delving into the practicalities of proposed agricultural efficiencies
- understanding and eliciting public attitudes and values
- balancing the implications of water rights legalities against the realities of available wet water and political exigencies.

New Mexico Water Dialogue, Albuquerque, New Mexico, Director 2014 - Present

The New Mexico Water Dialogue (NMWD) is a statewide entity that focuses on creating and maintaining dialogue among stakeholders and others concerning evolving water issues, particularly related to water planning. The NMWD designs and conducts an annual water issue symposium with diverse participants from around the state, including a convocation of ISC staff, NMWD Board members, and Regional Water Planners to address issues arising from the ISC's regional water planning project. The NMWD also developed the original guidance template for regional water plans and sponsored an "upstream-downstream" series of meetings to coordinate the regional water planning along the Rio Grande from Santa Fe to Socorro.

House Memorial 1 Working Group, Albuquerque, New Mexico, Participant 2015

The House Memorial 1 Working Group (previously called Governance Study Group) developed six issue papers, each paper identifying a shortfall in the current regional water planning process and proposing suggesting remedial actions. House Memorial 1 (2017) requested ISC to convene a Task Force to develop a water planning process proposal for the 2019 Legislature. In the absence of that, the HM1WG, developed a policy document *Making the Case for Change*, along with three proposed bills for the 2019 Legislature's consideration.

Las Vegas Community Water Board, Las Vegas, New Mexico, Member 2008 - 2022

President 2012 - 2022

The Community Water Board serves to stimulate the Las Vegas City Council and Mayor to address serious age-related deficiencies of the City's water infrastructure. The Board, and particularly Dr. Wessely, serves as ongoing advisor to the Utility Director and staff through the process of engineering studies, decision making, acquisition of external and internal funding, and project implementation for the City's water system.

## **IMPROVED PROPOSED RULE – NMWA’s Recommended Revisions to ISC Staff’s PROPOSED RULE**

City of Las Vegas Utility Advisory Committee, Las Vegas, NM, Chairman 2010 - 2014

The Utility Advisory Committee provided monthly guidance and assistance to the City’s Utility Director with emphasis on City water issues including the City’s entire water system from water sources and storage through liquid waste disposal. At the same time, the City was experiencing severe drought which involved updating the City’s regulatory regime. The Committee also provided advice to the Director on operations and maintenance of the City’s heating gas system, recycle programs, and solid waste services,

Sandia National Laboratories, Albuquerque, New Mexico, Consultant 2004 - 2008

As a part of Sandia National Laboratories’ desalination research program, Dr. Wessely was asked to develop a strategy for outreach to the public and small governments so as to help recipients base desalination decisions upon technical reality rather than rumor. As a part of the strategy that was developed, he defined and developed a computer-based visual model that will allow lay personnel to see, in real time, cost and design consequences of decisions relating to meeting the increasing water needs of their small communities.

### **Other Community Involvement – 2007 to Present**

Las Acequias de Placitas, Parciante 2007 - Present; Private Acequia Parciante 1977 - 2008

Irrigator of fruit orchard in the Village of Placitas from Las Acequias de Placitas 2008 - Present.

As a member of the acequias, developed an Emergency Infrastructure Plan, unanimously approved by the membership. Irrigator from spring system of extensive fruit orchard at Rancho de Los Alamos (apples, apricots, plums, peaches, pears, cherries) four miles north of Placitas Village 1977 - 2008.

San Miguel, Mora, Sandoval, Bernalillo Counties, Advisor 2010 – 2020

Dr. Wessely served with area citizens as a neutral advisor concerning the development of reasonable oil and gas and mining ordinances in the respective counties. This involved research, presentations, drafting and critiquing ordinance drafts, and educating commissioners on the issues.

### **Other Work Related Experience – 1966 to 2000**

SciSo Inc., Albuquerque, New Mexico, Co-Founder, Chairman, and Technical Director 1971 - 2000

A small business, SciSo was comprised of 30 professionals headquartered in Albuquerque, with a branch office in Virginia. As a principal of SciSo, an engineering management consulting company, Dr. Wessely managed the SciSo facilities and operations including technical execution and business development of projects in support of major DoD, DoE, DoT, NASA and NATO prime contractors as well as various commercial businesses (healthcare, manufacturing, electronics, petroleum). Among the projects, Dr. Wessely’s technical role addressed most phases and aspects of system development, from concept through test and initial operation, and from project planning and coordination to evaluation of new technologies for use in the nascent systems.

Comarco, Inc. Yorba Linda, California, Member, Board of Directors 1974 -1994

During Dr. Wessely’s tenure as member of the Board of Directors, Comarco grew from a \$3M to an \$80M provider of engineering services for DoD agencies as well as developer of selected wireless technologies for commercial uses.

RCA, Moorestown, New Jersey, Principal Engineer 1970 - 1971

Dr. Wessely led the development group for the AEGIS Command and Control system development during the formative years of the program

Radiation Service Company, Alamogordo, New Mexico, Research Physicist 1966 - 1970

Dr. Wessely played key role in missile test data reduction processes, including detailed interface with the various missile range test program user communities.

### **Education**

|       |                            |                                 |      |
|-------|----------------------------|---------------------------------|------|
| Ph.D. | Rutgers University         | Theoretical Solid State Physics | 1966 |
| M.S.  | Rutgers University         | Physics                         | 1962 |
| B.S.  | Carnegie Mellon University | Physics                         | 1960 |

## PROPOSED RULE

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 25    ADMINISTRATION AND USE OF WATER – GENERAL PROVISIONS**  
**PART 16        REGIONAL WATER SECURITY PLANNING**

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

**19.25.16.2        SCOPE:** This rule implements the provisions of the Water Security Planning Act, Section 72-14A-1 NMSA 1978, and sets forth the processes and criteria for convening and establishing regional water security planning councils and developing and maintaining regional water security plans.  
[19.25.16.2 NMAC – N, xx/xx/202x]

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

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

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

**19.25.16.6        OBJECTIVE:** The objective of this rule is to establish a framework for regional water security planning councils to develop, maintain, and aid in implementation and tracking of regional water security plans. This framework will be grounded in regional values, scientific consensus, and New Mexico water law. The processes outlined in this rule are intended to: ensure that the plans will be based on the best available science, data, and models regarding available water supplies, use, and trends; provide transparency and opportunities for meaningful input and participation by the public and Nations, Pueblos, and Tribes within each regional water security planning region; acknowledge the sovereignty, water rights, and water needs of tribal communities; consider public welfare and the needs of future generations of New Mexicans; align with state and federal laws; and identify and prioritize projects, programs, and policies that will help to ensure water security into the future. Nothing in this rule supersedes or violates state water law regarding the role and authority of the state engineer or the doctrine of prior appropriation. Furthermore, nothing in this rule permits the condemnation of water rights, or determines, abridges or affects in any way the water rights of water right owners in the state, including water rights of Nations, Pueblos, and Tribes.

[19.25.16.6 NMAC – N, xx/xx/202x]

**19.25.16.7        DEFINITIONS:**

**A.        “Commission”** means the New Mexico interstate stream commission and its nine appointed members, authorized under Section 72-14-1 NMSA 1978.

**B.        “Initial planning period”** means the time period from the establishment of each council to the approval of its first regional water security plan by the commission.

**C.        “NMISC staff”** means the employees of the New Mexico interstate stream commission.

**D.        “Ongoing planning period”** means any time period following the initial planning period for each council. The ongoing planning period begins once an initial regional water security plan is approved by the commission.

**E.        “Projects, programs, and policies”** or “PPPs” or “PPP” means identified strategies and alternatives, including infrastructure projects, conservation programs, watershed or groundwater management policies, and other types of initiatives that will promote regional water security and are identified in the plans and PPP lists.

**F.        “Regional water security plan”** or “plan” means a plan produced by a council, that meets the requirements described herein and is approved by the commission.

**G.        “Regional water security planning council”** or “council” means the members described herein who lead regional water security plan development, and aid in and track implementation of the plan in their respective region.

## PROPOSED RULE

**H. “Regional water security planning region”** or “planning region” or “region” means an area of the state as described herein that is the planning area for each regional water security planning council.

**I. “Region-specific stakeholder”** means a member of the public who is not a member of a council but has identified themselves to NMISC staff or a council as interested in engaging in the planning process for a specific region.

[19.25.16.7 NMAC – N, xx/xx/202x]

### **19.25.16.8 WATER SECURITY TRIBAL ADVISORY COUNCIL:**

**A.** NMISC staff shall provide administrative support and facilitation, in coordination 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 Nations, Pueblos, and Tribes.

**B.** The purpose of the WSTAC is to provide a forum for input from New Mexico Nations, Pueblos, and Tribes to ensure that their sovereignty, water rights, water needs, and viewpoints are considered and incorporated in regional water security planning and other related activities as determined by the commission.

**C.** The participating Nations, Pueblos, and Tribes shall determine their own procedures and principles for the operation of WSTAC.

[19.25.16.8 NMAC – N, xx/xx/202x]

### **19.25.16.9 REGIONAL WATER SECURITY PLANNING REGIONS:**

**A.** The nine regional water security planning regions are shown in exhibit A, water security planning regions (map).

**B.** ~~Subject to commission approval, If a council determines that To the extent that a sub-regions may be beneficial for regional water security planning, thea cCouncils shallmay request commission approval to regional water security planning regions may be subdivided into establish a~~ sub-regions within a planning region or across multiple planning regions. In determining whether to approve a proposed sub-region, the commission shall use the following criteria:

(1) the basis ~~for the sub-region, such as hydrologicalreliance on the same water source(s), existing water planning organizations, water rights adjudication or Indian water rights settlement boundaries, or otherwise, for the sub-region and what the~~ circumstances ~~that~~ make the proposed sub-region distinct from the region;

(2) whether there is sufficient population and capacity within the proposed sub-region to engage in a transparent and inclusive planning process for the proposed sub-region;

(3) the impact of the proposed sub-region on the ability of the remainder of the region to engage in a transparent and inclusive planning process;

(4) support from the associated council(s) for the proposed sub-region;

(5) the process for how the work of the proposed sub-region will be integrated with the regional water security plan(s) of associated region(s), including the prioritization of projects, programs, and policies.

[19.25.16.9 NMAC – N, xx/xx/202x]

### **19.25.16.10 INITIAL PLANNING PERIOD:** During the initial planning period,

**A.** Responsibilities of NMISC staff include:

(1) inviting governmental entities identified in Paragraph (1) of Subsection A of 19.25.16.12, NMAC to select their representatives, and convening a meeting of these representative members.

(2) assisting representative members in the invitation of at-large members, identified in Paragraph 2 of Subsection A of 19.25.16.12, NMAC, and non-voting members, identified in Paragraph (3) of Subsection A of 19.25.16.12, NMAC.

(3) acting as the commission’s liaison to the councils for the purpose of ensuring the coordination of commission information, policies, and resources. Subject to adequate funding and resources, NMISC staff assigned to these tasks shall be located at an office of the state engineer district office within or near the region.

(4) providing administrative support and facilitation for at least four meetings of each council per calendar year.

## PROPOSED RULE

(5) providing councils with technical support, including assistance with accessing the best available data and science, templates to guide decision making, and compilations of existing plans and additional resources.

(6) developing and maintaining lists of region-specific stakeholders and notifying stakeholders of opportunities to engage in the planning process.

**B.** Responsibilities of the council include:

(1) once convened by the NMISC staff, the representative members shall invite, with NMISC staff support, and select at-large members as identified in Paragraph (2) of Subsection A of 19.25.16.12 NMAC. NMISC staff shall review membership and confirm compliance with Paragraph (2) of Subsection A of 19.25.16.12 NMAC.

(2) the representative members and the at-large members shall invite, with NMISC staff support, and select non-voting members as identified in Paragraph (3) of Subsection A of 19.25.16.12 NMAC.

(3) once the council has been formed through the convening, inviting, and selection of representative members, at-large members, and non-voting members, the council shall adopt and provide NMISC staff written operating principles that, at a minimum, describe the following:

- (a) the roles and responsibilities of the council's voting and non-voting members;
- (b) the duration(s) of the term(s) for council members;
- (c) the potential roles of committees, including a steering committee, sub-committees and/or work groups, if relevant;
- (d) the grounds and process for removing a member from the council;
- (e) the decision-making process to be used by the council to prioritize projects, programs, and policies; and
- (f) the process for integration and engagement with commission approved sub-regions, if relevant.

C. Councils may choose to self-convene provided the composition set forth in Section 19.25.16.12 is adhered to and ~~the self-organized council is~~ confirmed by NMISC staff.  
[19.25.16.10 NMAC – N, xx/xx/202x]

### 19.25.16.11 ONGOING PLANNING PERIOD: During the ongoing planning period.

**A.** Responsibilities of NMISC staff include:

(1) reviewing and confirming compliance with Subsection A of 19.25.16.12 NMAC for representation of representative and at-large members, when council vacancies are filled.

(2) providing administrative support and facilitation for at least two meetings of the council per calendar year during periods when the council is not in the process of updating a plan and providing at least four meetings of the council per calendar year when the council is in the process of updating a plan.

(3) providing councils with technical support, including assistance with accessing the best available data and science, decision-making guides, compilations of existing plans, and resources to aid in tracking and reporting on implementation.

(4) publishing all regional water security plans developed by councils and approved by the commission.

**B.** Responsibilities of the council include:

- (1) filling vacancies on the council pursuant to Subsection A of 19.25.16.12 NMAC.
- (2) preparing proposed regional water security plans and presenting proposed plans to the commission for ~~acceptance~~approval.
- (3) preparing proposed updates to regional water security plans and presenting proposed updates to the commission for ~~acceptance~~approval.
- (4) reviewing the operating principles for the council and making changes consistent with Paragraph (3) of Subsection B of 19.25.16.10 NMAC if needed.
- (5) aiding in and tracking plan implementation, including outcomes.
- (6) developing, reviewing, and updating PPP lists.

## PROPOSED RULE

(7) developing and maintaining region-specific lists of stakeholders and providing information to stakeholders about opportunities to engage in the planning process. The council may request NMISC staff support to carry out these responsibilities.

C. Councils shall report to the commission by June 30 of each year on the progress of planning activities, status of plan implementation, and outcomes.

D. During the ongoing planning period, councils shall update plans at least once every ten years. Councils shall review and update PPP lists at least once every 5 years.  
[19.25.16.11 NMAC – N, xx/xx/202x]

### 19.25.16.12 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCILS:

A. Councils shall comprise three categories of members: representative members, at-large members and non-voting members. Representative members and at-large members shall be voting members of a council. If a qualified or willing representative member, as described in Paragraph (1) of Subsection A of 19.25.16.12 NMAC or at-large member, as described in Paragraph (2) of Subsection A of 19.25.16.12 NMAC cannot be identified by the council, the council may propose or NMISC staff may select a replacement non-voting member who is knowledgeable about water resources in the region.

(1) Representative members. Each governmental entity listed below, if present within the region, is entitled to have a representative serve on the council for any planning region within which it is located. A single representative may represent multiple governmental entities. In the event that a governmental entity is located in multiple regional water security planning regions, the governing body may appoint the same or different representatives to each council. Each representative member shall be appointed by resolution of each governmental entity's governing body. Representative members will consist of the following:

- (a) one representative member identified by the governing body of each municipality;
- (b) one representative member identified by the governing body of each county;
- (c) one representative member identified by the governing body of each irrigation or conservancy district;
- (d) one representative member identified by the governing bodies of each Nation, Pueblo, and Tribe;
- (e) one representative member identified by the governing bodies of each soil and water conservation district;
- (f) one representative member of each regional acequia or community ditch association in the planning region or if no regional acequia or community ditch association exists in a planning region, one representative from that region appointed by the New Mexico Acequia Commission; and
- (g) one representative member from an active land grant appointed by the Land Grant Council in a planning region; and
- (h) one representative member identified by the in C-hapter 4, NMSA 1978, or Chapter 72, NMSA 1978 -50-1 Flood Control governing bodies of each -flood control authority or agency.

(2) At-large members. Up to ten at-large members shall represent each of the following stakeholder groups. There shall be one at-large member position for each stakeholder group, but members may represent multiple stakeholder groups. The stakeholder groups to be represented are:

- (a) ranchers in the region;
- (b) farmers in the region (these farmers may include 4H, Young Farmers, etc.);
- (c) statewide or regional public higher education institutions (such as a student, professor, administrator, etc.);
- (d) environmental, conservation, or water advocacy non-governmental organizations with members or local chapters in the region;
- (e) water-based recreational interests located in the region (fishing, rafting, etc.);
- (f) mutual domestic water consumer associations or community regional water systems in the region;
- (g) commercial, industrial, mining, and power in the region;

## PROPOSED RULE

(h) special districts established pursuant to Chapter 73, NMSA 1978, with staff whose responsibilities include water management, located in whole or in part within the region, and that do not fall within the previous membership categories within Paragraph (1) of Subsection A of 19.25.16.12. Should there be no representative pursuant to ~~this~~ ~~these~~ criteria for the region, this becomes a general at-large member;

(i) existing regional water planning steering committees ~~who that have been~~ ~~active/continuously operated~~ since the conclusion of the 2014-2016 regional water planning effort. Should there be no regional water planning steering committee in the region, this becomes a general at-large member; and

(j) one general at-large member in the region.

(3) Non-voting members. Up to ~~six~~ ~~five~~ non-voting members representing parties from outside the region with water interests in the region. These ~~six~~ ~~five~~ non-voting members shall comprise up to three non-voting members for entities outside the region that own water rights within the region, and up to ~~three~~ ~~two~~ non-voting members from other water security planning councils hydrologically linked to the region.

**B. Region-specific stakeholders.** Lists of region-specific stakeholders shall be developed and maintained by NMISC staff and shared with councils. The identification of region-specific stakeholders shall, at a minimum, include:

- (1) an email point of contact; and
- (2) documentation including a physical address, residential or professional, within the region;

or

(3) written statement of interest identifying the individual or entity and explaining why the individual or entity is interested in engaging in the region's planning process.

[19.25.16.12 NMISC – N, xx/xx/202x]

### 19.25.16.13 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING AND INPUT REQUIREMENTS:

**A.** Councils shall hold regularly scheduled meetings as follows:

- (1) meetings shall be held at least four times per year during periods when the region's plan is being developed or updated.
- (2) meetings shall be held at least two times per year during periods when the plan is not being developed or updated.
- (3) councils shall provide at least 14-day notice of meetings or other activities to council members, the public, region-specific stakeholders, Nations, Pueblos and Tribes, and the commission, with NMISC staff support as needed.
- (4) councils, with NMISC staff support, shall offer meetings for hybrid participation if practicable.

**B.** Councils shall develop regional water security plans through broad input. This shall include opportunities for the public, region-specific stakeholders, and Nations, Pueblos, and Tribes to be involved in the development, vetting and prioritization of PPPs. During the plan development or update of any plan, councils shall, with NMISC staff support, at a minimum:

- (1) notify the public, region-specific stakeholders, and Nations, Pueblos and Tribes, including by distributing ~~publicly available~~ information regionally about the development of the plan, and opportunities for input, at regular intervals.
- (2) provide in-person and virtual opportunities for input at council meetings.
- (3) provide a minimum of 60 days for the public, region-specific stakeholders, and Nations, Pueblos and Tribes to provide input in person, via email, or through a website on proposed regional water security plans.

(4) make comments publicly available ahead of finalization of a regional water security plan to be presented for commission approval.

**C.** Councils shall consider a broad range of participation options for input, which may include but are not limited to:

- (1) providing materials in languages in common use within the region (e.g., ASL, Spanish, Tewa, Navajo).
- (2) hosting additional meetings, focus groups, listening sessions, open houses or other events.

## PROPOSED RULE

(3) providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.

(4) providing multiple in-person opportunities distributed throughout the region and expanded strategies for community engagement.

(5) providing meeting spaces or computer access and connectivity for remote participation.

D. To promote broad awareness and to encourage participation, council outreach efforts, with NMISC Staff support as needed, shall include, but are not limited to:

(1) educational content; and

(2) multimedia advertising of engagement opportunities.

(3) additional opportunities may be developed at the determination of the council.

[19.25.16.13 NMAC – N, xx/xx/202x]

### 19.25.16.14 CONSIDERATIONS FOR COUNCILS DURING PLANNING PROCESSES:

A. Councils shall consider, with resources provided by NMISC staff, the following information for inclusion in regional water security plans:

(1) existing water plans and water resources planning initiatives;

(2) compliance with state water law, including recognition of established water rights;

(3) best available science for considering climate resiliency and increasing aridification;

(4) recognition and respect of federally recognized or reserved tribal water rights;

(5) access to water for domestic use;

(6) compliance with applicable federal water law;

(7) public welfare values;

(8) balancing water uses and the needs of future generations of New Mexicans; and

(9) public participation and comments.

B. Councils may consider the following information for inclusion in any regional water security plan:

(1) best available resources or methodologies for considering the needs of rural and urban places and populations within the region;

(2) groundwater management strategies and needs;

(3) regional food security and agricultural resilience; ~~and~~

(4) water needs for healthy upland and riparian habitats; ~~and~~

~~(5) watershed health and the impacts of wildfire on source water protection; and~~

~~(6) water quality protection or improvement.~~

C. Councils shall consider, with resources provided by NMISC staff, the following statewide objectives in any regional water security plan:

(1) state obligations under interstate compacts;

(2) compliance with the Endangered Species Act and the prevention of serious harm to the habitats of species that are threatened or endangered under state or federal law;

(3) implementation of water rights settlements, including local~~ly~~ and federally executed Indian water rights settlements;

(4) the state's existing administration plans under the Active Water Resources Management program.

D. Councils shall develop and update regional water security plans as provided herein using the best available science, data, and models, and may identify data gaps and recommend further studies in their regional water security plans. Councils may not delay the development of or updates to a plan due to ~~lack of data gaps~~.

[19.25.16.14 NMAC – N, xx/xx/202x]

### 19.25.16.15 CRITERIA FOR APPROVAL OF REGIONAL WATER SECURITY PLANS: In order to be approved by the commission, a regional water security plan must meet the following criteria:

A. Plans shall include documentation of the following items:

(1) Water Security Tribal Advisory Council (WSTAC) engagement, involvement, ~~information~~ and recommendations;

(2) public notice under Section 19.25.16.13;

(3) stakeholder engagement in the development, vetting and prioritization of PPPs;

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- (4) comments received, considered, and incorporated from stakeholders, ~~and the public, and Nations, Pueblos and Tribes;~~
- (5) ~~engagement with and~~ comments received from state and federal agencies;
- (6) council consideration of public welfare values;~~;~~
- (7) ~~council consideration of~~ balancing water uses and the needs of future generations of New Mexico in the region, ~~if any;~~
- (78) ~~C~~council committees, working groups and/or sub-regions, if applicable, within a region;
- (89) consideration of the regional water balance, including any projected reductions in water availability due to the impacts of climate change or other factors; ~~and~~
- (109) compliance with statewide objectives identified in Paragraph C of Section 14; ~~and;~~
- (11) ~~written consent by the leadership of any Nation, Pueblo, or Tribe should a plan PPP list include any activities that may impact tribal lands or tribal waters within the exterior boundaries of pueblos, trust lands, or reservations, or access to tribal data.~~

B. Plans may include documentation that the needs of rural and urban populations within the region were considered.

C. Plans shall include ~~three a numerically-ranked lists of prioritized~~ proposed projects, programs, and policies ~~with each item ranked individually relative to all other PPPs on that sub-list that will identify the region's priorities for promoting regional water security. The lists must incorporate proposed PPPs for the entire planning region, including sub-regions, if any-wide.~~

~~(1) The three prioritized lists of PPPs included in each plan shall also be organized categorized as follows based on the readiness of each individual the PPPs as follows:~~

- ~~(a) ideas stage;~~
- ~~(b) scoping stage; and~~
- ~~(c) ready to proceed stage.~~

(2) Each proposed PPP must list the sponsor(s) that intends to lead implementation of the PPP, including obtaining and administering any necessary funding for the PPP.

- ~~(3) PPPs shall be sorted by priority into the following readiness stages:~~
  - ~~(a) ideas stage;~~
  - ~~(b) scoping stage; and~~
  - ~~(c) ready to proceed stage.~~

(43) PPP types include, but are not limited to, projects, programs, and policies that address the following:

- (a) watershed health
- (b) drinking water
- (c) storm water
- (d) wastewater
- (e) water retention and delivery infrastructure
- (f) water conservation resulting in a reduction of total water use
- (g) education
- (h) efficiency resulting in a reduction of total or per-capita water use
- (i) water reuse
- (j) aquifer storage and recovery
- (k) aquifer recharge
- (l) agricultural resilience
- (m) development of new water resources
- (n) river and riparian habitat restoration
- (o) livestock management
- (p) alternative water administration strategies (under Active Water Resources Management, water markets or banks, voluntary shortage sharing, etc.)

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- (q) drinking water system regionalization
- (r) asset management planning
- (s) scientific studies
- (54) Additional documentation for each PPP may include:
  - (a) existing or potential funding, including funding to match state or federal resources;
  - (b) ability to enhance regional water resilience or have long-lasting and sustainable benefits;
  - (c) the presence of multiple benefits or ability to meet multiple objectives;
  - (d) substantial support from diverse stakeholders; or
  - (e) identification of interrelated PPP<sup>2</sup>s and potential enhanced benefits of implementing multiple PPPs in conjunction with each other.
- (65) Councils may elect to repeat PPP list items in subsequent plans and updated PPP lists.
- (76) ~~Councils with sub-regions shall integrate all sub-regional priorities into a single prioritized list of PPPs for submittal to the commission with their plan. The pProcesses for resolving consolidating and ranking sub-regional priorities into the PPP list for the planning region alongside the recommendations of the rest of the region or other sub-regions within the region shall be resolved by the council pursuant to its operating principles, as provided for in Paragraph (3) of Subsection B of 19.25.16.10 NMAC.~~  
[19.25.16.15 NMAC – N, xx/xx/202x]

### **19.25.16.16 STATE ENGINEER CONSIDERATION OF REGIONAL ISSUES OF PUBLIC WELFARE IN PERMITTING DECISIONS:**

- A. The state engineer, in its decisions on permit applications under Sections 72-5-6; 72-5-7; 72-5-23; 72-5-24; 72-5A-6; 72-6-5; 72-12-3; 72-12-7; and 72-12B-1 NMSA 1978, 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 welfare of the state.
  - B. A council's determination shall not be binding on the state engineer's determination of whether a particular permit application would be detrimental to the public welfare of the state.
  - C. The state engineer, in determining whether a regional public welfare issue identified by a council is relevant to the determination of whether a particular permit application would be detrimental to the public welfare of the state, shall explain the reasoning in writing.
- [19.25.16.16 NMAC – N, xx/xx/202x]

### **HISTORY OF 19.25.16 NMAC: [RESERVED]**