

**STATE OF NEW MEXICO
INTERSTATE STREAM COMMISSION**

**IN THE MATTER OF PROPOSED
ADOPTION OF 19.25.16 NMAC –
*Regional Water Security Planning***

No. NMISC 25 – 01(R)

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

Movant.

**ORDER AND STATEMENT OF REASONS
FOR THE ADOPTION OF 19.25.16 NMAC, REGIONAL WATER SECURITY PLANNING**

INTRODUCTION

This matter comes before the New Mexico Interstate Stream Commission (“NMISC” or “Commission”) on a Rulemaking Petition brought by the Commission Water Planning Program (Program) for the Adoption of Proposed New Rule 19.25.16 NMAC—Regional Water Security Planning.

An evidentiary hearing was held on October 15-17, 2025, in Santa Fe, New Mexico and on a virtual platform. The hearing was conducted pursuant to the Default Procedural Rules in 1.24.25 NMAC. Felicia Orth served as the appointed Hearing Officer. All interested persons had an opportunity to submit data, views, and arguments at the hearing. Commissioners had an opportunity to question all who appeared.

Several dozen persons and organizations participated through written and oral comment in addition to the Program, including official representatives from many New Mexico Pueblos and the Water Security Tribal Advisory Council (WSTAC); many Acequias and the New Mexico Acequia Association (NMAA); several Soil and Water Conservation Districts (SWCD); the New Mexico Department of Game and Fish (DGF); the New Mexico Energy, Minerals, and Natural

Resources Department (EMNRD) State Parks and Forestry Divisions; New Mexico Water Advocates (NMWA); the San Juan Water Commission (SJWC); several non-governmental organizations dedicated to environmental protection, including the Environmental Defense Fund, Amigo Bravos, New Mexico Wild, Audubon SW, Western Resource Advocates, American Rivers Action Fund, Sierra Club, and the Theodore Roosevelt Conservation Partnership; organizations devoted to the preservation of trout; several municipal and county governments; several water utilities and local water systems; the New Mexico Land Grant Council; the New Mexico Cattle Growers; several state legislators; and dozens of other individuals, many of whom had previously participated in New Mexico water planning programs, personally and professionally. A complete list of those providing written comments is set out in Attachment C to the Hearing Officer Report; a complete list and summary of oral comments is set out in Attachment A to the Hearing Officer Report. Petitioner was represented by legal counsel, Kathryn Becker. The Commission was provided legal counsel by Lisa Henne, General Counsel, and the Brendle Group provided administrative and technical support.

The Commission deliberated on January 23 and February 3, 2026. On February 3, the Commission voted 9-0 to adopt Proposed New Rule 19.25.16 NMAC, as amended, based on the substantial evidence in the record for the reasons set out below. The new Rule in its final form for submission to the Records Center is appended to this document as Attachment A.

I. HISTORY OF STATE AND REGIONAL PLANNING

A. 1987 REGIONAL WATER PLANNING ACT

1. State level water planning began in New Mexico with the passage of the 1987 Regional Water Planning Act (NMISC Exhibit (Ex.) 2). This Act was passed by

the New Mexico Legislature in response to a groundwater claim by Texas in New Mexico. The 1987 Act catalyzed the initial round of regional water planning, characterized by regionally led planning committees with limited facilitation and direction from the then newly formed Water Planning Program, which had one staff person. Water planning regions sprang up organically, establishing their own boundaries and developing their plans independently. See testimony of Andrew Erdmann, NMISC Water Planning Program Manager.

2. The NMISC developed the 1994 Regional Water Planning Handbook (Handbook, Ex. 3) to assist in establishing and convening planning committees and to answer three guiding questions:
 - a. what is the region's available water supply;
 - b. what is the region's future water demand; and
 - c. how will the region undertake to meet demand with supply?
3. Plan development was left up to the regions themselves with financial support from NMISC. Some regions developed robust plans supported by thorough outreach and other regions addressed the requirements without significant outreach or discussion.
4. The initial round of regional planning took nearly 20 years and was completed in 2008 with the Commission's acceptance of the final regional plan for the Taos Region. The process resulted in plans of varying granularity and did not achieve a holistic and implementable vision for New Mexico's

water future. Because many plans sought to meet projected water shortages by importing water from neighboring regions, the state was unable to support implementation without choosing winners and losers from among the regions. Regions had developed the plans independently and lacked the context of plan development in other regions. There was no prioritization for state support or for regions to move plans forward themselves.

B. 2003 STATE WATER PLAN ACT

5. In 2002 most of the western United States, including New Mexico, entered a period of exceptional drought that has persisted for more than 20 years. The 2002 water year stressed both municipalities and farmers, ranchers and rural New Mexico, and resulted in drastic conservation measures including municipalities like Santa Fe pausing outdoor watering for parks and investing millions in residential water efficiency, such as toilet replacements.
6. In 2003, many states, including New Mexico, passed legislation for the development of a State Water Plan. The 2003 State Water Plan Act provided for a State Water Plan to be created and then reviewed and updated at least every five years. The NMISC completed the first State Water Plan in December of 2003, and the Plan has been either updated or reviewed in 2009, 2013, 2018, and 2023.
7. The 2013 State Water Plan update recommended adapting and modernizing the regional water planning process for broader purposes. After the 2013 State Water Plan update, the NMISC Water Planning Program produced the

2013 Handbook for Regional Water Planning (Ex. 4), which outlined a common technical approach to be used by the existing 16 Regions for the subsequent round of regional water planning. The Handbook prescribed a format with a specified and consistent methodology for determining the 'Administrative Water Supply' as a foundation for the second round of regional water planning.

8. In the second round of regional water planning, the steering committees had a previous regional plan from which to build. The NMISC Water Planning Program supported the work of steering committees by hiring contractors – one facilitator and one technical expert per region – to guide each committee through the process outlined in the 2013 Handbook. It took each planning region two years to complete the process, and by 2017 all 16 regions had water plans based on the common technical approach.
9. In 2016 and 2017, the Program solicited feedback from regional planning participants through written surveys and public meetings. Feedback from participants included numerous comments relating to the development of the 2013 Handbook's common technical approach, and the boundaries of the planning regions. At the conclusion of the second round of regional water planning, the Program told regional participants that the agency would return to each of the 16 regions for the third round of regional water planning.
10. The Program utilized the work and ideas from the second round of regional plans to develop the 2018 State Water Plan, which provided a compilation of

all the Regional Water Plans and, importantly, consolidated the Projects, Programs, and Policies (PPPs) from all regions into a single unprioritized list. The PPPs included in the list were less of a roadmap for improving New Mexico's water resilience, and more of a menu for potential solutions. Many of the proposed PPPs were mutually exclusive. Despite the limitations of a PPP list, it continues to be a useful compendium of water management strategies that could be tailored to meet local needs across the state. Inclusion on the PPP list also improves the odds that a particular project will receive legislative funding, as the Water Trust Board considers whether a project appears on the PPP list when making funding recommendations.

C. 50-YEAR WATER ACTION PLAN AND LEAP AHEAD REPORT

11. In 2018, Governor Lujan Grisham called for the development of a 50-Year Water Action Plan (50YWAP) for the State of New Mexico. NMISC began development of the 50YWAP by commissioning a technical evaluation from New Mexico Tech projecting the condition of New Mexico's water resources 50 years into the future to serve as targets for water planning and investment. "Climate Change in New Mexico Over the Next 50 Years: Impacts on Water Resources" (Ex. 7), is also known as the "Leap Ahead Report."
12. The findings of the Leap Ahead Report covered the following subject areas: Land-Surface Water Budget; Terrestrial Ecosystems; ; Soils; Landscape, Fire, and Erosion; Surface Water and Groundwater; Rivers; Precipitation and Stormwater; and Water Quality.

13. To summarize the Report, New Mexico will continue to experience increases in temperature resulting in diminishing water availability of roughly 5% per decade resulting in 25% less freshwater by 2070; and the state's precipitation events are likely to be less frequent, more variable, and at times more severe. Aridification will exacerbate both frequency and impacts from flooding.
14. The Governor authorized former State Engineer Mike Hamman to convene a New Mexico Water Policy and Infrastructure Task Force in 2022, comprised of water professionals and subject matter experts from around New Mexico. Working together, the 29 members of the Task Force evaluated water management strategies and made recommendations to support preparedness throughout the state. The Task Force issued a final report, "Facing New Mexico's 21st Century Water Challenges" (Ex. 8).
15. Report Recommendation 2.2 related to water planning: *"Elevate water planning, through statutory clarification of its purpose, and proper funding of its work, and through empowerment of regional and local water agencies, to set clearly identified goals for permanent and escalating reductions in water use over the coming decades."* One of the strategies identified to accomplish this recommendation was to amend the 1987 regional water planning statute. During New Mexico's 2023 legislative session, a coalition of people, including former members of the Task Force, worked with staff from the NMISC and NMOSE to draft and present the Water Security Planning Act

(Senate Bill 337) (Ex. 9). Ultimately, the bill passed unanimously in both the Senate and House. The Governor signed the bill into law.

16. The NMISC Water Planning Program released the State Water Plan 5-Year Review (Ex. 6). The 2023 Review built on the findings of the Leap Ahead Report (Ex. 7) and identifies steps to better integrate regional and state level water planning. New Mexico's State Water Plan has not achieved a statewide vision for water management and does not establish timeframes for goal implementation; it does outline state-wide needs and priorities, including the need to address climate change and regional planning.
17. In early 2024, the Governor's Office issued the 50-Year Water Action Plan (Ex. 10), summarizing the three major water priorities for her administration: water conservation, developing new water supplies, and water and watershed protection. Each of these priorities identifies specific actions to ensure future generations of New Mexicans can enjoy clean water, healthy watersheds, more reliable groundwater supplies, and vibrant local economies. The Act directs the NMISC to utilize broad participation from New Mexicans in future regional water security planning. The process is designed to develop water plans built on local knowledge, community values, and a shared understanding of the reality of water now and in the future.
18. The NMISC and the NMOSE have an obligation to provide future planning regions with a solid understanding of hydrologic and administrative realities

and invest state resources in developing local capacity such that communities across the state can plan for and successfully meet the challenges ahead.

19. The process is outlined in the Rule and forthcoming guidelines, and there is funding to kick off this critical work. The Rule contemplates NMISC staff involvement to get regional planning underway to ensure robust public engagement, appropriate representation on regional water planning councils, and accurate, scientifically based and transparent information to inform the planning process.

20. The NMISC's vision for re-energized regional water planning under WSPA is threefold:

- a. support communities across New Mexico in understanding, preparing for, and responding to the impacts of climate change, including increasing water scarcity;
- b. focus on implementation by ensuring local buy-in and sponsorship, prioritizing resources where they will be most impactful, and tracking and reporting on progress; and
- c. ensure meaningful outcomes on the ground that improve resilience.

II. PROCEDURAL BACKGROUND

A. PETITION

21. On July 17, 2025, the Program filed its petition for regulatory change requesting the Commission adopt a proposed new rule addressing regional water planning efforts under the 2023 Water Security Planning Act ("WSPA")

or “Act”), to be codified at 19.25.16 NMAC. The Petition also requested that the Board set a hearing on the proposed rule and assign a Hearing Officer.

22. On July 17, 2025, the Commission met during a duly called regular meeting with a quorum, granted a hearing on the Program’s Petition, and assigned a hearing officer. The hearing was set to begin at 9 a.m. on October 15, 2025, and continue through October 17, 2025, as necessary. The Commission appointed Felicia Orth as Hearing Officer. The written Order setting the hearing also authorized the Program to provide notice and allow for public comment on an agency webpage dedicated to that purpose in advance of the requirements for the notice and proposed rule to be published in the New Mexico Register pursuant to the State Rules Act.

B. OUTREACH ASSOCIATED WITH THE PROPOSED RULE PUBLIC COMMENT PERIOD

23. On July 17, 2025, after the Commission voted to initiate the rule promulgation process, NMISC staff opened the public comment portal on the NMOSE/NMISC website. This public comment portal launched with the docket of materials, including the Notice (Ex. 24) and the Proposed Rule, and included the ability to submit public comments and read comments submitted by others. The following day, NMISC Staff sent copies of the Proposed Rule to the NMOSE District Managers so that it was available at all NMOSE/NMISC Offices. Additionally, the Proposed Rule was posted on the New Mexico Sunshine Portal on August 8, 2025.

24. NMISC staff continued to use the Main Stream campaign to promote the Proposed Rule comment period. NMISC staff sent three newsletters between July 17– September 27, 2025, to remind New Mexicans of the ongoing comment period and drive engagement. Anyone who participated in any aspect of the WSPA implementation process was added to the Main Stream online newsletter for ongoing communication. NMISC invested over \$70,000 in advertising to invite comments on the Proposed Rule. See Ex. 25.
25. NMISC staff provided a letter to the Small Business Regulatory Advisory Commission (Ex. 26) in accordance with the Small Business Regulatory Relief Act and provided the Proposed Rule to relevant legislative committees in accordance with the State Rules Act.
26. All legal requirements for publishing, sharing, and communicating the Proposed Rule were met timely and abundantly.

C. THE HEARING AND DELIBERATIONS

27. On August 26, 2025, notice of the proposed rulemaking was published in the New Mexico Register. The notice included legal authority for the Rule, the purpose of the Rule, details about the location of the hearing and hybrid platform, and opportunities for public comment. See Ex. 24.
28. The hearing was held virtually via Zoom and in person October 15-17, 2025, in the Auditorium at the Willie Ortiz Building, 2600 Cerrillos Road, Santa Fe, New Mexico 87505. A quorum of the Commission was present at all times.

29. All interested persons were given a reasonable opportunity to submit data, views, or arguments orally, and in writing. Commissioners were provided with all comments submitted to the portal in advance of the hearing. Commissioners were invited to examine all witnesses testifying at the hearing. The Hearing Officer made such orders as were necessary to preserve decorum and protect an orderly hearing process.
30. The hearing was recorded and transcribed by David Lee of Cumbre Court Reporting; all transcripts were posted on the ISC/OSE Rulemaking webpage, along with all written comments and exhibits submitted throughout the process and during the hearing.
31. Following the hearing and receipt of written transcripts, the Hearing Officer prepared a Report with three attachments for the Commission's consideration ahead of deliberations: a close summary of the oral testimony provided during the hearing; the Program's final Proposed Rule with suggested revisions by many other commenters shown in redline format section by section; and an organization and index to the written comments submitted throughout.
32. Notice of the Commission's deliberative meetings on January 23 and February 3, 2026, was timely published. The meetings were held in person in Albuquerque and virtually via Zoom. A quorum of the Commission was present at all times, and votes were taken by roll call. The Commission voted unanimously to adopt the Proposed Rule as adjusted during deliberations, to

authorize the Program to work with the State Records Center for filing the final Rule, and to authorize the Chair to sign related documents.

III. PUBLIC ENGAGEMENT AND OUTREACH PRIOR TO JULY 17, 2025

A. MAIN STREAM, OPEN HOUSES, AND THE DISCUSSION DRAFT RULE

33. The first implementation step specified in the 2023 Act requires NMISC to promulgate a rule and adopt guidelines. In the spring of 2023, NMISC staff, leadership, and the Office of the State Engineer (NMOSE) began developing an implementation strategy to promote broad participation by New Mexicans, utilize the best available water science, and optimize access to federal funding. By July 2023, NMISC staff had identified contractors and developed an outreach strategy that was the foundation of the Proposed Rule.

34. Starting in July 2023, using a mix of federal Bipartisan Infrastructure Law (BIL) funding and state funding, NMISC's two-person Water Planning team began contracting to support WSPA implementation. The contracts included:

- a. a communications firm to develop a campaign to engage New Mexicans in water planning,
- b. a planning firm to develop input strategies to educate and engage while collecting input on values and goals for Regional Water Planning, and
- c. a facilitator to coordinate with New Mexico's Tribes, Pueblos and Nations to take into account tribal sovereignty, tribal water rights, and water needs of tribal communities.

In-Person and Online Engagement Opportunities

35. NMISC staff and contractors developed the “Main Stream” campaign, in six phases:

- a. an outreach and input phase,
- b. a drafting phase for a pre-publication discussion draft of the Rule (Discussion Draft) accompanied by draft guidelines,
- c. another outreach and public review phase,
- d. a re-drafting based on the input collected on the Discussion Draft and petitioned as the Proposed Rule
- e. Rule promulgation, and
- f. guideline finalization and adoption.

36. Sixteen (16) in-person Open House Events, and the Online Open House provided opportunities to accommodate participation from people with various levels of subject matter expertise, interest, and time.

37. The in-person Open House Events included several staffed tables with materials that participants could work through at their own pace, scheduled from 3-7 p.m. to span work hours and after hours. A series of table stations included informational display boards with questions for consideration. Tables in front of the display boards featured worksheets and comment cards. All materials – educational and input-collecting – were available in Spanish and English, and Spanish-speaking staff were present at all in-person

events. The Online Open House mirrored this experience with identical materials and questions.

38. The in-person Open House Events were held in each of the 16 regions from previous planning rounds and took place from April 22 to August 7, 2024.

39. The Online Open House launched on June 3 and closed on August 18, 2024.

These community conversations occurred six times over the last six weeks of the online survey window and were scheduled both during lunch and after work hours to accommodate a variety of schedules.

40. The Online Open House also featured questions regarding potential grants and loans, state agency collaboration, preferred prioritization schemes, recurrence intervals of planning cycles, and public welfare under New Mexico water law.

41. In all, 31 questions were posed. The final question allowed participants to upload a file or to leave written comments and was used by multiple entities.

42. The Brendle Group (Brendle) generated three different reports from comments received; the reports were available on the MainStreamNM.org website. The November 2025 Engagement Report (Ex. 20) includes the materials used online and in the Open House Events and captures responses. The January 2025 Observations and Considerations Report (Ex. 21) draws conclusions based on the input collected online and in person. The Summary Report (Ex. 22) is a condensed version of the material presented in the

Engagement Report and the Observations and Considerations Report and was published in January 2025 with the Discussion Draft Rule and guidelines.

Communications Campaign Support

43. NMISC Staff worked with an Albuquerque firm, Media Desk, to develop a communications campaign regarding WSPA implementation and the Regional Water Security Planning process. Main Stream New Mexico was launched in December 2023. The campaign website, MainStreamNM.org, hosted notice and schedule information about input opportunities, online surveys at several steps in the input process, numerous reports, and a data dashboard detailing the input received during the Rule development process.
44. The MainStreamNM.org site also hosted technical water reports and plans, a blog series developed for the campaign to educate New Mexicans about water users around the state, educational videos developed to improve baseline understanding of water issues in New Mexico, and a newsletter with nearly 3,000 subscribers. Initially developed to support Rule and guideline development, the Main Stream New Mexico campaign continues to serve as a resource for Regional Water Security Planning education and implementation.
45. Media Desk also assisted in developing and placing advertisements – newspaper, radio, and flyers – which ran regionally in advance of each Open House Event to promote attendance and make people aware of online input opportunities. The NMISC invested nearly \$170,000 in advertising for the

Open House Events. NMISC staff also reached out to the public, elected officials, and other stakeholders ahead of each meeting by telephone or email. The advertising associated with the Open House Events is documented in Appendix II of the Engagement Report (Ex. 20).

Discussion Draft Rule and Guideline Development and Input

46. NMISC staff developed a Discussion Draft Rule and guidelines in the fall of 2024 based on input collected from the Open House Events and Online Open House. Many participants in the Open House Events requested draft rule language to respond to in addition to answering questions that would inform the Proposed Rule. The Discussion Draft Rule and guidelines provided an opportunity for New Mexicans to see their input reflected in an early draft Rule and guidelines, and to provide further input. NMISC structured the Discussion Draft to mirror WSPA requirements.
47. Before opening a public comment period for the Discussion Draft, NMISC circulated advance copies of the Discussion Draft Rule and guidelines to leadership at state agencies and to leadership for Tribes, and Pueblos, and Nations. This provided an opportunity for state agencies and tribal governments to provide comments, respond officially to the proposed Discussion Draft language, and prepare to discuss with staff and constituents. Input received during this period added clarity and corrected errors in the Discussion Draft Rule and guidelines.

48. At the January 21, 2025, Commission meeting, the Program presented the Discussion Draft Rule and guidelines, the Observations & Considerations Report, and the Summary Report. At the conclusion of the meeting, NMISC staff opened the Discussion Draft public comment opportunity.
49. Working with Brendle, NMISC staff developed a questionnaire designed to capture suggested edits, organizational suggestions, and additions to each section of the Discussion Draft Rule and guidelines. The questionnaire allowed participants to choose one of three options – support with no edits, support with edits, or do not support – for each subsection of the Discussion Draft Rule and guidelines. If a participant selected “support with edits” or “do not support”, a comment box opened which prompted the participant to explain their selection and to be as specific as possible. At the conclusion of the questionnaire, participants had the opportunity to provide additional comments or to upload documents for consideration. Users of the questionnaire employed the upload feature to submit composed letters, like a position statement from an organization, and supporting documents referred to in submitted comments, such as documentation from decision-making processes used in planning processes.
50. The Discussion Draft Rule and guidelines were initially open for comment from January 21 through February 21, 2025. During this time, NMISC staff received 76 responses to the questionnaire and an additional 20 letters submitted through the questionnaire and via email. After an initial review

and in response to expressed desire for more time, NMISC staff re-opened the comment period from March 13 through April 30, 2025, to have greater engagement and allow additional time for comments. NMISC received an additional 27 comments to the survey and an additional 12 letters through the questionnaire and direct email to Director Riseley-White or the Program.

51. The Compilation Report (Ex. 23) contains all comments received in either the questionnaire or via email. This report was published after the initial comment period and updated after the April comment period. Like the Engagement Report, which captured input from the Open House Events, the Compilation Report summarized the input collected on the Discussion Draft. Feedback provided during the Discussion Draft period led the NMISC staff to re-organize and expand edits to the Proposed Rule that the Program petitioned to the Commission. (Ex. 16).

B. TARGETED ENGAGEMENT WITH NEW MEXICO’S TRIBES, PUEBLOS, AND NATIONS

52. The Act calls for the Commission to “establish a procedure, in consultation with the New Mexico Indian Affairs Department (NMIAD) to establish an advisory council for taking into account in the Regional Water Security Program tribal sovereignty, tribal water rights and the water needs of tribal communities.” Following the passage of the WSPA, NMISC staff began work with NMIAD and the Governor’s Office to build the advisory council. NMISC also hired Laurie Weahkee to assist in convening the council. Ms. Weahkee is a contractor who worked for the NMISC to convene a Tribal Water Work

Group in conjunction with development of the 50YWAP. That effort resulted in the 2022 Tribal Water Report (Ex. 11).

53. Outreach to the leadership of New Mexico's Tribes, Pueblos and Nations

began in February 2024, followed by presentations in early 2024 by Director Riseley-White to the All Pueblo Council of Governors and the Coalition of the Six Middle Rio Grande Pueblos. In June 2024, Ms. Weahkee helped to convene an initial meeting of tribal staff and leadership, which included 45 participants. At this meeting, the group agreed to meet as an Interim Committee and to call the ultimate council the Water Security Tribal Advisory Council (WSTAC).

54. The WSTAC Interim Committee met three more times over the summer to

discuss input for WSPA implementation, including regional boundary considerations, the Rule and guidelines, and the proposed structure of WSTAC. The NMOSE and the NMISC also hosted a Tribal Water Institute on August 19, 2024, to provide updates to leadership for the Tribes, Pueblos, and Nations on various water-related issues, including a general overview of the work of the Interim Committee and options for the final structure WSTAC. In advance of drafting the Discussion Draft, the Interim Committee provided a recommendation to the NMISC for Rule language empowering WSTAC to develop and operate under its own operating principles.

55. The first official WSTAC meeting, in which the Interim Committee completed its work and initiated the advisory council, occurred on October 17, 2024. At

that meeting the group also selected an Ad-Hoc Steering Committee. WSTAC continued to meet, and the Ad-Hoc Steering Committee provided comments on the Discussion Draft Rule and guidelines (Ex. 15). These comments (Ex. 12) were not submitted in time to be included in the Compilation Report but were considered by the Program in the drafting of the Proposed Rule, Director Riseley-White provided a response to the comments on July 3, 2025 (Ex. 13). Discussion on the changes sought by the WSTAC Ad-Hoc Steering Committee related to regional boundaries was covered in the testimony of Ms. Fox and related to public welfare in the testimony of Mr. Chakeres.

56. Under the Rule, WSTAC will continue serving as a forum to enhance collaboration and communication between state and tribal governments with a focus on safeguarding tribal sovereignty, protecting tribal water rights, and addressing the water needs of tribal communities within the regional Water Planning Program. In FY 2026, NMISC staff is committed to work with WSTAC to develop outreach and water educational materials in languages spoken by the Tribes, Pueblos, and Nations in New Mexico.

C. TARGETED ENGAGEMENT WITH NEW MEXICO'S ACEQUIAS

57. In 2024 and 2025, NMISC staff worked with acequias in the development of the Proposed Rule. Coordination included collaborative work to develop the Acequia Community Water Report (Ex. 14), pledged financial support for a Bureau of Reclamation grant awarded to the New Mexico Acequia Association (NMAA) that could help provide a resource to inform future

regional planning efforts, and presentations and attendance by NMISC staff at NMAA and New Mexico Acequia Commission (NMAC) events.

58. NMISC staff received comments from the NMAA and the Land Grant Council on the Discussion Draft Rule and Guidelines (Ex. 14), proposing an acequia-focused group like WSTAC called the Acequia and Rural Water Security Advisory Council Working Group. After consideration, the proposed Group was not incorporated into the Proposed Rule for two reasons: first, the Proposed Rule provided for representation for governing entities inclusive of acequias and land grants, and second, the representation of acequias and land grants is on par with other political subdivisions of the state and both acequias and land grants have a statutory council or commission to aid in the organization and advocacy for the governance of each. The Commission agreed with this reasoning for the final adopted Rule.

59. The NMAC was created by statute, in part, to provide advice to the Governor, Legislature and the NMISC; to serve as a facilitator for communication between acequias and community ditches and the state; and to review and comment on plans. The members of the NMAC are appointed by the Governor and represent various geographic areas of the state. NMAC meets monthly and provides a valuable forum for acequia issues statewide.

60. Section 12(1)(f) of the Rule requires that “one representative member of each regional acequia and community ditches association in the planning region or if no regional acequia and community ditches association exists in a

planning region, one representative from that region appointed by the New Mexico Acequia Commission” be invited to participate in its Regional Council.

61. Section 12(1)(g) of the Rule requires that “one representative member from an active land grant appointed by the Land Grant Council in a planning region” be invited to participate in its Regional Council.

IV. LEGAL AUTHORITY

A. LEGAL AUTHORITY FOR THE RULE

62. The NMISC is charged with advancing regional planning efforts by ensuring participation, information, and outcomes pursuant to the 2023 Water Security Planning Act, NMSA 1978, Sections 72-14A-1 to 72-14A-5.

63. The Commission has a mandate to promulgate rules that at a minimum address (a) the boundaries and number of water planning regions in the state; (b) the criteria for Commission approval of a regional water security plan with prioritized projects, programs and policies; (c) the procedure for a regional water planning entity to develop and provide notice to the Commission of issues and concerns relating to the public welfare of the water planning region; (d) the composition of a regional water planning entity; and (e) the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans. NMSA 1978, Section 72-14A-4.

B. STATUTORY CRITERIA FOR ADOPTION

64. The Commission's adoption of Part 16 is authorized by the general powers of the Interstate Stream Commission; Protection of Interstate Streams, NMSA 1978, Sections 72-14-1 to 3, and specifically by the Water Security Act, NMSA 1978, 72-14-1 et seq.
65. The Commission remains cognizant of its concomitant duties to implement the Governor's 50-Year Water Action Plan; and that any Commission-approved regional plan contemplated by the Rule will not impede or obstruct the state's obligations under interstate compacts; 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; the implementation of water rights settlements, including local and federally- executed Indian water rights settlements; or the state's existing administration plans under the Active Water Resources Management program (AWRM).
66. The Commission also has the responsibility to conform with the Open Meetings Act and the State Rules Act as it proceeds through rule promulgation. See 1.24.25.9 NMAC; 1.24.25.12 NMAC; 1.24.25.13 NMAC; 1.24.25.14 NMAC; and 1.24.25.15 NMAC.
67. The Rule fulfills the mandate of the Water Security Act, NMSA 1978, Section 72-14-1 et seq., and is in compliance with the general authority of the Interstate Stream Commission; Protection of Interstate Streams, NMSA 1978, Sections 72-14-1 to 3. The Rule fulfils the Commission's interest in advancing

regional water planning efforts that will be effective, sustained, and secure a strong water future.

68. The Rule is formatted to comply with 1.24.10 NMAC, the uniform drafting rules for regulations in the New Mexico Administrative Code.

69. The Rule as adopted complies with all statutory and regulatory rulemaking requirements.

C. COMPLIANCE WITH THE EXPRESS WSPA MANDATES FOR RULE

1. Water Planning Regions

70. As required by NMSA 1978, Section 72-14A-4(C)(1)(a), the Rule establishes the boundaries and number of water planning regions in the state. See Section 9 of the Rule and Exhibit A, the Map; and testimony of Sara Fox, Senior Water Planner and Water Resources Engineer.

71. WSPA replaced the previous Regional Water Planning statute from 1987 and requires that the Rule establish Regional Water Security Planning boundaries. Many of the Open House questions focused on identifying the principles that New Mexicans believe should inform the determination of regional boundaries. For example, a regional map that is optimized around how water flows, i.e. watershed boundaries, would lend itself to easier development of water budgets and allow for everyone who has a shared water source – at least a shared surface water source – to plan together. A regional map optimized for expedited funding of projects, programs, or policies might follow existing boundaries of governing subdivisions such as the Council of

Governments boundaries, which coincide with aggregate county boundaries. Alternatively, a regional map could optimize to cluster similar opportunities and threats, such as a regional boundary around a mountain range to reflect the reality that everyone adjacent to the mountain has similarly vested interest in fire safety and spring runoff.

72. Open House participants were asked a series of questions that surveyed which organizational principle resonated most with the participant. Overwhelmingly, 74% of participants preferred regional boundaries to follow hydrologic boundaries. Participants seemed to resonate most with boundaries that followed their water sources (i.e. areas of the state with primarily ground water sources wanted the boundaries to follow those groundwater basins and areas of the state with primarily surface water sources wanted the boundaries to follow those surface water basins). One benefit of hydrologic boundaries is that identifiable physical boundaries often correlate to significant geographic features such as mountains. The areas within hydrologic boundaries are often referred to as watersheds or basins, as precipitation that falls within the boundary will run off and eventually converge in a stream or river.

73. In response to this feedback, NMISC staff developed a proposed Regional Water Security Planning Council map to accompany the Discussion Draft with nine regions that largely follow hydrologic boundaries. (Ex. 16).

74. NMISC staff also considered how county boundaries compare to hydrologic ones. In some areas of the state these two boundaries are very similar.

Where hydrologic boundaries are close to county boundaries, the county administrative boundaries were used to simplify participation in regional water planning to develop the proposed regional boundaries, NMISC staff considered chiefly the hydrologic boundaries and population of the future regions. New Mexico is large and geographically diverse; as one of the most rural states, population density in some areas is very low.

75. In the Final Rule, the Regional Water Security Planning regions delineate areas that rely on similar water sources (i.e., primarily groundwater vs. surface water or a mix of groundwater and surface water) and sufficient population to ensure that the process will be meaningful and not too burdensome. Technical capacity in small communities is at a premium and successful Regional Water Security Planning should augment rather than deplete the work of local water managers. To ensure that future Regional Councils have sufficient participation to foster cooperative and voluntary planning efforts and allow for prioritized lists of projects, programs and policies (PPPs) to be meaningful, the regions need sufficient population.

76. A regional approach to water planning offers opportunities for regional collaboration on shared goals that could include forest management, groundwater management, and stormwater optimization. Regions that are too big might not be able to effectively consider important local issues, such

as domestic wells, scalable regionalization, or water operator training. If regions are too small and numerous, funding opportunities and technical assistance would be spread more thinly.

77. The Discussion Draft comment period resulted in one adjustment to the proposed regional water planning boundaries, which was adopted: the southern half of Lea County was incorporated into the High Plains Council, removing it from the Pecos Council and aligning that portion of the regional boundaries based on administrative rather than hydrological considerations.

78. The Commission did not adopt a proposal by the Estancia Planning Basin Committee to separate the Estancia Basin from the southern portion of the Central Council. The Committee has met continuously since the original Regional Water Planning process in the late 1980s and done exceptional work. But the Estancia Basin, while well established, has the same hydrological issues— a closed, groundwater-dominated system – as the rest of the Central Council, and the remainder of the central basin would struggle to organize without the leadership of the Estancia community.

79. The Commission did not adopt a proposal by the Pueblo of Acoma, the Pueblo of Laguna, and the WSTAC to carve out the Rio San Jose area from the Northwest Council, thereby creating a tenth Council. This change would align Regional Planning boundaries with Indian Water Rights Settlement (IWRS) boundaries and would avoid a situation where the relatively small population within the settlement area, including the Pueblo of Acoma and the Pueblo of

Laguna, compete for project funding with larger entities such as Albuquerque in the west, or the Navajo Nation in the north.

80. This regional boundary is adjacent to most of the state's most significant water management challenges: Albuquerque, the Middle Rio Grande Conservancy District, the Navajo Nation, and the lands affected and funded by the Arizona Water Settlement Act (AWSA). Resolving this boundary recommendation by making the region smaller and aligning with the IWRS boundary would create a region that is much smaller in geography and population than any other region in the state and IWRS boundaries are one of potentially many political boundaries to be recognized and factored into the regional approach of priorities and funding sources.
81. WSTAC also recommended moving the City of Santa Fe out of the Middle Rio Grande Council by either adding into the Northern Rio Grande Council or creating a tenth Capital Council, which would include Santa Fe. This proposal was not adopted because Santa Fe has groundwater offset permits for water administration as far north as the Pueblo of Nambé, and surface water operations that impact the Middle Rio Grande.
82. The Commission did not change the planning boundaries specifically around the Rio San Jose or more broadly around the state as recommended by WSTAC for several reasons. First, the creation of a very small region would introduce significant inequality between regions into the planning process. Second, the creation of a region based around IWRS would set an

unsustainable precedent, as future settlements would not have the opportunity to be reflected in regional water planning boundaries, and third, isolating the region from the AWSA region to the south could adversely impact the funding opportunities available to the Pueblo of Acoma via the AWSA. In terms of a specific proposal to use HUC 8 boundaries to better reflect Acoma Pueblo lands, the decision to keep the proposed boundaries was based on the combined importance of utilizing Hydrologic Unit Code (HUC) 6 hydrology to have a workable number of regions – there are over 60 HUC 8 boundaries in New Mexico – and considerations about the AWSA.

83. Although most recommendations for smaller regions did not result in changes to the proposed regional boundary map, the Commission did adopt proposed adjustments in the Rule regarding the development of subregions, specifically to enable the creation of water planning subregions based on IWRS or other considerations. This solution provides a method for areas with settlements – including the Rio San Jose – to become subregions that can plan independently from the larger region provided that priorities for funding are integrated into the work of the larger region. This solution provides some of the benefits of independent planning, including preserving limited staff resources for locally relevant work, and is replicable on a case-by-case basis for existing and new IWRS statewide.

Subregions

84. Based on many comments expressing concern over the general size of the regions, Section 9 of the Rule allows a smaller geographic area to petition the Commission to become a subregion. The Commission is to look at the criteria listed below to evaluate if the subregion is beneficial for the planning process. These criteria were developed to make sure that the creation of a subregion allows for a pathway for more localized planning to occur, and that the planning is ultimately integrated into the Region's larger prioritized PPP list. The subregion process could result in beneficial planning for all members of a Region and any potential subregion. In allowing for subregions, the NMISC staff support the coordination and integration of interests rather than the isolation and succession approach of forming separate regions.

85. A Region might choose to divide into subregions for many reasons, such as:
- a. A tribal settlement, or other unique source of funding, is available to a portion of a region only and planning is appropriately conducted separately;
 - b. The subregional priorities are unrelated to the primary issues of the larger region; or
 - c. The regional process is dominated by a single large entity, a situation NMISC staff support for Regional Councils would seek to mitigate.
86. At a minimum, the Commission would consider the following when determining whether a subregion is warranted:

- a. The basis, hydrologic or otherwise, for differentiating the proposed subregion from the larger region. The goal of the Regions as drawn is to aggregate areas of the state facing similar water needs to facilitate project prioritization, and to allow for knowledge sharing and collaboration. For example, a subregion might be warranted if a section of the Region is reliant on groundwater and the rest of the Region is reliant on surface water.
- b. Sufficient population and capacity within the proposed subregion to engage in a planning process. A proposed subregion requires a large enough population to facilitate initiating and maintaining water security planning. For example, a subregion may be beneficial if it could reflect a broad range of interests within the proposed subregion, pair technical capacity with appropriately scaled projects, and avoid burdening participant organizations.
- c. The impact of the proposed subregion on the ability of the remainder of the Region to engage in a planning process, to ensure that a proposed subregion is not detrimental to the functioning of the water planning region as a whole.
- d. The support of the associated Council(s) relevant to the proposed subregion. For example, the Commission may consider the perspective – supportive, ambivalent, oppositional, or otherwise – of the portion of an existing Region not included in the subregion.

87. The subregion and Region need to provide a strategy for integrating the subregion's priorities alongside other regional priorities into the Region's prioritized list of projects, programs, and policies. This integration is critical to ensure that the prioritized lists from the Regions can be used by legislators, funders, and others with confidence that when funding items from the list, there is a shared understanding of overall priorities within the Region. Establishing a procedure for incorporating the priorities of subregions into the overall PPP framework is essential for the success of the subregional process and NMISC resources – staffing and funding – can assist in this process during the Initial Planning Phase in Section 10 of the Rule.

2. Criteria for Commission Approval of a Regional Water Security Plan

88. As required by NMSA 1978, Section 72-14A-4(C)(1)(b), the Rule establishes the criteria for Commission approval of a regional water security plan with prioritized projects, programs and policies. See Section 15 of the Rule and testimony of Ms. Fox.

89. In contrast to previous regional water planning efforts, WSPA focuses on supporting plan implementation. NMISC staff intend to assist in plan approval and implementation by ensuring that Regional Water Security Plans submitted to the Commission for approval have identified pathways for PPPs at various stages of readiness. This will create a 'pipeline' of PPPs throughout the state, ensuring that water PPPs are being built today, planned for tomorrow, and envisioned for future needs.

90. As outlined in Section 15, an essential component of an implementable Plan will include a PPP list with clear priorities. As will be outlined in the WSPA guidelines, funding for planning activities could be used to help move PPPs through the pipeline –from idea to scoping to ready to proceed. Funding for planning activities is not intended to support project construction.

91. WSPA specifically calls for the Rule to prescribe how a region should present a prioritized list of PPPs for approval. Previous rounds of regional and state water planning in NM resulted in unprioritized PPP lists without sponsors and difficult to implement. In the public engagement process of 2024, New Mexicans identified that Regional Plans should be able to identify a range of priorities to address local water management challenges, from watershed health to groundwater risks to stormwater management to drinking water access, and that an adaptable overarching structure be developed so as to enable each Region to develop a process and priorities that serve locals and an outcome which meets both local and state needs.

92. To assist regions in developing their own process, NMISC will continue to develop and support educational outreach and materials focused on water; templates and examples drawn from broad, ongoing research into decision-making, water planning, integration with other planning efforts, and other areas; and technical information about water quality, availability and use.

93. The development and maintenance of Tools and Templates for Councils will remain a large part of the future work of the NMISC Planning Program. As

part of this development, NMISC Planning will be conducting ongoing outreach to Councils and others to improve existing tools and to identify and develop new planning tools for use statewide or in specific regions. See testimony of Andrew Erdmann.

94. The two fundamental elements in each Plan are process documentation and a prioritized PPP list. The processes to be documented are:

- a. Involvement, information and any recommendations from the WSTAC;
- b. Documentation that the development of a plan has met the public notice requirements set out in the Rule;
- c. Outreach conducted to encourage participation and the process by which PPPs were prioritized;
- d. Comments received from stakeholders and how they were incorporated;
- e. Comments received from state and federal agencies and how they were incorporated;
- f. Consideration of public welfare values;
- g. Council committees, working groups, and subregions;
- h. Consideration and discussion of regional water balance, including reductions in projected water availability due to impacts of climate change; and
- i. Compliance with statewide objectives.

95. A prioritized list of PPPs was the primary request from the New Mexico Legislature during the formation of WSPA. Previous rounds of state- and regional-planning in New Mexico have led communities to identify PPP proposals for state funding, even developing a statewide list of PPPs that was the centerpiece of the 2018 State Water Plan. That PPP list has not been systematically tracked to the satisfaction of earlier planning participants. WSPA was passed to create a more implementable water planning process that efficiently aligns locally identified, regionally supported PPPs with state funding and needed technical and financial support. NMISC leadership has consistently requested whatever it takes to give local communities the tools they need to identify, scope, design, and develop their projects.
96. Moving PPPs through the readiness pipeline toward implementation requires ongoing focused application of financial and staff resources, and prioritization. Council prioritization of the PPP list will likely be one of the most difficult tasks they will face, and for allocating state funding to support local water initiatives in New Mexico, also one of the most important.
97. The WSPA process is not about prioritizing the funding of construction projects; it is about utilizing and building the PPP pipeline or bench. This framework of readiness will help ensure that New Mexico is thinking creatively at all levels of PPP identification. Readiness for construction can be a factor in prioritization for PPP lists, but it is not the sole criteria determining PPPs prioritization. To keep the pipeline functioning, the prioritized lists are to

be categorized based on readiness: idea stage, scoping stage, and ready to proceed stage. Each item on the list must include the PPP type and sponsor(s) who will be the lead entity achieving implementation of the PPP. The Rule sets out additional information that could be included as part of a PPP on a sub-list, but these are not required items. NMISC staff have begun developing Tools and Templates for Councils, including adaptable templates for prioritized PPP lists and planning process documents.

98. Based on the input collected from regional planning participants, the breadth of PPPs that New Mexicans want to see supported is vast and varied. Projects could include evaluation and design of upgraded irrigation technology, preparing for or developing a 40-year water plan, riparian restoration and monitoring, community engagement around local water resource management, soil health and water retention, and developing planning documents ahead of construction. Programs could include asset management planning, developing a municipal, water-system, or county-wide conservation program, educational campaigns, regional outreach, supporting watershed management, development of automated telemetry for meter readings, and forming groundwater conservation programs. Policy examples could include work on rate structures, regionalization of water systems, water banking, or initiating formal active water resource management.

3. Notice to the Commission of Regional Public Welfare Concerns

99. As required by Section 72-14A-4(C)(1)(c), the Rule establishes the procedure for a regional water planning entity to develop and provide notice to the commission of issues and concerns relating to the public welfare of the water planning region. See Sections 13 and 16 of the Rule and the testimony of Mr. Chakeres.

100. Section 12 of the Rule relates to representation. Any consideration regarding public welfare values comes from a process whereby all significant water use sectors are represented through the governing body of elected or appointed Council leadership. The provisions regarding public input and engagement in Proposed Rule Section 13 are also critical to ensure that any Council consideration regarding public welfare reflects robust public involvement.

4. Composition of Regional Water Planning Entities

101. As required by Section 72-14A-4(C)(1)(d), the Rule establishes the composition of a regional water planning entity. Section 12 of the Rule sets out the composition of the Councils, which is foundational to their success. See testimony of Ms. Fox and Director Risely-White.

102. NMISC staff researched a variety of representative bodies that could serve as a model for Councils before developing the Open House Event questions. The examples included previous rounds of regional water planning in New Mexico, Colorado's basin roundtables, and composition of the

NMISC's nine-person Commission. During the engagement process, participants were asked about the relative value of limited versus extensive representation on Councils, and about flexibility versus prescriptiveness in process. Responses favored extensive representation on Councils that maintained the flexibility to adapt to changing needs.

103. The structure of the Councils is broken into three groups: representative members, at-large members, and non-voting members.

104. Representative members are the governmental members of the Councils appointed by their respective governing bodies. Entities include municipalities and counties; irrigation district, conservancy district or water commission; Nations, Tribes, and Pueblos; soil and water conservation districts; acequias and community ditch associations; land grants; flood control authorities; and water utility authorities.

105. Once convened, representative members will identify and invite the ten at-large members. Seven of the ten must represent the following categories: ranching, farming, public higher education, environmental/conservation organizations, sporting or recreation, mutual domestic water consumer associations, and commercial/industrial/mining/power. If the representative members are unable to identify someone to represent these interests, NMISC staff may select a non-voting member, familiar with the Region's water resources and knowledgeable of the stakeholder group.

106. Two of the remaining at-large members are designated for someone from an identified special district that is not represented in the representative members list should such a district exist, and a second individual from an existing regional water planning steering committee which has been active since the conclusion of the last round of regional water planning, should that entity exist in the Region. Should either or both entities not exist in a given region, these 'at-large' seats should be filled as a general at-large member.

107. The final at-large member is a general at-large member to be selected by the Council and is intended to reflect an under-represented interest in the existing group. At-large members must also be located in the Region. The at-large member must show that they regularly either primary reside or earn their livelihood mainly from work completed within the Region. This distinction would allow for someone whose primary residence is in another Region to still be able to fill the at-large member position if they ranch or farm within the Region.

108. The requirement for at-large members to be located within the Region reflects the strong desire expressed in Open House feedback for planning Council membership to consist of regional locals.

109. The third category of membership for the Councils is non-voting members. The Council may have up to three non-voting members who own water rights in the region but who are not located within the region. These non-voting members on the Council are intended to increase regional

coordination across and within regions. Additionally, up to three non-voting members shall be appointed by the Council from hydrologically connected Regions that share either a river or groundwater.

110. The final defined role in the Rule composition of the Regional Water Security Planning participant identification process is the identification of 'regional stakeholders'. The Act calls for stakeholders to be identified distinctly from the general public. Section 12 sets out a process by which any resident of, or interested party in, a region can provide contact information and be listed as a stakeholder. NMISC staff will then provide updates to stakeholder about the work of the Council.

111. In addition to input opportunities for individuals listed on the regional stakeholder lists, the Council must also provide opportunities for public comments on Regional Water Security Plans.

5. Procedure for Regional Councils to Consider Public Welfare

112. As required by NMSA 1978, Section 72-14A-4(C)(1)(e), the Rule establishes the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans. See Sections 14 and 16 of the Rule and Mr. Chakeres's testimony.

113. It is critical for regional planning entities to perform their voluntary planning role consistent with the public welfare of the state. Although the public welfare of the state has not been fully defined there are certain core

concepts that must be followed in order to be consistent with the public welfare of the state.

114. The statewide objectives are set out in Section 14(C): (1) state obligations under interstate compacts; (2) compliance with the Endangered Species Act; (3) implementation of water rights settlements, including local and federally executed Indian Water Rights settlements; and (4) the state's existing administration plans under the Active Water Resources Management program.

115. Compacts and the ESA are founded in federal law and are not obligations that New Mexico can change. If New Mexico ignores or does not follow them, there can be external, federal preemption of New Mexico's water rights administration, and all users are at risk of having their water rights preempted. As for the settlements (including Indian Water Rights Settlements) and the alternative administration plans, those represent decisions that have been made and ratified by the State of New Mexico regarding the division of available water among existing users. The parties who sign these agreements and plans do so with the expectation that they will be honored by the State and all other parties. New Mexico's Nations, Tribes, and Pueblos settle significant claims in exchange for certainty, as well as significant investment in infrastructure. The parties to these settlements, including the State, have a significant interest in seeing these settlements honored and fully implemented.

116. There is a link between these statewide objectives and baseline public welfare values for the state. If these objectives are not supported, that would be contrary to the public welfare of all New Mexicans. These objectives have been identified specifically in the WSPA because they are some of the core mechanisms by which New Mexico's elected and appointed officials have sought to apportion the available waters of the state in a fair, legal, and practical manner, as well as, in some cases, the external legal constraints to which we are all subject.

117. Finally, the state has dedicated time and resources to making sure that the efforts of the state and the laws are followed, and it would not be in the Commission's interest to approve a plan submitted by a Regional Counsel that obviated such dedication and legally enforceable commitments. (Testimony of Nat Chakeres, Director of the Litigation and Adjudication Program.)

V. RULE LANGUAGE

118. The Board adopts the Rule as proposed by the Program, except as expressly changed during deliberations, and as finalized in Attachment A.

119. Adoption of the Rule creates a new Part 16 in Chapter 25 of Title 19 of the New Mexico Administrative Code.

19.25.16.1 NMAC--Issuing Agency

120. 19.25.16.1 NMAC identifies the Commission as the issuing agency for the Rule and is a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(1) NMAC (drafting regulation); 1.24.10.10(A)

NMAC. The Commission adopts this rule language as the issuing agency identified by the WSPA. See NMSA 1978, Section 72-14A-2.

19.25.16.2 NMAC--Scope

121. 19.25.16.2 NMAC reflects that the Rule implements the provisions of the Water Security Planning Act, Section 72-14A-1, et seq. 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. The Commission added the phrase “subject to available funding” to reflect that the Rule does not impose unfunded mandates on the agency.

122. Section 19.25.16.2 is a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(2) NMAC (requiring “scope” as the second section of each Part of the divisions within NMAC).

19.25.16.3 NMAC--Statutory Authority

123. 19.25.16.3 NMAC cites the statutes that provide authority for the Rule: NMSA 1978, Section 72-14A-1 through 5. Section 19.25.16.3 reflects a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(3) NMAC (requiring a section titled Statutory Authority in every Part of each division of the NMAC).

19.25.16.4 NMAC--Duration

124. 19.25.16.4 NMAC states that the Rule will be permanent, at least until the Commission amends it. Section 19.25.16.4 is a mandatory section for all

rules promulgated by New Mexico state agencies and provides the length of time the Rule is intended to be enforceable. See 1.24.10.8(F)(4) NMAC (requiring a Duration section in every Part of each division of the NMAC).

19.25.16.5 NMAC--Effective Date

125. 19.25.16.5 NMAC states the effective date of the Rule will be April 9, 2026. Section 19.25.16.5 reflects a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(5) NMAC (requiring an effective date for all rules promulgated by New Mexico state agencies).

19.25.16.6 NMAC--Objective

126. 19.25.16.6 NMAC sets out the purpose of the Rule as establishing a framework for regional water security planning councils to develop, maintain, and aid in implementation and tracking of regional water security plans. Section 19.25.16.6 is a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(6) NMAC (drafting regulation).

127. The Commission did not adopt NMWA's alternative language rewriting the Section entirely after the public engagement process; the details in the proposal may be suitable for the anticipated guidelines. The Commission did adopt the insertion of "political subdivisions of the state" proposed by NMAA, NMAC, NMLGC, and RCAC for clarity. The Commission also included the final two sentences, proposed for addition by the Program in response to numerous comments made during the hearing, for clarity.

19.25.16.7 NMAC--Definitions

128. 19.25.16.7 NMAC provides the definitions for commonly used terms in the Rule. Section 19.25.16.7 reflects a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(7) NMAC (requiring a definitions section for all rules promulgated by New Mexico state agencies).

129. The Commission did not adopt several new definitions proposed by commenters as unnecessary or addressed elsewhere in the Rule. The Commission did adjust the definition of “water utility authority” for clarity.

19.25.16.8 NMAC—Water Security Tribal Advisory Council

130. 19.25.16.8 NMAC describes the role of the WSTAC; requires NMISC staff to provide support for their work; and states that the participating Nations, Pueblos, and Tribes shall determine their own operating procedures and principles. This Section was adopted as proposed.

19.25.16.9 NMAC—Regional Water Security Planning Regions

131. 19.25.16.9 NMAC provides that the nine regional water security planning regions are reflected on the map, Exhibit A to the Rule. The Commission adopted several revisions proposed by the Program in response to comments made during the hearing by WSTAC, several Pueblos, and ABCWUA to clarify the establishment of subregions, their integration into regional plans, and the Commission approval process.

132. The Commission did not adopt the suggestions by several commenters to create additional regions, and/or to create an advisory group for acequias, for the reasons stated above.

19.25.16.10 NMAC—Initial Planning Period

133. 19.25.16.10 NMAC sets out the respective responsibilities of NMISC staff and regional councils during the initial planning period. The Commission did not adopt the NMWA proposal to rewrite the section entirely after the public engagement process and did not adopt other proposed edits as unnecessary or better addressed in the anticipated guidelines. The Commission made two small edits for clarity.

19.25.16.11 NMAC—Ongoing Planning Period

134. 19.25.16.11 NMAC sets out the respective responsibilities of NMISC and councils during the ongoing planning period. The Commission adopted two small edits for clarity. The Commission did not adopt other proposed edits and re-written paragraphs as unnecessary or better addressed in the anticipated guidelines.

19.25.16.12 NMAC—Composition of Regional Security Planning Councils

135. 19.25.16.12 NMAC sets out the composition of regional water security planning councils, assuring broad representation on each planning council through representative members, at-large members, and non-voting members. The Commission numerous edits to the Proposed Rule based on comments made during the hearing by water utility authorities and others.

The Commission did not adopt NMWA's rewrite of Section 12, nor did it add other state agency staff to the councils; WSPA provides that other state agency input be addressed through the upcoming guidelines.

19.25.16.13 NMAC—Regional Water Security Planning Council Meeting and Input Requirements

136. 19.25.16.13 NMAC addresses Council meeting, outreach, and input requirements. The Commission adopted the Program's Section 13 as proposed with the clarifying edit to distributing information, whether publicly available or not. The Commission did not adopt other proposed edits as unnecessary or not required by law.

19.25.16.14 NMAC--Considerations for Councils During Planning Processes

137. 19.25.16.14 NMAC sets out the information that Councils shall consider with resources provided by NMISC staff. The Commission adopted numerous edits to the Proposed Rule based on the Program's incorporation of suggestions made by WSTAC and two Pueblos during the hearing.
138. The Commission adopted a new Subsection 14.A(10) on the basis of comments during the hearing by NMDGF, New Mexico Wild, and EDF, requiring the consideration of best available science regarding the needs of native fish, wildlife, and their habitats. The Commission also made the proposed discretionary consideration of certain information in former Section 14.B mandatory.

139. The Commission strengthened the charge to Councils to assure that their plans are consistent with statewide objectives, consistent with NMWA's suggestion.

140. The Commission also added a reference to New Mexico's prior appropriation doctrine for clarity, consistent with a proposed edit by SWSWCD.

19.25.16.15 NMAC—Criteria for Approval of Regional Water Security

141. 19.25.16.101 NMAC sets forth the criteria a regional water security plan must meet in order to be approved by the Commission.

142. The Commission adopted numerous edits throughout Section 15, based on comments made during the hearing by the Program, WSTAC, Pueblos, SWCDs, NMDGF, and New Mexico Wild. The Commission did not adopt NMWA's proposal to rewrite Sections 15.A and B entirely.

19.25.16.16 NMAC—Public Welfare of the Region and the Needs of Future Generations of New Mexicans

143. 19.25.16.16 NMAC requires Councils to develop a list of public welfare values for the region and the needs of future generations of New Mexicans during the initial planning period. The Commission adopted this Section based on the points made by NMWA and others during the hearing.

144. Based on the points made by San Juan Water Commission, NMWA, and numerous Pueblos, the Commission deleted the Section 16 originally proposed by the Program, addressing State Engineer consideration of

regional public welfare issues in permitting decisions, as beyond the Commission's authority to give direction to the State Engineer.

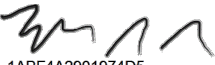
145. The Commission did not adopt SJWC's proposed new Section 17, on severability, as unnecessary. The New Mexico Uniform Statute and Rule Construction Act at NMSA 1978, Sections 12-2A-1 et seq, NMSA 1978, includes a provision on severability. Section 12-2A-9 provides that an administrative agency is not allowed to exempt itself from Section 12-2A-1.

CONCLUSION

In adopting this Rule, the Commission considered, and given the weight it deems appropriate to, all relevant facts and substantial evidence presented in the record. The Commission finds that the Rule as adopted is reasonable, lawful, and consistent with the purposes and mandates of the Water Security Planning Act.

3/10/2026

Date

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MARK SANCHEZ, COMMISSION CHAIR

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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, 4/9/2026]

19.25.16.2 SCOPE: Subject to available funding, 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, 4/9/2026]

19.25.16.3 STATUTORY AUTHORITY: Section 72-14A-1, et seq. NMSA 1978.
[19.25.16.3 NMAC - N, 4/9/2026]

19.25.16.4 DURATION: Permanent.
[19.25.16.4 NMAC - N, 4/9/2026]

19.25.16.5 EFFECTIVE DATE: April 9, 2026, unless a later date is cited at the end of a section.
[19.25.16.5 NMAC - N, 4/9/2026]

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. 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.

19.25.16.7 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 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.

J. “Water utility authority” means a water utility authority established through or under New Mexico law.

[19.25.16.7 NMAC - N, 4/9/2026]

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, 4/9/2026]

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). <https://www.ose.nm.gov/Planning/>.

B. The commission shall adopt guidelines that, at a minimum, describe the process for how regions may form sub-regions, how sub-regions will be integrated into the regional water security plan, and the procedure for appeal to the commission if a council denies a request to form a sub-region. Councils shall not deny a request to create a sub-region based on Indian water rights settlement boundaries.

C. If a council or councils determine that a sub-region may be beneficial for regional water security planning, the council shall request commission approval to establish a sub-region 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 reliance on the same water source(s), existing water planning organizations, or current or future water rights adjudication or Indian water rights settlement boundaries, or otherwise, and the circumstances that make the proposed sub-region distinct from the region;

(2) the 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) the 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; and

(6) the potential for the proposed sub-region to enable more effective input into the regional water security program of tribal water concerns and the needs of tribal communities.

[19.25.16.9 NMAC - N, 4/9/2026]

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.

(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, if any;

(c) the potential roles of committees, including a steering committee, sub-committees 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 make planning recommendations and 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 19.25.16.12 NMAC is adhered to and confirmed by NMISC staff.

[19.25.16.10 NMAC - N, 4/9/2026]

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 approval;

(3) preparing proposed updates to regional water security plans and presenting proposed updates to the commission for 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;

(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 10 years. Councils shall review and update PPP lists at least once every five years.

[19.25.16.11 NMAC - N, 4/9/2026]

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 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 district, artesian conservancy district, conservancy district, or water commission established by joint powers agreement;

(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 and community ditches association in the planning region, or if no regional acequia and community ditch association exists in a planning region, one representative from that region appointed by the New Mexico acequia commission;

(g) one representative member from an active land grant in the planning region appointed by the land grant council;

(h) one representative member identified by the governing body of each flood control authority or agency authorized in Chapter 4, NMSA 1978, or Chapter 72, NMSA 1978; and

(i) one representative member identified by the governing body of each water utility authority.

(2) At-large members: Up to 10 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 or conservation organizations located in the region;

(e) water-based sporting or recreational interests located in the region (fishing, rafting, etc.);

(f) mutual domestic water consumer associations or water systems or cooperatives 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 NMAC. Should there be no representative meeting these criteria for the region, this position becomes a general at-large member;

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

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

(3) Non-voting members: Up to six non-voting members representing parties from outside the region with water interests in the region. These six 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 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, 4/9/2026]

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 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;
- (2) multimedia advertising of engagement opportunities; and
- (3) additional opportunities as determined by the council.

[19.25.16.13 NMAC - N, 4/9/2026]

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;
- (9) public participation and comments;
- (10) best available science regarding the water needs of native fish, wildlife, and their

habitats;

(11) best available resources or methodologies for considering the needs of rural and urban places and populations within the region;

- (12) groundwater management strategies and needs;
- (13) regional food security and agricultural resilience;
- (14) water needs for healthy upland, wetland, and riparian habitats;
- (15) watershed health and the impacts of wildfire on source water protection; and
- (16) water quality protection or improvement.

C. Councils shall assure, with resources provided by NMISC staff, that their regional water security plan is consistent with the following statewide objectives:

- (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) compliance with and implementation of water rights settlements, including locally and federally executed Indian water rights settlements; and
- (4) prior appropriation doctrine, existing water shortage sharing agreements, or the state's administration of water 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 data gaps.

[19.25.16.14 NMAC - N, 4/9/2026]

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) WSTAC engagement, involvement, and recommendations, including documentation of any unresolved issues;
- (2) public notice under 19.25.16.13 NMAC;
- (3) stakeholder engagement in the development, vetting and prioritization of PPPs;
- (4) comments received, considered, and incorporated from stakeholders and the public;
- (5) engagement with and comments received from state, federal, tribal, and local governments;
- (6) council consideration of public welfare values;
- (7) council consideration of balancing water uses and the needs of future generations of New Mexicans in the region;
- (8) council committees, working groups or sub-regions, if applicable, within a region;

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

(10) consistency with statewide objectives identified in Subsection C of 19.25.16.14 NMAC; and

(11) a letter of support or concerns from any Nation, Pueblo, or Tribe leadership for any PPP that would impact tribal lands or tribal waters within the exterior boundaries of pueblos, trust lands, or reservations, or that would require 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 a ranked list of PPPs that will identify the region's priorities for promoting regional water security. The list must incorporate proposed PPPs for the entire planning region, including sub-regions, if any. Rankings shall be based on the promotion of regional water security and not on the level of readiness for the PPP.

(1) Each proposed PPP must include an indication of the level of readiness for each PPP (idea stage, scoping stage, or ready to proceed), and the sponsor(s) that intends to lead implementation of the PPP, including obtaining and administering any necessary funding for the PPP.

(2) PPPs that support the implementation of federally approved Indian water rights settlements shall be identified as such, and councils shall ensure that these PPPs are incorporated into the prioritized list.

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

- (a) watershed health and the impacts of wildfire on source water protection;
- (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 and groundwater sustainability;
- (l) agricultural water use resilience;
- (m) development of new water resources;
- (n) river, wetland, and riparian habitat restoration and connectivity;
- (o) livestock water 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 water studies;
- (t) water related natural or green infrastructure.

(4) Additional documentation for each PPP may include:

- (a) existing or potential funding, including funding to match state or federal resources;
- (b) the ability to enhance regional water resilience or have long-lasting and sustainable benefits;

(c) multiple benefits or ability to meet multiple objectives;

(d) substantial support from diverse stakeholders;

(e) identification of interrelated PPPs and potential enhanced benefits of implementing multiple PPPs in conjunction with each other; or

(f) consideration of any positive and negative socioeconomic, environmental, or cultural impacts associated with the PPP.

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

(6) The processes for consolidating and ranking sub-regional priorities into the PPP list for the planning region shall be determined by the council pursuant to its operating principles, as provided for in Paragraph (5) of Subsection B of 19.25.16.9 NMAC and Paragraph (3) of Subsection B of 19.25.16.10 NMAC. [19.25.16.15 NMAC - N, 4/9/2026]

19.25.16.16 PUBLIC WELFARE OF THE REGION AND THE NEEDS OF FUTURE GENERATIONS OF NEW MEXICANS:

A. Councils shall develop a list of public welfare values for the region and the needs of future generations of New Mexicans during the initial planning period based on broad input from their region and shall update the list as needed to maintain its relevancy to the region. Councils shall refer to and consider these values and needs when evaluating potential PPPs.

B. Councils shall provide notice to the commission of issues and concerns relating to the public welfare of the water planning region through presentation to the commission at an open meeting. [19.25.16.16 NMAC - N, 4/9/2026]

HISTORY OF 19.25.16 NMAC: [RESERVED]

