



# PERFORMANCE REPORT CARD

Office of the State Engineer  
Fourth Quarter, Fiscal Year 2016

## KEY ISSUES

The agency's strategic plan identifies completion of licensing and/or adjudicating all water rights as a goal of the Litigation and Adjudication Program (LAP). While the plan does not provide a detailed strategy of how LAP will accomplish this goal, agency staff regularly met with a legislative working group during the 2015 interim and committed to exploring new approaches to adjudications.

In line with these meetings, a recent motion by the Office of the State Engineer in the San Juan Basin could improve the efficiency of that adjudication. Specifically, the agency argues the water rights determined by the 1948 Echo Ditch Decree need not be re-adjudicated. If the court agrees with this motion, it would significantly reduce the time and cost of the adjudication.

## AGENCY IMPROVEMENT PLANS

Submitted by agency?	Yes
Timeline assigned by agency?	No
Responsibility assigned by agency?	Yes

The special master overseeing the lawsuit between New Mexico and Texas regarding delivery requirements under the Rio Grande Compact issued a draft report recommending denial of New Mexico's motion to dismiss Texas' claims. The report will soon be finalized and submitted to the U.S. Supreme Court where the parties will have an opportunity to file briefs with exceptions or objections. This was a preliminary motion and denial would not end the case. New Mexico would still have an opportunity to argue the merits, whether groundwater pumping in New Mexico, south of Elephant Butte, resulted in underdeliveries to Texas.

**Water Resource Allocation.** The agency fell short of the target for populating the water administration technical engineering system (WATERS) database and attributed this to the need to train several new FTE and a focused effort to eliminate the backlog of historic/new applications accumulated during the recently completed Lea Basin abstracting project. The program is performing well on other measures, particularly in processing applications and dam inspections.

Measure	FY14 Actual	FY15 Actual	FY16 Target	FY16 Actual	Rating
Unprotested water right applications backlogged	1,513	1,219	650	422	G
Average unprotested applications processed per month	76	108	70	93	G
Dams inspected	116	101	100	107	G
Water rights transactions entered in the agency's database	18,888	22,792	23,000	18,287	Y
<b>Program Rating</b>					Y

**Interstate Stream Commission.** While agreement on New Mexico's Rio Grande Compact credit is the subject of ongoing litigation, the state's Pecos River Compact credit continues to be positive. New Mexico accrued an annual water delivery credit of 11.9 thousand acre-feet for the 2015 calendar year, resulting in a cumulative credit of 109.5 thousand acre-feet.

Measure	FY14 Actual	FY15 Actual	FY16 Target	FY16 Actual	Rating
Delivery credit on the Pecos River Compact, in thousand acre-feet	95.7	97.6	≥ 0.0	109.5	G
Delivery credit on the Rio Grande Compact, in thousand acre-feet	62.4	0.0	≥ 0.0	0.4	G
<b>Program Rating</b>					G

**Litigation and Adjudication.** The FY16 target for percent of water rights adjudicated was met before FY16 began and the target for number of offers to defendants in adjudications was surpassed in the third quarter. The current measure for the percent of water rights with judicial determinations does not provide a clear view of progress because it only reflects active adjudications.

Measure	FY14 Actual	FY15 Actual	FY16 Target	FY16 Actual	Rating
Offers to defendants in adjudications	540	594	600	839	G
Water rights with judicial determinations	55%	62%	59%	63%	G
<b>Program Rating</b>					G