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## FISCAL IMPACT REPORT

SPONSOR: Maes DATE TYPED: 02/21/03 HB \_\_\_\_\_

SHORT TITLE: Santa Fe Regional Water Authority SB SJM 28/aSRC

ANALYST: Chabot

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Environment Department (NMED)

Office of the State Engineer (OSE)

Public Regulatory Commission (PRC)

### SUMMARY

#### Synopsis of SRC Amendment

The Senate Rules Committee amendment deletes references to Santa Fe County and the joint memorial would apply to the City of Santa Fe and to residents “near the city.” It changes water management to read “water utility management” throughout the memorial. It strikes mention of determining water rights, which is a State Engineer responsibility, and changes it to “policies for the acquisition and allocation of water rights.” Lastly, it changes the resolution to evaluate “creating a regional water authority for the Santa Fe area to supersede all other local authorities over water.”

#### Synopsis of Original Bill

Senate Joint Memorial 28 resolves that due to the significant water problems facing Santa Fe and the surrounding communities that the Legislative Council direct an appropriate committee to evaluate the creation of a regional water authority for the Santa Fe area to supersede all other state and local authorities on water issues.

### Significant Issues

The drought and Article 7 provisions of the Rio Grande compact make it questionable whether Santa Fe will be able to store water for drinking in the Santa Fe Canyon reservoirs. These reservoirs provide 60 percent of the drinking water to the City and County of Santa Fe. The Buckman wellfield is producing at maximum capacity and there is little opportunity to increase production from these wells. A regional water planning authority may be able to make better use of existing water supplies through an integrated planning effort.

OSE states that only a basin-based, comprehensive State Water Plan, rather than competing local or regional authorities, will be able to reconcile jurisdictional issues as well as resolve statewide issues such as compliance with federal environmental mandates and compliance with interstate compacts.

Establishing a regional water authority that is not subject to state authority is in conflict with Article XVI Section 2 of the New Mexico Constitution that gives responsibility to the State Engineer to administer New Mexico waters.

### **ADMINISTRATIVE IMPLICATIONS**

The PRC reports that the regional water authority would need considerable staff if it is responsible for efforts currently handled by the State Engineer, NMED and PRC.

### **TECHNICAL ISSUES**

NMED offers the following amendment on Page 2, Line 7 and 8, strike “to determine water rights issues, water management decisions and” and replace with “to make water resource management decisions and oversee”.

To avoid conflict with the authority of the State Engineer, recommend that on Page 2, Line 22 that “state and” be stricken.

### **OTHER SUBSTANTIVE ISSUES**

NMED states the proposal to have a legislative committee evaluate whether a regional authority for Santa Fe “to supercede all state and local authorities over water” may conflict with State Engineer authority.

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