



GOVERNOR SUSANA MARTINEZ
STATE ENGINEER SCOTT VERHINES, P.E.

For immediate release:

November 1, 2012

For more information, contact:

Lela Hunt, Public Information Officer
(505) 699-4923

Supreme Court Supports Office of the State Engineer

(Santa Fe, NM)—The New Mexico Supreme Court issued a ruling in the Tristate case involving the constitutional challenge to the State Engineer Active Water Resource Management (AWRM) rules for priority administration during water supply shortage today.

The New Mexico Supreme Court reversed both District Court and Court of Appeals finding that Active Water Resource Management rules for priority administration and concluded that AWRM rules are constitutional. Specifically, the Supreme Court found, “We reverse both the Court of Appeals and the district court by holding that AWRM does not violate constitutional separation of powers limitations. On an issue not reached by the Court of Appeals, we reverse the District Court by holding that AWRM does not violate due process. Finally, addressing an issue not reached by either court below, we hold that AWRM is not unconstitutionally vague.”

“Today’s ruling upholds the water management tools which are exactly what New Mexico needs to navigate the difficult drought conditions burdening our state,” said State Engineer Scott Verhines “The last twenty-four months have been the hottest and driest in recorded state history. Active Water Resource Management gives New Mexico the ability to respond to our variable water supply.”

This 2005 lawsuit was originally brought forth by Tristate, New Mexico Mining Association and the Middle Rio Grande Conservancy District against the New Mexico Office of the State Engineer as a reaction to the 2003 legislation directing the State Engineer to create Priority Administration rules. Those rules were created in 2004 and the subsequent lawsuit has bound this issue in a legal battle until today.

(MORE)

"Our Active Water Resource Management rules as written in 2004 are now in effect," said Office of the State Engineer Chief Counsel DL Sanders. "Our staff will proceed to implement those rules in our seven priority basins."

The Office of the State Engineer is charged with the administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission.

The nine-member Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts as well as investigating, conserving and protecting the waters of the State, in addition to water planning.

###