

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 195

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO WATER; PROVIDING FOR A COMPREHENSIVE STATE WATER  
PLAN; MAKING AN APPROPRIATION.

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

Section 1. A new section of Chapter 72, Article 14 NMSA  
1978 is enacted to read:

"NEW MATERIAL STATE WATER PLAN--PURPOSE--CONTENTS. --

A. The state water plan shall be a strategic  
management tool for the purposes of:

(1) promoting stewardship of the state's water  
resources;

(2) protecting and maintaining water rights  
and their priority status;

(3) protecting the diverse customs, culture,  
environment and economic stability of the state;

. 145538. 3

underscored material = new  
[bracketed material] = delete

1 (4) protecting both the water supply and water  
2 quality;

3 (5) promoting cooperative strategies, based on  
4 concern for meeting the basic needs of all New Mexicans;

5 (6) meeting the state's interstate compact  
6 obligations;

7 (7) providing a basis for prioritizing  
8 infrastructure investment; and

9 (8) providing statewide continuity of policy  
10 and management relative to our water resources.

11 B. The interstate stream commission in  
12 collaboration with the office of the state engineer and the  
13 water trust board, and in consultation with other government  
14 agencies as appropriate, shall develop a comprehensive,  
15 coordinated state water plan that shall:

16 (1) identify and reflect the common  
17 priorities, goals and objectives that will have a positive  
18 impact on the public welfare of the state;

19 (2) establish a clear vision and policy  
20 direction for active management of the state's waters;

21 (3) include an inventory of the quantity and  
22 quality of the state's water resources, population projections  
23 and other water resource demands under a range of conditions;

24 (4) include water budgets for the state and  
25 for all major river basins and aquifer systems in the state;

1 (5) develop water conservation strategies and  
2 policies;

3 (6) include a drought management plan designed  
4 to address drought emergencies, promote strategies for  
5 prevention of drought-related emergencies in the future and  
6 coordinate drought planning statewide;

7 (7) recognize the relationship between water  
8 availability and land-use decisions;

9 (8) promote riparian and watershed restoration  
10 that focuses on protecting the water supply, improving water  
11 quality and complying with federal Endangered Species Act of  
12 1973 mandates;

13 (9) consider water rights transfer policies  
14 that balance the need to protect the customs, culture,  
15 environment and economic health and stability of the state's  
16 diverse communities while providing for timely and efficient  
17 transfers of water between uses to meet both short-term  
18 shortages and long-term economic development needs;

19 (10) promote strategies and mechanisms for  
20 achieving coordination with all levels of government;

21 (11) integrate regional water plans into the  
22 state water plan as appropriate and consistent with state water  
23 plan policies and strategies;

24 (12) integrate plans of water supply  
25 purveyors, including those of local governments, privately

. 145538. 3

underscored material = new  
[bracketed material] = delete

1 owned public utilities, associations, cooperatives, irrigation  
2 districts and acequias as appropriate and consistent with state  
3 water plan policies and strategies, as those plans are  
4 completed and submitted to the office of the state engineer;

5 (13) identify water-related infrastructure and  
6 management investment needs and opportunities to leverage  
7 federal and other funding; and

8 (14) promote collaboration with and strategic  
9 focusing of the research and development of the state's  
10 national laboratories and research institutions to address the  
11 state's water challenges and to bring to the state  
12 demonstration projects in desalination, conservation, watershed  
13 restoration, weather modification and other technological  
14 approaches to enhancing water supply and management.

15 C. Recognizing that complete water rights  
16 adjudication, measurement, well inventories and adequate  
17 databases are essential elements of an effective water  
18 management plan, and further recognizing that completion of  
19 these work elements will require substantial time and resources  
20 until such time as these elements are complete, the state water  
21 plan shall include work plans and strategies for:

22 (1) completion of water rights adjudications,  
23 with required supporting documentation, including hydrographic  
24 surveys, aquifer mapping and aerial mapping of irrigated land;

25 (2) creation and completion of a comprehensive

1 database and an electronically accessible information system on  
 2 the state's water resources and water rights, including file  
 3 abstraction and imaging of paper files as well as information  
 4 on pending adjudications;

5 (3) measuring of surface and ground water uses  
 6 in the state as necessary for management of the state's water  
 7 resources; and

8 (4) taking inventory of existing water wells  
 9 and determining appropriate disposition of unused wells.

10 D. The interstate stream commission and the office  
 11 of the state engineer shall consult directly with the  
 12 governments of Indian nations, tribes and pueblos to formulate  
 13 a statement of policy and process to guide:

14 (1) coordination or integration of the water  
 15 plans of Indian nations, tribes and pueblos located wholly or  
 16 partially within New Mexico with the state water plan; and

17 (2) final adjudication or settlement of all  
 18 water rights claims by Indian nations, tribes and pueblos  
 19 located wholly or partially within New Mexico.

20 E. The interstate stream commission shall ensure  
 21 that public participation and public input are integrated  
 22 throughout the planning process. The interstate stream  
 23 commission shall convene water planners and stakeholders from  
 24 diverse constituencies to advise it and the office of the state  
 25 engineer on the state water plan, including statewide policies,

. 145538. 3

1 priorities, goals and objectives for the plan, issues of  
2 statewide concern and strategies for implementation of the  
3 plan. The interstate stream commission shall also ensure that  
4 representatives of the stakeholder groups affected by various  
5 plan components will participate in the development of those  
6 plan components.

7 F. After public review and comment, the state water  
8 plan developed in conformance with this section is subject to  
9 adoption by the interstate stream commission. Following its  
10 adoption, the state water plan shall be presented to the  
11 interim legislative committee that studies water and natural  
12 resources.

13 G. The state water plan shall be periodically  
14 reviewed, updated and amended in response to changing  
15 conditions. At a minimum a review shall be undertaken every  
16 five years.

17 H. Nothing in the state water plan shall be  
18 construed to permit the granting or the condemnation of water  
19 rights.

20 I. Nothing in the state water plan shall be  
21 construed to determine, abridge or affect the water rights of  
22 Indian nations, tribes or pueblos. "

23 Section 2. APPROPRIATION. --

24 A. Six hundred twenty-five thousand dollars  
25 (\$625,000) is appropriated from the general fund in the

. 145538. 3

1 following amounts to the following agencies for expenditure in  
2 fiscal year 2004:

3 (1) one hundred fifty thousand dollars  
4 (\$150,000) to the interstate stream commission for developing a  
5 state water plan and completion of regional water plans;

6 (2) two hundred fifty thousand dollars  
7 (\$250,000) to the office of the state engineer for a project  
8 management system to establish staff, fiscal and other  
9 requirements to complete adjudications, hydrologic studies,  
10 mapping and implementation of active water management;

11 (3) two hundred thousand dollars (\$200,000) to  
12 the interstate stream commission for facilitation, public  
13 education, materials production and other contractual services  
14 to ensure that the state water plan has adequate statewide  
15 input; and

16 (4) twenty-five thousand dollars (\$25,000) to  
17 the office of the state engineer to facilitate negotiations  
18 with the Navajo Nation on the San Juan river.

19 B. Any unexpended or unencumbered balance remaining  
20 at the end of fiscal year 2004 shall revert to the general  
21 fund.