

**ACTION PLAN**

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





**Office of the State Engineer**

Equitably apportioning limited water is increasingly complex, and vacancies constrain the Office of the State Engineer’s (OSE) progress on some key measures. Ongoing interstate stream conflicts not only consume time and resources, but also threaten the state’s sovereign authority to manage its waters and may place restrictions on water use. The most significant of these conflicts is Texas’ claim in the U.S. Supreme Court that pumping by New Mexicans from groundwater wells downstream of Elephant Butte Reservoir reduced the amount of water delivered to Texas by the Rio Grande Project. The federal government joined the suit, claiming that New Mexico harmed its ability to deliver water as required under its international treaty with Mexico. The Interstate Stream Commission and the Litigation and Adjudication Program generally met targets, but the Water Resource Allocation Program has backlogs and difficulty meeting some targets due to vacancies and increasing workload. As required by the 2019 General Appropriations Act, OSE submitted a five-year plan for reducing operating expenditures from its trust funds. The first year of the plan involves a general fund increase of \$1 million in the Program Support division, which OSE included in its FY21 appropriations request.

**Water Resource Allocation**

The number of backlogged water rights applications continues to exceed the program’s informal target of a backlog of under 500 applications. The program did not meet the target for water rights applications processed per month, reportedly due to 30 vacant positions in the Water Rights Division and the need to investigate complaints of illegal water use that are higher due to limited water resources. The number of transactions abstracted in the water administration resource system has increased with the program’s recent efforts, which include hiring and training staff.

**Budget:** \$14,650.9 **FTE:** 182

<b>Measure</b>	<b>FY18 Actual</b>	<b>FY19 Actual</b>	<b>FY20 Target</b>	<b>FY20 Q1</b>	<b>Rating</b>
Unprotested and unaggrieved water rights applications backlogged*	451	547	N/A	535	
Unprotested water rights applications processed, per month	27	30	50	39	
Transactions abstracted annually into the water administration resource system database	15,612	24,946	20,000	5,659	
Notices issued to owners of publicly-owned dams notifying them of deficiencies or issues	NEW	84	45	0	

**Program Rating**



\*Measure is classified as explanatory and does not have a target. Rating is based on comparison with past year performance.

**Interstate Stream Commission**

New Mexico's cumulative Pecos River compact credit continues to be positive. The U.S. Supreme Court's Pecos River Master issued his report for Water Year 2018 on June 24,

**Reservoir Capacity New Mexico Statewide**

Reservoir	2017	2018	2019 YTD
Abiquiu Reservoir	12%	10%	5%
Bluewater Lake	21%	15%	23%
Brantley Lake	2%	3%	3%
Caballo Reservoir	21%	14%	12%
Cochiti Lake	10%	10%	9%
Conchas Lake	24%	79%	44%
Costilla Reservoir	74%	78%	56%
Eagle Nest Lake	53%	54%	63%
El Vado Reservoir	68%	43%	54%
Elephant Butte Reservoir	17%	18%	25%
Heron Reservoir	49%	38%	48%
Lake Avalon	43%	65%	43%
Lake Sumner	22%	28%	21%
Navajo Reservoir	84%	72%	90%
Santa Rosa Reservoir	12%	21%	11%

Source: Natural Resources Conservation Service

**Publicly Owned Dams in Need of Rehabilitation: 10 Highest Priority Dams**

Dam Name	Purpose	Estimated Rehab Cost
Santa Cruz Site 1	Flood Control	\$6M or more
Lake Maloya Dam	Water Supply	over \$30M
Cimarroncito Dam	Water Supply	\$10M or more
Alto Lake Dam	Water Supply	\$10M or more
Bear Canyon Dam	Irrigation, Recreation	\$6M or more
Fenton Lake Dam	Recreation, Wildlife	\$6M or more
Laguna Del Campo Dam	Recreation	\$4M or more
McGaffey Lake Dam	Recreation	\$4M or more
Lower Vallecito Dam	Irrigation	\$7M-\$8M
Bonito Lake	Water Supply	\$10M or more

Source: OSE

The Dam Safety Bureau of the Office of the State Engineer (OSE) keeps a list of publicly owned dams in need of rehabilitation, ranked in priority order based on several factors. The list consists of 66 dams that are publicly owned, are of sufficient size to be regulated by OSE, are considered high-hazard potential dams, have auxiliary spillway capacity that is less than 70 percent of the regulatory requirement, and are deficient based on safety criteria with a condition rating of unsatisfactory, poor, or fair.

2019. In Water Year 2018, New Mexico accrued an annual water delivery credit of 5,300 acre-feet, resulting in a cumulative Pecos River compact credit of 176,100 acre-feet.

The River Master's calculation in 2019 of New Mexico's cumulative compact credit includes a credit to New Mexico of approximately 16,600 acre-feet associated with evaporation from water held for Texas in Brantley Reservoir over the period from September 2014 to September 2015. That credit is currently disputed in the U.S. Supreme Court. In June 2019, the Court invited the Solicitor General's office to file a brief in this matter and on July 23, 2019 representatives from New Mexico met with the Solicitor General's office. The Court will determine next steps once it receives the brief from the Solicitor General's office.

Consensus on accounting of the Bureau of Reclamation's unilateral release of credit water from Elephant Butte Reservoir again was not reached at the April 2019 meeting of Rio Grande Compact Commission and is the subject of ongoing litigation. The New Mexico Engineer Adviser's accounting of New Mexico's Compact status for calendar year 2019 was an accrued credit of 5,400 acre-feet. This credit will be needed to help New Mexico meet delivery obligations for the remainder of 2019. The above average snowmelt runoff for 2019, and the associated delivery obligations under the Compact, will make it more challenging for New Mexico to make compact deliveries and staff are projecting that New Mexico will under-deliver for calendar year 2019.

Two sediment plugs in the Elephant Butte Delta Channel required excavation during the first quarter of FY20. The river channel is now able to convey available flows into Elephant Butte Reservoir. Interstate Stream Commission (ISC) staff are performing ongoing maintenance on the channel which is expected to wrap up during the second quarter of FY20. Article VII storage restrictions were lifted in May 2019, allowing the Middle Rio Grande Conservancy District to store more than 80 thousand acre-feet in El Vado Reservoir for 2019 irrigation supply. The majority of the stored water not needed in 2019 is being released for delivery to Elephant Butte Reservoir to reduce the expected Compact under-delivery. Staff now anticipate Article VII restrictions will remain lifted through the winter and early Spring 2020.

The New Mexico unit fund measure tracks total expenses and is reported annually in the second quarter.

**Budget:** 13,563.5 **FTE:** 46

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Cumulative state-line delivery credit per the Pecos River Compact, in thousand acre-feet	137.9	170.8	> 0	176.1	<b>G</b>
Cumulative state-line delivery credit per the Rio Grande Compact, in thousand acre feet	-0.7	5.4	> 0	5.4	<b>G</b>
Cumulative New Mexico unit fund expenditures, in millions*	\$9.02	\$14.83	N/A	N/A	

**Program Rating**

**G**

\*Measure is classified as explanatory and does not have a target.

### Litigation and Adjudication

These two measures track progress toward the completion of the adjudication of all water rights in New Mexico. The number of offers to defendants in adjudications for FY20 reflects subfile activity in the Lower Rio Grande and Animas water rights adjudications. For FY20, the program included water rights with judicial determinations in both closed and active adjudications to provide more meaningful data on the cumulative effect of adjudications.

**Budget:** \$6,931.9 **FTE:** 66

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Offers to defendants in adjudications	298	456	250	61	Y
Water rights that have judicial determinations	67%	75%	70%	75%	G
<b>Program Rating</b>					<b>G</b>

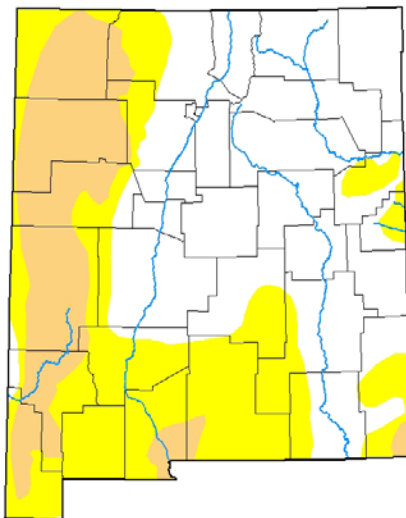
The two maps below illustrate drought conditions in New Mexico one year apart. The images demonstrate how drastically conditions can vary depending on a given year's snowfall and temperatures.

**U.S. Drought Monitor**  
**New Mexico**

**August 20, 2019**  
(Released Thursday, Aug. 22, 2019)  
Valid 8 a.m. EDT

**U.S. Drought Monitor**  
**New Mexico**

**August 21, 2018**  
(Released Thursday, Aug. 23, 2018)  
Valid 8 a.m. EDT

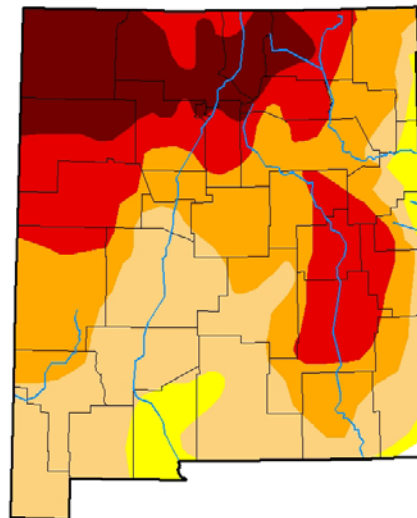


**Intensity:**

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

**Author:**  
Jessica Blunden  
NCEI/NOAA



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