

ACTION PLAN

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

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.

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

Dam Name	Purpose	Estimated Rehab Cost
Cimarroncito Dam	Water Supply	\$10M or more
San Mateo Dam	Irrigation	\$3M or more
Fenton Lake Dam	Recreation, Wildlife	\$8M or more
Eagle Nest Dam	Irrigation and Recreation	\$1M or more
Nichols Dam	Water Supply	\$3M
McClure Dam	Water Supply	\$3M
Lake Maloya Dam	Water Supply	>\$20M
Bluewater Dam	Irrigation	\$10M or more
Alto Lake Dam	Water Supply	\$10M or more
Lower Vallecito Dam	Irrigation	\$7M-\$8M

Source: OSE

Office of the State Engineer

In 2020, snowmelt runoff was one of the lowest on record and summer monsoons were almost nonexistent, putting a strain on the state's rivers and leading to shortage sharing operations. These low flows combined with use demands will result in an increased water delivery debit on the Rio Grande to Elephant Butte Reservoir for 2021. Every reservoir in the state is far below historical averages. Experts warn the conditions exacerbating the region's long-term drought are likely the new normal. The Office of the State Engineer (OSE) is tasked with measuring and distributing available water efficiently, maximizing use of New Mexico's interstate stream apportionments to promote sustainability, and planning for the future water needs of residents and the environment.

Significant issues for OSE and the Interstate Stream Commission (ISC) in FY20 and FY21 include addressing the drought shortages using active water resource management, litigation with Texas over two interstate water compacts, developing drought contingency plans for Colorado River water, changing direction on Arizona Water Settlement Act projects, and developing and implementing a water conservation and management pilot project for the Lower Rio Grande basin.

Water Resource Allocation

The purpose of the Water Resource Allocation Program (WRAP) is to provide for administration, distribution, protection, conservation, and development of the state's surface water and groundwater resources, including the implementation of active water resource management. WRAP has an internal goal to keep the number of backlogged water rights permit applications under 500, which it currently is meeting. The program did not meet the target for applications processed per month in the first quarter or in FY20, reportedly due to 35 vacant positions in the Water Rights Division and the need to investigate illegal water use complaints that are higher due to drought conditions.

Given ongoing concern about statewide dam safety, OSE should consider revising the performance measure related to dam deficiencies. The current measure reports the number of notices for deficient dams issued each quarter, but this does not provide information on the actual number of dams with deficiencies or what proportion of all dams in the state that number represents. In the first quarter, the Dam Safety Bureau completed nine dam inspections and provided notification of deficiencies to the owners of those dams. The owners of the 10 dams shown on the left are either planning rehabilitation work and assembling funding or they are currently undergoing rehabilitation. State capital outlay funds are being used for four of these dams.

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Budget: \$14,913.6 FTE: 172							
Unprotested and unaggravated water rights applications backlogged*	547	502	N/A	484			G
Unprotested water rights applications processed, per month	30	39	50	28			R
Transactions abstracted annually into the water administration resource system database	24,946	20,432	20,000	4,679			Y
Notices issued to owners of publicly-owned dams notifying them of deficiencies or issues	84	58	45	9			Y
Program Rating	Y	Y					Y

Interstate Stream Compact Compliance

The purpose of the Interstate Stream Compact Compliance and Water Development Program is to ensure New Mexico's continued compliance with its interstate stream compacts, resolve federal and interstate water issues, develop water resources and stream systems in an environmentally sound manner, and plan for the future use of water to ensure maximum sustained beneficial use of available water resources.

The Pecos River Compact report for water year 2019, issued on June 24, 2020, included an annual debit to New Mexico of 9,800 acre-feet, resulting in a cumulative Pecos River compact credit of 166,300 acre-feet. The credit includes a 16,600-acre-foot credit to New Mexico that was disputed by Texas in a case heard by the U.S. Supreme Court in October 2020. A decision is expected by the end of the year.

On the Rio Grande, the New Mexico Engineer Adviser's accounting of New Mexico's Compact status for calendar year 2020 reports an accrued debit of 38,800 acre-feet. The above-average snowmelt runoff for 2019, river sediment plugs that blocked the river channel after the runoff, and the associated very high delivery obligations under the Compact made it more challenging for New Mexico to make compact deliveries. The state is required to retain Rio Grande water in storage at all times to the extent of its accrued debit, which that was done in El Vado, Nichols, and McClure reservoirs during the 2020 snowmelt runoff.

Article VII storage restrictions went into effect in June 2020 and Interstate Stream Commission (ISC) staff anticipate they will remain in effect through the 2021 snowmelt runoff. With extreme drought conditions persisting, ISC staff project New Mexico will have significant under-deliveries to Elephant Butte Reservoir through 2020. The Rio Grande Compact Commission came to an agreement that approximately 38,800 acre-feet of accrued debit water being retained in El Vado Reservoir could be released on an emergency basis, by Order of the State Engineer, to provide flows in the middle valley to support endangered species and agricultural supply. While that operation helped avoid potentially significant economic and environmental issues in the middle valley, it also reduced deliveries that would have occurred to Elephant Butte Reservoir in 2020. ISC and OSE are working with the Middle Rio Grande Conservancy District and other upper and middle Rio Grande water user entities to increase deliveries to Elephant Butte Reservoir and reduce the accrued debit.

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Budget: \$11,896.3 FTE: 43							
Cumulative state-line delivery credit per the Pecos River Compact, in thousand acre-feet	170.8	166.3	>0	166.3			G
Cumulative delivery credit per the Rio Grande Compact, in thousand acre feet	5.4	-38.8	>0	-38.8			R
Cumulative New Mexico unit fund expenditures, in millions*	\$14.83	\$20.1	N/A				
Program Rating	G	G					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 water rights in New Mexico. The percentage of water rights that have judicial determinations represents the percentage of water rights that have been determined by court orders

PERFORMANCE REPORT CARD

Office of the State Engineer
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entered in all water rights adjudication suits to date. It is not expressed as a percentage of all water rights that have been and will be adjudicated in the future, as that number cannot be accurately ascertained before adjudication suits are filed in the future for areas yet to be adjudicated. This measure is therefore affected not only by the ongoing entry of new judicial determinations, but also by the opening of new adjudication suits or sections of adjudications. Since FY19, the program has included data for water rights with judicial determinations in all closed and active adjudications to provide more meaningful data on the cumulative effect of adjudications.

		FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Budget: \$7,732	FTE: 59							
Offers to defendants in adjudications		456	444	325	125			G
Water rights that have judicial determinations		75%	76%	74%	76%			G
Program Rating		G	G					G