

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 260

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;

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 in
13 consultation with other government agencies as appropriate,
14 shall develop a comprehensive, coordinated state water plan
15 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

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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,

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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

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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.