

## **PROPOSED ELEMENTS OF A WATER DEVELOPMENT PLAN TEMPLATE**

All applications submitted to the New Mexico Office of the State Engineer (NMOSE) to transfer or appropriate the ground or surface waters of the state must adhere to the general application requirements established by the Rules and Regulations of the NMOSE. Those requirements include, but are not limited to: 1) a statement of the nature of the application (diversion, transfer, etc.), 2) a statement of the amount of water at issue in the application, and 3) identification of the place and purpose of use. All Applicants are required to publish a legal notice of the application, which is subject to protest.

In addition, if an Applicant wishes to hold water rights unused for an extended period of time, the Applicant must submit a water development plan (also currently known as a 40-Year Plan) with the application. In a water development plan the **Applicant has the burden of proving:**

- The reasonably anticipated needs over the period of time requested, above the current and historical baseline. This information must be based on population or other projections, considering reasonable conservation efforts;
- The availability of unappropriated water, or if the application is for a transfer, the validity of the move-from water rights;
- What constitutes a reasonable planning period to develop and perfect the water rights;
- That the proposed application is non-speculative;
- That milestones have been established and are reasonable; and
- That the Applicant will use “reasonable diligence” in perfecting the water rights.

To evaluate the Applicant’s plan to hold water rights unused, the NMOSE will consider the following, to be provided by the Applicant where appropriate:

### **1. Baseline of Current Water Use**

- 1.1. Overview of the present water delivery system
- 1.2. Description of the Applicant’s current water use
- 1.3. Gallons per Capita per Day (GPCD) analysis

### **2. Existing and Future Conservation Efforts**

- 2.1. Description of existing water conservation programs
  - 2.1.1. Supply-side conservation programs
  - 2.1.2. Demand-side conservation programs
  - 2.1.3. Documented or estimated results from programs that have been implemented
- 2.2. Description of future water conservation programs
  - 2.2.1. Implementation schedules (short and long-term) of planned conservation activities
  - 2.2.2. Financing methods of implementing future water conservation programs
  - 2.2.3. Anticipated results of each program
- 2.3. Statement of Future GPCD

**3. Projected Future Population**

- 3.1. Projections to support amount requested, or
- 3.2. Population projections customarily used by Applicant for other general planning efforts
- 3.3. If not relying on U.S. Census Bureau (or UNM-BBER) data, provide supporting documentation
- 3.4. Statement of Future Population

**4. Statement of Anticipated Demand**

- 4.1. Calculation of future demand based on future GPCD and future population
  - 4.1.1. Description of any mandates requiring developers in Applicant's jurisdiction to obtain water rights for development
  - 4.1.2. Additional demand forecasts, if available
- 4.2. Alternative statement of demand for Applicants who are non-drinking water suppliers or where use of GPCD would otherwise be inappropriate
- 4.3. Demonstration that the future demand projections do not constitute a "self-fulfilling" prophecy; must recognize that absence of water is a limitation on growth

**5. Discussion of Water Availability**

- 5.1. Water Rights Information
  - 5.1.1. Availability of unappropriated water, or if a transfer, the validity of the move-from water rights
  - 5.1.2. Statement of application's effect on tribal, pueblo, and native water right interests
- 5.2. Hydrology Information
  - 5.2.1. Surface water availability analysis
  - 5.2.2. Groundwater availability analysis
  - 5.2.3. Return flow planning/Reuse availability

**6. Proposed Planning Period**

- 6.1. Planning period generally used by the Applicant for other (non-water) planning purposes
- 6.2. Extent of public input in Applicant's planning process
  - 6.2.1. Adoption of water development plan by local governing body
  - 6.2.2. Discussion of Regional Water Planning
- 6.3. Statement of planning period used in this application
- 6.4. Basis on which the Applicant's request to hold water rights unused for an extended period of time would promote the public welfare and the conservation of water within the state
- 6.5. Basis for belief that planning period used in this application is reasonable
- 6.6. Ability of Applicant to obtain other sources of water in the future

**7. Application is Non-Speculative**

- 7.1. Must demonstrate the current or future ability to physically store, divert or otherwise put the water to beneficial use
- 7.2. Description of specific project or plan in place for putting a specific amount of water to beneficial use
- 7.3. Non-municipal entities must:
  - 7.3.1. Demonstrate a legal interest in the lands to be served or a reasonable expectation in procuring a legal interest in the lands to be served by the water
  - 7.3.2. Identification of actual customer(s) and documents of intent from customers
- 7.4. Demonstrate that all legal, administrative, and licensing or other governmental permits or requirements necessary to proceed with this project have been or will be met
- 7.5. Demonstrate financial capability of moving forward with the project.
  - 7.5.1. Provide anticipated financial needs timeline
  - 7.5.2. Provide methods of finance for project throughout timelines
- 7.6. Planning, design and infrastructure completed for proposed project

**8. Application Implementation**

- 8.1. Total project timeline and proposed timeframe for demonstrating a physical attempt to divert water and put it to beneficial use (“reasonable diligence”)
- 8.2. Reasonable diligence
  - 8.2.1. Means a consistent effort to complete the appropriation in an expeditious and efficient manner, consistent with the project timelines or time frames established above
  - 8.2.2. Matters that are out of the control of the Applicant shall not be considered in determining whether the Applicant is proceeding with “reasonable diligence”
  - 8.2.3. Periodic updates as established by the NMOSE shall be submitted by the Applicant in support of demonstration of “reasonable diligence”
- 8.3. Identification of completion of project milestones

**9. Conclusions and Other Supporting Information**