

House Memorial 42 Task Force Status Report

WATER AND NATURAL RESOURCES COMMITTEE

July 15, 2008

Aztec, NM

John Longworth, PE -- OSE

History

- House Memorial 42 in 2007 asked the SE to set up a stakeholder group to address various proposed changes to 72-1-9
 - 72-1-9 provides for certain covered entities to reasonably hold water rights unused for a period not to exceed 40 years.
- Memorial noted three basic types of changes
 - Add various new entities on the list of entities allowed to hold water unused for forty years;
 - Extend the time period from forty years to one hundred;
 - Establish criteria for the SE to review water development plans.

Stakeholder Meetings

- State Engineer convened a broad-based stakeholder group
 - Approximately 50 organizations and individuals (mostly organizations)
 - 20 to 30 attend meetings
- Four general public meetings have been held
 - SE hired an outside facilitator to manage the public meetings and prepare meeting notes
- Meeting have included:
 - Review and discussion of OSE legal memos, topic include:
 - 72-1-9 background and history of the creation of the statute
 - Water right planning statutes in the west
 - Overview of existing water development plans and OSE rules
 - Presentation of OSE's understanding of stakeholder's comments to reflect back the comments and solicit discussion

Stakeholder Meetings

- OSE staff proposed elements of a template for analysis of water development plans
 - Based on:
 - Existing district court requirements
 - Stakeholder comments
 - Other western states
 - Stakeholders are considering the content
- Solicited comments, written and in person
 - 34 written comments from 24 entities
- Posted all materials on the OSE website

OSE Perspective of Meetings

- This view is not a consensus from the Stakeholders
- On the issue of adding entities
 - A consensus has not been reached on who should be on a list, or even if there should be a list
 - However, there seems to be a better understanding that the basic policy question is finding the balance between the genuine need to plan responsibly versus the need to prevent speculation or hoarding water

OSE Perspective of Meetings

- On the issue of extending (or reducing) the forty-year period
 - Group has not reached consensus on any particular number
 - Group seems to have moved toward a better understanding that water planning timeframes need to be supported effectively
- On the issue of criteria
 - OSE has developed proposed elements of a template, which are now under discussion and comment
 - We have not reached a consensus, other than it is needed

Next Steps

- OSE is developing a draft status report to reflect the process back to the group and see what consensus we might have achieved
 - Stakeholders are to review and work on document at the next meeting
- Stakeholders seem to believe that the process is valuable
- No matter what happens in the coming legislature, there has been positive exploration of public policy amongst the stakeholders