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Op-Ed: Public Review and Comment Encouraged on Draft of Lower Pecos River Basin District-Specific Rules and Regulations

by John D'Antonio, PE, New Mexico State Engineer

(SANTA FE, New Mexico) – A recent article in the *Ruidoso News* on August 9, 2005 makes the observation that the Office of the State Engineer may be avoiding a meeting with the Lincoln County Commission to discuss questions about the Lower Pecos River Basin District-Specific Rules and Regulations and the Active Water Resource Management (AWRM) initiative. This perception is inaccurate, as we have intended to make this process accessible and open to the public.

In **July 2005**, a **special Lincoln County Commission public meeting** was scheduled with County Manager Tom Stewart. In coordination with Mr. Stewart, this meeting was scheduled for September 6. This coincides with the release of the public review draft of the district-specific rules and regulations prior to beginning the statutory promulgation process. We felt a meeting at this point in time would be of the greatest benefit to the Commission.

Today my office released the public review draft of the district-specific rules and regulations and we will use the comments we receive on this draft to prepare an improved version that will be used as the proposed draft in the formal promulgation

process. We also hope to answer questions the public may have regarding the AWRM initiative.

The objective of AWRM is to protect and preserve existing senior water rights to the use of water, in the amount and priority of use of each water rights owner. AWRM refers to a broad range of activities, which emphasize permitting transfers, monitoring and metering diversions, and limiting diversion of water to the amount authorized by existing water rights – all within the prior appropriation system.

Through AWRM, I will require meters for measuring water use, create special water master districts, hire water masters, and promulgate rules and regulations specific to a number of districts in the state.

Development of district-specific rules and regulations are in progress for the Lower Pecos River, the Lower Rio Grande, and the San Juan River basins.

The process for drafting district-specific rules and regulations for the Lower Pecos River Basin includes four phases. First, we worked extensively with representatives of basin water users who are members of the Lower Pecos River Basin Committee. Second, we are releasing a draft to the public for review and comment at public meetings, and we encourage the public to provide comment on the draft. Third, we will revise the draft to reflect public input and begin the legally required formal process of promulgation of the regulations. The proposed regulations will be placed on file at district offices for public review and will be advertised in newspapers of general circulation in the state. Thereafter, a public hearing will take place on the regulations in Santa Fe. In the fourth phase, I will adopt the regulations and place them into effect. The pre-promulgation process is above and beyond the legal requirements for promulgating rules and regulations by any state agency.

I anticipate that the AWRM initiative will take several years to fully implement statewide, but we have made tremendous strides so far in a very short period of time.

Because New Mexico will continue to experience drought conditions from time to time, we must be prepared. I would encourage all water users to become actively involved in the problem-solving process to help identify alternative forms of administration for times of shortages.

The special **Lincoln County Commission Meeting** on September 6 will be held at the **Hondo Public Schools' Multi-Purpose Room** (located near US Highway 70 and US Highway 380) at **5:30 p.m.** Other public meetings are planned in the

Lower Pecos Basin on August 30 in Carlsbad, on August 31 in Ft. Sumner, and on September 12 in Roswell.

I ask everyone to be part of the process by attending the public meetings we have scheduled in your area. We need your help to develop district-specific rules and regulations that benefit all water users.

A copy of the draft rules and regulations can be obtained from the Office of the State Engineer website at: www.ose.state.nm.us under “Active Water Resource Management”, then “Lower Pecos.” Copies for review will be placed in the Office of the State Engineer District II office in Roswell and public libraries in Carlsbad, Roswell, Fort Sumner, and Ruidoso.

The deadline for public comments is **Friday, September 23, 2005**. All comments should be e-mailed to christina.malessa@state.nm.us or be mailed to:

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The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff. The Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.