

STRATEGIC PLAN

FISCAL YEAR 2011



**OFFICE OF THE STATE ENGINEER
AND
THE INTERSTATE STREAM COMMISSION**

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**Office of the State Engineer
Fiscal Year 2011 Strategic Plan**

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THE OFFICE OF THE STATE ENGINEER AND THE INTERSTATE STREAM COMMISSION

EXECUTIVE SUMMARY:

The State Engineer is statutorily charged with supervising the state's water resources through the measurement, appropriation, and distribution of all ground and surface water including streams and rivers that cross state boundaries. The Office of the Territorial Irrigation Engineer was created in 1905, seven years before statehood, to assume responsibility over all surface water. In 1907, it was changed to the Office of the Territorial Engineer, and after statehood in 1912, was renamed the State Engineer. The State Engineer's responsibilities were expanded in 1931 to include all groundwater within declared groundwater basins – which now comprise 100 percent of the state.

The State Engineer supervises every use of all water use in New Mexico. State Engineer permission is needed to make a new appropriation, to change a point of diversion, or the place or purpose of use of an existing water right. The State Engineer acts on water rights applications and evaluates existing water rights, and his staff measure and tracks water use sources and resources, promotes conservation, and performs the scientific, historical and legal research needed to support all of its activities. Additional duties include reviewing subdivision water-supply plans submitted by counties, licensing water-well drillers, providing a statewide dam safety program, and rehabilitating diversion dams and irrigations ditches.

The Interstate Stream Commission is separate under state law, but organizationally is a program under the Office of the State Engineer. The State Engineer, appointed by the Governor and confirmed by the state Senate, serves as the Secretary of the Interstate Stream Commission. The Interstate Stream Commission Director serves as the Deputy State Engineer. The Legislature created the Interstate Stream Commission in 1935 and gave it broad powers to investigate, protect, conserve and develop the state's water supplies. Its separate duties include protecting New Mexico's right to water under eight interstate stream compacts, ensuring compliance with each of those compacts, developing and promoting regional and statewide water planning and implementing the Strategic Water Reserve.

Water management in New Mexico is guided by several 100-year-old principles in the New Mexico Constitution: (1) All water belongs to the public waters of the State of New Mexico subject to appropriation by law. (2) The establishing and continuation of a water right used is dependent on where, when, and purpose to which the amount of water is placed to beneficial use. (3) Older water rights are senior to and have priority over water rights with more recent priority dates. Since 1907, a permit from the State Engineer has been required to divert surface water and put water to beneficial use. Permits are required to divert groundwater in State Engineer-declared groundwater basins. The entirety of the State of New Mexico is now composed of declared groundwater basins.

The Office of the State Engineer processes approximately 42,000 water rights documents per year. About 900 or so of the total involve actual changes to water rights; the remaining documents are ownership changes, domestic well applications, well plugging records, metering

readings, etc. Approximately 4,250 domestic well applications per year are included in the total number of documents processed. Approximately 190 applications for water rights changes are protested or have aggrievals filed against State Engineer decisions each year, which are then subject to the State Engineer formal hearing process.

A key activity of the Office of the State Engineer is legally establishing existing water rights through water rights adjudication. This court process is required by statute. The first phase of adjudication is a hydrographic survey to locate, quantify and date water rights within a stream system or underground aquifer. The second, or legal, phase of an adjudication starts with the filing of a lawsuit on behalf of the state of New Mexico that names water right owners as defendants and ends with a court order that delineates the elements and priority of each water right. The process provides the water right owners with opportunities to challenge the state and each other. The State Engineer is involved in numerous adjudications, some of which are decades old.

Water management in New Mexico is complicated by the state's long history and further complicated by the scarcity and variability of the supply, eight interstate stream compacts, twenty-two tribes and pueblos, and the existence of threatened and endangered species. New Mexico is under pressure to meet its water delivery obligations to other states. Failure to comply can and often does result in litigation. For example, the U.S. Supreme Court in 1988 ordered New Mexico to pay damages to Texas for New Mexico's failure to meet its delivery obligations on the Pecos River and a court-appointed river master monitors New Mexico's ongoing compliance.

Optimal management of New Mexico's water is dependent on good information and planning and is complicated by the increasing demand placed on the limited resource by a growing population and water supply variability. Office of the State Engineer staff are developing more sophisticated tools for measuring and monitoring water resources, have been active in the development of regional water plans over the past few years, and in 2003 began and completed work on a comprehensive, statewide water plan.

The activities of the Office of the State Engineer and Interstate Stream Commission are financially supported with state general funds and income from state trust land. Although the income from the trust land varies, the agency received a significant portion of its funding in recent fiscal years from the two trust land funds: the Irrigation Works Construction Fund and the Improvement to the Rio Grande Income Fund. The trust lands, set aside under the Ferguson Act of 1898 along with trust lands for some 19 other beneficiaries, are managed by the State Land Office. The State Land Office transfers some income directly to the agency trust funds and to the State Investment Council. The council invests the income generated through activities that deplete the resource – like mining – and the earnings on the investment go into the trust funds.

The dependency of the Office of the State Engineer and Interstate Stream Commission on these funds to meet recurring expenses and the resulting depletion of the fund balances has been brought to the attention of the executive and legislative branches. The agency must receive additional general fund support, the trust funds must be replenished, or both, for substantive and effective water administration to continue.

I. Agency Vision, Mission and Goals

VISION:

The Office of the State Engineer and the Interstate Stream Commission is the preeminent water management agency, which is trusted by the public to effectively and transparently manage, allocate and protect New Mexico's water resources.

MISSION:

To actively protect and manage the water resources of New Mexico for beneficial uses by its people, in accordance with law:

- to investigate, measure, and distribute water in the most efficient manner in accordance with state laws, court adjudications, and State Engineer rules and regulations;
- to administer a water rights system that lawfully and effectively allocates and reallocates water and adjudicates water rights to meet the needs of New Mexico's growing population;
- to maximize use of New Mexico's renewable interstate stream apportionments in order to improve the sustainability of New Mexico's water supplies; and
- to plan for the future water needs of New Mexico's people.

In carrying out the OSE/ISC mission, protection of waters and stream systems will take water quality issues into consideration.

GOALS:

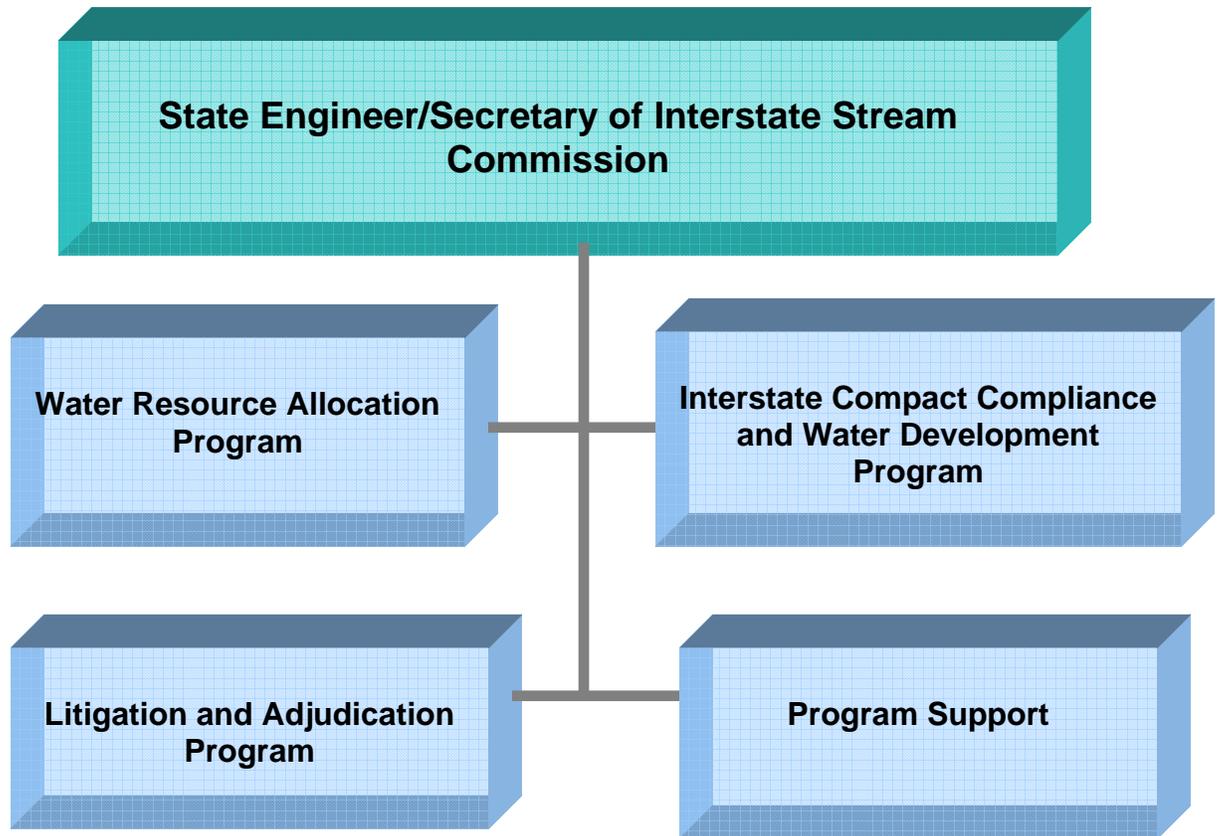
1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater.
2. Develop and use available water resources in an environmentally responsible manner consistent with state and federal laws.
3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.
4. Complete the adjudication of all water rights in the state.
5. Promote the safety and efficiency of New Mexico's water resource infrastructure.
6. Plan for New Mexico's future water needs.
7. Develop, deliver and continuously improve the value of Human Resource, Financial, Information, Technology and Budget Services provided to Agency Programs, state and federal agencies and Business Partners.

II. Programs:

Goals will be accomplished through four programs. The four programs are:

- Water Resource Allocation Program
- Interstate Compact Compliance and Water Development Program (Interstate Stream Commission)
- Litigation and Adjudication Program
- Program Support

III. Organizational Chart



IV. Program Summaries, Goals Objectives and Measures

Water Resource Allocation Program

Water Resource Allocation Program [P551]

Statutory or Constitutional Authority:

72-1-1 through 72-1-9, 72-5-11 & 72-5-34, NMSA 1978

Purpose Statement:

The purpose of the Water Resource Allocation Program is to provide for administration, distribution, protection, conservation, and development of the state's surface and ground water resources through Active Water Resource Management (AWRM).

Users:

Program users are the public but more specifically all water right owners in New Mexico. For instance, this is any person, association or corporation, public or private, in the state of New Mexico.

Program Summary

The Water Resource Allocation Program (WRAP) is primarily responsible for processing water-rights applications, conducting the scientific research for making water rights decisions, maintaining water rights records, and enforcing any conditions or restrictions on water use. Water masters in the program measure stream flow, allocate the water within a stream system based on state law, and regulate and control diversions. WRAP staff also inventories water resources; monitors water use; and cooperates with the U.S. Geologic Survey in monitoring groundwater levels throughout the state. Additional program duties include licensing all well drillers, maintaining and updating the rules and regulations of the State Engineer, providing a dam safety program, evaluating subdivision water-supply plans submitted by counties, and promoting water conservation. The Water Resource Allocation Program includes: the Water Rights Division; which includes the Water Rights Abstract Bureau, responsible for populating the WATERS (Water Administration Technical Resource System) database with all the individual water rights files within the state and making the information available to the public through a queriable database via the internet; the Hydrology Bureau; the Water Use and Conservation Bureau; and the Dam Safety Bureau.

Under New Mexico water law, all ground and surface waters are public waters of the state and subject to appropriation under the Doctrine of Prior Appropriation, a constitutional provision that says earlier appropriations have priority over later appropriations.

Goals

WATER RESOURCE ALLOCATION PROGRAM		
Goal 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and groundwater through AWRM.		
Objective	Measure	Target
A. Administer water rights from an electronic platform that includes: a database of existing rights and applications; an application status and tracking system; and a geographic information system.	Number of water right transactions abstracted into the Waters Administration Technical Engineering Resource System (WATERS) database.	Baseline: Number of transactions as of the end of FY 07: 227,927 FY08: actual 249,372 FY09 actual : 274,419; Target: FY10: 296,419
B. Develop compliance and enforcement capability of water rights permit conditions, court decrees, court orders, shortage-sharing agreements, etc. in AWRM priority basins so as to prevent impairment to senior water rights and to prevent illegal and over-diversions.	Percent readiness to perform active water resource administration statewide.	Baseline: FY07: 72% FY08: actual 78% FY09: actual 84% Target: FY10: 86% FY11: 88%
C. Support water right application reviews with respect to 72-1-9, 72-5-7, 72-5-23, and 72-12-3 NMSA.	See Strategies below.	
D. Ensure that water is available for the continued and future economic vitality of the State.	See Strategies below.	
E. Protect Senior water rights.	See Strategies below.	
F. Promote conservation and the efficient use of water.	See Strategies below.	

WATER RESOURCE ALLOCATION PROGRAM -Goal 1 Continued.

G. Manage for the effects of hydrologic variability associated with climate change or drought.		
H. Preserve state administrative authority over the State's waters.		
I. Lead efforts to collect, store, analyze, disseminate and utilize water resource data.	See Strategies below.	

Strategies for Objective A

- Abstract and image existing water files for priority basins into the WATERS database including all applications and documents as they are received.
- Execute management control systems for tracking and clearing water right actions due, using the WATERS database.
- Utilize GIS capabilities and map existing water rights and transaction history for priority basins into a geographic information system (GIS) and link them to the WATERS database.
- Reconcile water right ownership with County information, where electronically available, on a regular basis and take proactive action to have water rights owners update their OSE records.

Strategies for Objective B

- Hire and train the appropriate number of water masters to allow for adequate monitoring of water use within priority basins.
- Implement the WATERS meter module to track water use and to enforce against illegal diversions within priority basins.
- Extinguish un-used water rights in accordance with the Forfeiture Statute when a right is not exercised for 4 or more consecutive years or by the doctrine of abandonment when there is a clear intent by the owner to abandon the right or a portion of the right.
- Perform field investigations in support of declarations filed, Proofs of Beneficial Use filed, applications for transfer of water rights, etc.
- Monitor and track meter installation for groundwater wells in compliance with State Engineer metering orders.
- Monitor the installation and functioning of surface water measuring devices on points of diversion and points of return to the source to ensure compliance with permits, licenses, court decrees, shortage sharing agreements, etc.
- Accurately quantify water usage and identify water uses through data collection from surface water measuring devices on points of diversion and points of return to the source to ensure the accurate and equitable distribution of water.
- Develop basin-specific water master rules and regulations including measuring/metering orders, water master manuals and settlement agreements already in place.
- Develop framework and procedures for the issuance of compliance orders by non-court appointed water masters through the Administrative Litigation Unit.

WATER RESOURCE ALLOCATION PROGRAM -Goal 1 Continued.

Strategies for Objective C

- Coordinate review of 72-1-9 NMSA water development plans.
- Support reviews of water right permit applications for the conservation of waters of the state.
- Adopt Water Rights Administrative Guidelines in the Lea County, Curry County, Portales, Causey-Lingo and Tularosa Ground Water Basins.
- Promulgate statewide Ground Water Rules and Regulations for Water Right Administration.

Strategies for Objective D

- Conduct and support hydrologic data collection and studies, including aquifer mapping and characterization studies by others. Cooperate with other local, state and federal agencies and private entities to coordinate and prioritize technical efforts, avoid duplication of effort, and optimize use of state resources.
- Continue management and enhancement of the statewide cooperative groundwater level measurement program, and other hydrologic data collection programs.
- Develop and implement basin-specific hydrologic models and guidelines for administration of water rights that ensure continued viability of hydrologic sources into the future.

Strategies for Objective E

- Develop and implement basin-specific hydrologic models and guidelines for administration of water rights to prevent impairment to senior water rights.
- Conduct and support reviews of water right permit applications for impairment to existing water rights.
- Provide technical assistance to the Litigation and Adjudication Program in support of litigation and adjudication activities.
- Support Active Water Resource Management alternative administration.
- Declare Deep Underground Water Basins per 72-12-25 NMSA amended legislation.

Strategies for Objective F

- The Water Use & Conservation Bureau (WUCB) will support the Water Rights Division and the LAP program with agricultural conservation as it pertains to 72-5-18 NMSA 1978. The WUCB will evaluate the CIR portion of any applications filed proposing the transfer of water rights obtained from agricultural conservation.
- The WUCB will ensure that water conservation measures are included in each proposed subdivisions water budget. They will review each subdivision proposal for indoor and outdoor water conservation measures and recommend that landscape design (Xeriscaping) is the preferred landscaping irrigation method. The WUCB will encourage rainwater harvesting and gray water reuse for landscape irrigation.
- Promote statewide water conservation and efficient use of the State's water through research and technical assistance, education and information and through the development and implementation of policies and guidelines for drinking water suppliers, industrial, commercial, institutional and agricultural users.

WATER RESOURCE ALLOCATION PROGRAM Goal 1 Continued.

Strategies for Objective G

- Research and develop methods for accounting for the effects of climate change in water resource management.

Strategies for Objective H

- Improve public access to information through the agency Library, including completing cataloging of the Library collection and increasing the amount of information and documents available to the public via the agency website.

**WATER RESOURCE ALLOCATION PROGRAM
Goal 2. Develop and use available water resources in an environmentally responsible manner consistent with state and federal laws.**

Objective	Measure	Target
A. Support and oversee proposed development of deep non-potable aquifers.	See Strategies below.	
B. Promote development of desalination projects within New Mexico.	See Strategies below.	
C. Ensure a safe and adequate drinking water supply for all New Mexicans.		
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Declare Deep Nonpotable Underground Water Basins per amended 72-12-25 NMSA. 		
<ul style="list-style-type: none"> ▪ Establish policies and guidelines for administration of declared deep nonpotable basins, and review and notices of intent under NMSA 72-12-25 through 28 in accordance with established rules, regulations, policies and guidelines. 		
<ul style="list-style-type: none"> ▪ Regulate the drilling of wells intended to tap deep non-potable aquifers under NMSA 72-12-25 through 28, in accordance with established rules and regulations. 		
<ul style="list-style-type: none"> ▪ Perform hydrologic analyses as necessary to calculate the effect of diversions from an aquifer proposed for use under NMSA 72-12-25 through 28 upon existing water rights. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Support, within the framework of NM water law, desalination projects in New Mexico. 		
<ul style="list-style-type: none"> ▪ Support through the Water Cabinet, the uniform application process of the Waste Water Infrastructure Development Division with the New Mexico Environment Department. 		

WATER RESOURCE ALLOCATION PROGRAM**Goal 3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.**

Objective	Measure	Target
A. Insure that there are no new net depletions to surface water sources.	See Strategies below.	
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Require valid water rights transfers for federal and state projects that result in new net depletions to either surface water or groundwater sources. 		
<ul style="list-style-type: none"> ▪ Evaluate all water rights applications in stream-connected, conjunctively managed basins for depletions to the surface source. Deny those applications for which acceptable surface water offsets are not provided. 		

WATER RESOURCE ALLOCATION PROGRAM**Goal 4. Complete the Adjudication of all water rights in the state.**

Objective	Measure	Target
A. Continue to evaluate water use requirements for adjudications as listed in the Water Allowance Statute, 72.5.18.A.	See Strategies below.	
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Water Use & Conservation Bureau will compute defensible CIR's and FDR's to assist with the adjudication of water rights in the state of New Mexico. 		
<ul style="list-style-type: none"> ▪ Water Use & Conservation Bureau will obtain, compile and compute all necessary data associated with CIR's and FDR's. 		

WATER RESOURCE ALLOCATION PROGRAM

Goal 5. Promote the safety and efficiency of New Mexico’s water resource infrastructure.

Objective	Measure	Target
<p>A. Provide a statewide dam safety program to protect the public from loss of life and property damage due to dam failure or mis-operation.</p>	<p>Number of dams inspected per year. See strategies below.</p>	<p>Baseline data source: FY 08: 110 FY09 100 Target: FY10 (110) FY11 (110)</p>
<p>Strategies for Objective A</p>		
<ul style="list-style-type: none"> ▪ Inspect and evaluate existing dams to ensure dams are operated and maintained in a safe condition. Advise owners of required actions to address deficiencies or issue safety orders to dam owners to address immediate threats to public safety. 		
<ul style="list-style-type: none"> ▪ Evaluate existing dams to determine if design and construction are consistent with existing dam safety regulations. 		
<ul style="list-style-type: none"> ▪ Review engineering reports, construction drawings and specifications to evaluate the safe design of a new dam or repair of an existing dam. If design is safe, approve permit with construction and operation conditions. 		
<ul style="list-style-type: none"> ▪ Inspect and monitor construction of new dams or repair of existing dams to ensure construction is in compliance with approved permit. Issue Certificates of Construction and License to Operate once dam owner complies with permit conditions. 		
<ul style="list-style-type: none"> ▪ Implement Project Management process by preparing the scope of work, evaluating engineering proposals, managing engineering services contracts, review project deliverables and manage construction contracts to address the design and construction rehabilitation of existing dams that receive capital outlay funds. 		
<ul style="list-style-type: none"> ▪ Evaluate Operation and Maintenance (O&M) Manuals and Emergency Action Plans (EAP) submitted by owners of dams classified as high hazard and significant hazard potential. If O&M Manual is acceptable and all construction conditions have been met, issue a License to Operate the Dam. 		
<ul style="list-style-type: none"> ▪ Draft revisions to the dam safety rules and regulations and obtain public comment and legal review of the proposed changes. 		
<ul style="list-style-type: none"> ▪ Evaluate the results from the Extreme Precipitation Analysis Tool for central NM to determine if the tool can be used for spillway design in New Mexico. Work with contractor to address additional needs if required. 		

WATER RESOURCE ALLOCATION PROGRAM
Goal 6. Plan for New Mexico’s future water needs.

Objective	Measure	Target
A. Enforce the restrictions contained in Article 72-1-9 (NMSA) on entities eligible for protection under the statute.	See Strategies below.	
B. Extinguishment of un-used water rights.	See Strategies below.	
C. Promote government-to-government relationships with New Mexico’s Indian nations, tribes and pueblos concerning water resource issues.		
D. Comply with the review requirement for county subdivision proposals as defined by 47.6.11.F. (1) within the 30-days required by 47.6.22.A.		
E. Comply with the response requirement to the county board of commissioners as defined within 47.6.11.H.3.		

Strategies for Objective A

- Agency staff have organized and hosted 11 meetings with key stake holders as part of House Memorial 42. This group or Task Force will continue to meet as needed and as resources allow to develop draft guidelines for water development plans and to continue the dialogue on the issues surrounding 72-1-9 NMSA.
- Require 40-year plans from covered entities applying for water rights appropriations or transfers.
- Evaluate and act on applications for new appropriations or water rights transfers into covered entities’ systems from the perspective of there being a maximum amount allowable under the 40-year planning statute.
- Conjunctively manage groundwater and surface water in groundwater basins that are stream-connected. Promote, through Basin Guidelines, Rules and Regulations or through WRD “policy” the acquisition of pre-1907 surface water rights for municipal use in groundwater basins that are stream-connected.

Strategies for Objective B

- Perform annual “windshield” surveys and investigations of irrigated land within priority basins to determine which lands have been irrigated v. not irrigated. To maintain a record of irrigated land and land that has not been irrigated.
- Issue Notices of Non-User when a water right has not been legally and beneficially used for more than 4 consecutive years.
- Take proper action on abandoned rights – with required notification to the owner of record.

Interstate Stream Commission

Interstate Compact Compliance and Water Development Program [P552]

Statutory or Constitutional Authority:

72-15-1 through 72-15-28 NMSA 1978

72-14-1 through 72-14-44 NMSA 1978

Purpose Statement:

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, to resolve federal and interstate water issues; to develop water resources and stream systems in an environmentally sound manner; and to plan for the future use of water so that the people of New Mexico can have maximum sustained beneficial use of available water resources.

Users:

Program users are the public but more specifically all water right owners in New Mexico.

Program Summary

The New Mexico Interstate Stream Commission, created by Chapter 25 of the 1935 legislative session laws, has broad powers to investigate, protect, conserve and develop New Mexico's waters, including both interstate and intrastate stream systems. The Commission has eight unsalaried members appointed by the Governor. The ninth member is the State Engineer, who under state law is the secretary of the Commission. The Commission director serves as the deputy state engineer.

The Commission's authority under state law includes negotiating with other states to settle interstate stream controversies. New Mexico is a signatory to eight interstate stream compacts including: the Colorado River; Upper Colorado River Basin; La Plata River; Animas-La Plata Project; Rio Grande; Costilla Creek; Pecos River; and Canadian River compacts.

Commission staff is also responsible for compliance with provisions of the U.S. Supreme Court decisions governing water allocations on the Pecos, Canadian and Gila rivers. To assure compact compliance, staff analyzes, reviews, and implements projects in New Mexico, and evaluates potential water-supply impacts in New Mexico of projects in other states. Staff also analyzes streamflow, reservoir level, snowpack and other data on stream systems in New Mexico and neighboring states.

The Commission is also authorized by statute to investigate and develop the water supplies of the state and to plan, conserve, protect, and develop its public waters. Under a 1987 law, the Commission promotes and funds the development of regional water plans and is responsible for statewide water planning that integrates and reconciles the regional plans. Under the State Water Plan Act, enacted in 2003, the Commission was directed to coordinate with the Office of the State Engineer and the Water Trust Board to develop a comprehensive state water plan and to review and update it periodically.

The Commission is responsible for programming, budgeting, and directing expenditures from several sources: the Commission operating budget; the Ute Dam Construction Fund, (the Commission owns and operates Ute Dam and Reservoir); the Pecos Land Management Fund, created in 2005 to allow revenues generated from Commission-owned land to be used for land management, and for maintenance and operation of augmentation wells; special appropriations; and two trust funds – the Improvement of the Rio Grande Income Fund and the Irrigation Works Construction Fund. Both trust funds were created by the Ferguson Act of 1898, which set aside grants of trust land in what was then the Territory of New Mexico to generate income for specified beneficiaries.

Goals

INTERSTATE STREAM COMMISSION PROGRAM		
Goal 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and ground water through AWRM.		
Objective	Measure	Target
A. Comply with interstate compacts, court decrees, federal law, and interstate obligations.		
B. Promote conservation and efficient use of water.		
C. Preserve and strengthen the State's administrative authority over the State's waters.		

INTERSTATE STREAM COMMISSION PROGRAM Goal 1 Continued.
Strategies for Objective A
<ul style="list-style-type: none"> ▪ Protect water releases from reservoirs for delivery in accordance with applicable interstate compacts, federal law, decree requirements or for the benefit of endangered species. Review and evaluate deliveries using appropriate modeling tools.
<ul style="list-style-type: none"> ▪ Facilitate agreements between water users and federal agencies on water operations and river administration.
<ul style="list-style-type: none"> ▪ Collaborate with federal water management agencies to more effectively manage water resources, including meeting flow requirements for endangered species, and maximize operational flexibility for New Mexico's water users.
<ul style="list-style-type: none"> ▪ Participate in projects to meet requirements of interstate agreements as well as to reduce the likelihood of interstate litigation against New Mexico.
Strategies for Objective B
<ul style="list-style-type: none"> ▪ Continue promoting irrigation efficiency and agricultural conservation through use of the Re-Loan Program with controls to ensure depletions are reduced, not increased.
<ul style="list-style-type: none"> ▪ Investigate, in concert with OSE Water Conservation Bureau and stakeholders, technologic advances that conserve water for all types of uses.
<ul style="list-style-type: none"> ▪ Support/conduct evapotranspiration research to better understand the impact on water budgets from non-native and native vegetation.
<ul style="list-style-type: none"> ▪ Develop and use numerical models to better understand, assess, and promote the efficient use of water.
Strategies for Objective C
<ul style="list-style-type: none"> ▪ Actively participate in federal NEPA and ESA consultations and collaborative processes.
<ul style="list-style-type: none"> ▪ Actively participate in multi-state, multi-agency programs dealing with water management and administration.
<ul style="list-style-type: none"> ▪ Support/conduct basic hydrologic data collection of streamflow, reservoir storage and snowpack to ensure accurate and timely measurement and accounting of New Mexico's water resources.
<ul style="list-style-type: none"> ▪ Support/conduct quality assurance/quality control procedures for basic hydrologic data collection programs administered by federal agencies.
<ul style="list-style-type: none"> ▪ Aggressively pursue/conduct technical and legal investigations to defend New Mexico's water uses.

INTERSTATE STREAM COMMISSION PROGRAM

Goal 2. Develop and use available water resources in an environmentally responsible manner consistent with state and federal laws.

Objective	Measure	Target
A. Provide renewable water supply for east central New Mexico communities.		
B. Promote sustainable and environmentally responsible development of the groundwater of the Salt Basin for the benefit of NM communities.		
C. Optimize the benefits to NM of the 2004 Arizona Water Settlement Act.		
D. Promote use of San Juan-Chama project water for its intended purpose.		
E. Assist New Mexico Water users in getting the benefits of the Animas-La Plata Project.		
F. Support full development of the Navajo-Gallup Water supply project.		
G. Ensure continued availability of reliable water supply from Eagle Nest Reservoir.		
H. Understand and develop environmental protections for stream systems, including river restoration projects and participate in programs for the benefit and protection of threatened and endangered species to provide compliance or avoid additional listings.		
I. Evaluate new sources of water such as brackish water, aquifer storage and recovery, non-tributary groundwater, and produce water.		
J. Implement the Strategic Water Reserve (SWR) (72-14-3.3).		
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Develop a master plan for Ute Reservoir that protects water quality and availability while allowing for appropriate recreation and economic development. 		
<ul style="list-style-type: none"> ▪ Provide technical, legal, policy and lobbying support to New Mexico’s Congressional delegation in authorizing and funding for Eastern New Mexico Rural Water Users Pipeline Project. 		
<ul style="list-style-type: none"> ▪ Support development of the Eastern New Mexico Rural Water Users Pipeline Project. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Investigate the water resources of the Salt Basin to reduce uncertainty in amount, quality, and location of water supplies to the degree that will allow optimal development of the resource. 		
<ul style="list-style-type: none"> ▪ Determine what markets are available for the use of the Salt Basin water. 		
<ul style="list-style-type: none"> ▪ Investigate legal issues, including resolution of protests. 		

INTERSTATE STREAM COMMISSION PROGRAM Goal 2 Continued.

Strategies for Objective C

- Utilize the multi-stakeholder planning process to prioritize and implement the ecologic, hydrologic, demand, conservation and socio-economic studies necessary to determine if and how water might be developed in the Gila and San Francisco stream systems and reap the benefits of the 2004 Arizona Water Settlement Act.

Strategies for Objective D

- Aid San Juan-Chama Project contractors in their efforts to utilize their San Juan-Chama water.
- Monitor/Review U.S. Bureau of Reclamation San Juan-Chama Project operations and SJCP accounting.
- Work with OSE District 1 to administer the Middle Rio Grande groundwater pumping offset program.

Strategies for Objective E

- Support New Mexicans' efforts to utilize Animas-La Plata Project water.
- Participate in the development of administration procedures, rules and regulations for the operation of the Animas-La Plata Project.

Strategies for Objective F

- Provide technical, legal, policy and lobbying support to New Mexico's Congressional delegation and the New Mexico legislature for appropriation to construct the authorized Navajo-Gallup Water Supply Project and Navajo Nation Water Rights Settlement.
- Negotiate New Mexico-United States cost share agreement.
- Participate in the development of Navajo-Gallup Water Supply Project water and repayment contracts, and of project operations and maintenance agreements.

Strategies for Objective G

- Provide technical support for dam infrastructure upgrades to ensure dam safety.
- Fully implement Eagle Nest settlement.
- Properly operate reservoir releases in accordance with agreed upon reservoir operations manual.

Strategies for Objective H

- Actively participate in activities of the San Juan River Basin Recovery Implementation Program, including cost share funding of capital recovery projects, evaluation of flow recommendations for conservation of endangered fish species, and developing operating rules and plans for Navajo Reservoir to meet water contract demands and endangered fish habitat needs.
- Actively participate in activities of the Middle Rio Grande Endangered Species Collaborative Program.
- Continue successful support of the Canadian River Management Plan in lieu of designation of critical habitat for the listed Arkansas River Shiner.
- Continue technical work on the Pecos River to better understand the habitat needs of the Pecos Bluntnose Shiner and help ensure its recovery. Support habitat restoration projects as appropriate in concert with federal water management agencies.
- Continue efforts to attain a Cooperative Conservation Agreement with Assurances in lieu of listing of the Rio Grande Cutthroat Trout as threatened or endangered.

INTERSTATE STREAM COMMISSION PROGRAM Goal 2 Continued.

- Support the U.S. Bureau of Reclamation and Elephant Butte Irrigation District in their efforts relative to Southwest Willow Flycatcher in the Elephant Butte Reservoir delta.
- Make available Strategic Water Reserve (SWR) water rights to offset depletions associated with habitat restoration activities.
- Seek funding from the federal government, State legislature, Water Trust Board, etc. to conduct projects.
- Lease Rio Grande Compact “relinquishment” water to the U.S. Bureau of Reclamation for their ESA compliance purposes in the middle Rio Grande.

Strategies for Objective I

- Review comment and, if appropriate, support brackish water development, ASR, non-tributary groundwater and produced water development proposals.
- Investigate potential brackish water and non-tributary groundwater sources with respect to compact compliance and regional/state water planning.

Strategies for Objective J

- Develop and implement plans for the Strategic Water Reserve in the Middle Rio Grande and Lower Rio Grande.
- Continue lease of Strategic Water Reserve water to the U.S. Bureau of Reclamation for its ESA compliance purposes on the Pecos River, primarily utilizing ISC’s Vaughan conservation well field and pipeline. Acquire additional water rights as practicable to augment existing supplies, and help ensure operational flexibility for New Mexico water users.

INTERSTATE STREAM COMMISSION PROGRAM

Goal 3. Protect and maximize the State’s ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.

Objective	Measure	Target
A. Comply with the Pecos Compact and the 1988 Amended Decree in Texas v. New Mexico.	Cumulative state line delivery credit per the Pecos River Compact and Amended Decree at end of calendar year to be greater than or equal to zero acre-feet with final accounting to be available at end of fiscal year.	115,000 acre-feet of compact credit in accordance with Pecos Settlement goals.
B. Maintain Long-Term Rio Grande Compact Compliance.	Cumulative state line delivery credit per the Rio Grande Compact at end of calendar year to be greater than or equal to zero acre-feet.	
C. Administer the Costilla Creek system in accordance with the 1963 Costilla Creek Compact.		
D. Defend, administer and comply with interstate compacts, international agreements, court decrees and other applicable laws to protect New Mexico's utilization of its consumptive use apportionments under interstate compacts and Supreme Court Decrees on the Colorado River and its tributaries.		
E. Develop, monitor, account and administer the consumptive uses of water apportioned to New Mexico by compact in the Upper Colorado River Basin.		
F. Maximize the water available to New Mexico under the La Plata River Compact.		
G. Maximize and administer the water available to New Mexico under the Animas-La Plata Project Compact.		
H. Maintain compliance with the Canadian River Compact & U.S. Supreme Court Decree.		

INTERSTATE STREAM COMMISSION PROGRAM Goal 3 Continued.

I. Protect, develop and manage the water resources of the Gila River Basin to maximize the amount of water legally and physically available for beneficial use in New Mexico while minimizing adverse environmental impacts.

Strategies for Objective A

- After implementation, continue work on full Pecos Consensus Plan acquisition program (i.e. acquire a total of 18,000 acres of irrigated land water rights in the Lower Pecos Basin).
- Ensure compliance with the terms of the Pecos Settlement, including operation of augmentation wells as needed.
- Improve data acquisition processes at ISC’s augmentation well fields to provide real-time data access.
- Provide mechanisms for federal environmental law compliance on the Pecos within the state law framework.
- Monitor populations of threatened and endangered species in the Pecos Basin.
- Collect data and conduct studies to further define actions needed to protect and recover threatened or endangered species in the Pecos Basin.
- Maintain active participation in Reclamation decisions regarding operations at Sumner Dam.
- Pursue obtaining a State Engineer permit authorizing, as appropriate, a change in place and purpose of use and points of diversions of acquired water rights.
- Lease water acquired for the Strategic Water Reserve to the U.S. Bureau of Reclamation for their ESA compliance purposes on the Pecos River.
- Prepare a River Master Plan to address a net shortfall if it were to occur.

Strategies for Objective B

- Construct and maintain the Elephant Butte delta temporary channel.
- Support, participate, and/or take a lead role in planning, design, compliance, construction and maintenance of Middle Rio Grande Project and Rio Grande Project infrastructure that aids in compact compliance (maintaining drain structures, levees, removing river sediment plugs, maintaining areas previously cleared on non-native vegetation etc.).
- Participate in Rio Grande flood control projects and activities.
- Oversee the cooperative gaging Program with the U.S. Geological Survey on the Rio Grande.
- Seek to maintain a Rio Grande Compact accrued credit such that credit water can be relinquished to assist in water management during times of drought to aid water users in the Middle Rio Grande.
- Actively participate in the Middle Rio Grande ESA Collaborative Program to support favorable biological opinions that provide ESA compliance.
- Monitor and assist in augmentation and maintenance of populations of threatened and endangered species in the Rio Grande Basin.
- Collect data, conduct studies, and produce reports and peer reviewed papers, as appropriate, to further define actions needed to protect and recover threatened or endangered species in the Rio Grande Basin.

INTERSTATE STREAM COMMISSION PROGRAM Goal 3 Continued.

- Actively participate in development and refinement of the Rio Grande Silvery Minnow and SWFL Recovery Plans.
- Provide mechanisms for compliance with federal environmental laws within the state law framework:
 - Evaluate and coordinate with the OSE to insure depletions from habitat restoration and changing operations of federal reservoirs are offset.
 - Utilize the Strategic Water Reserve and relinquished Rio Grande credit water to provide sources of water that will help meet federal environmental demands.
 - Lease water acquired for the Strategic Water Reserve and relinquished credit water to the U.S. Bureau of Reclamation for their ESA compliance purposes on the Rio Grande.
- Improve measurement of water resources and water uses.
- Support/conduct quality assurance/quality procedures of hydrologic data collected by federal agencies used in the Rio Grande Compact accounting.
- Actively participate in interstate and intrastate, multi-agency programs dealing with water planning, management and administration.
- Cooperate in the development of hydrologic models for use in water resources planning, environmental assessments, water project development and operations, water use accounting, and Endangered Species Act compliance.
- Actively and effectively participate in Rio Grande basin water accounting activities.
- Continue Rio Grande technical investigations to serve as the scientific basis of groundwater and surface water conjunctive use administration.
- Investigate and protest, as appropriate, proposed water rights transfers that could affect compact compliance.
- Develop and implement strategies for threatened interstate litigation in coordination with New Mexico Office of the Attorney General and New Mexico Environment Department:
 - Develop, support and participate in the Rio Grande project salinity control program.
 - Identify/define interstate and Rio Grande Project entitlements and New Mexico delivery obligations of the waters in Elephant Butte Reservoir and downstream.
 - When Rio Grande Project Operations Manual that reflects EBID/EP#1/BOR settlement is available, evaluate and determine if NM interests are protected. If not, act to protect New Mexico interests.

Strategies for Objective C

- Administer the use of waters of the Costilla Creek system to New Mexico and Colorado water users as provided in the Compact and Rules of the Costilla Creek Compact Commission.
- Work with federal and state agencies to resolve conflicts between the Endangered Species Act and the Costilla Creek Compact.

Strategies for Objective D

- Actively participate in multi-state, multi-agency programs dealing with water management and administration such as the Colorado River Management Work Group.

INTERSTATE STREAM COMMISSION PROGRAM Goal 3 Continued.

- Support review and potential implementation of weather modification projects and phreatophyte control projects to augment Colorado River system streamflows as contemplated under the 2007 Seven Basin States Agreement.
- Support and actively participate in activities of the Colorado River Basin Salinity Control Forum and Advisory Council to ensure compliance with salinity standards of International Boundary and Water Commission Minute 242.
- Actively participate in activities of the Glen Canyon Adaptive Management Program to ensure Lake Powell is operated consistent with interstate compacts so as to protect New Mexico's Upper Basin apportionment and to provide incidental clean hydropower generation for customers in New Mexico as well as power revenues for operation of federal irrigation projects in New Mexico and elsewhere.
- Actively administer the Colorado River Compact, the Upper Colorado River Basin Compact, the La Plata River Compact, and the Animas-La Plata Project Compact.
- Develop, promote and defend positions related to the 1944 Mexican Water Treaty.
- Actively participate in a Colorado River basin study proposed by the Bureau of Reclamation and the seven basin states for evaluating water supplies, water demands, and potential areas of shortage in the basin, and for identifying supply augmentation opportunities to avoid or mitigate possible future shortages.
- Actively participate with the Seven Colorado River Basin states in the United States-Mexico discussions regarding opportunities for water conservation and management activities in Mexico for the joint benefits of both countries and for environmental purposes.

Strategies for Objective E

- Actively monitor water uses in and from the San Juan River stream system in New Mexico, including metering irrigation and other diversions, surveying irrigated crop acreages, and maintaining databases of irrigation and other consumptive uses.
- Maintain projections of anticipated future water demands and uses in the San Juan river basin in New Mexico.
- Actively monitor and participate in the planning of operations of Navajo Dam and Reservoir to meet water demands in New Mexico and to support recovery of populations of endangered fish species in the San Juan River.
- Assist the Bureau of Reclamation in the development of rules and regulations for the operation and administration of a top water bank in the Navajo Reservoir as authorized by Public Law 111-11.
- Work with the Upper Colorado River Commission and the Colorado River Energy Distributors Association to protect Colorado River Storage Project power revenues available to the upper basin fund and expand opportunities for funding non-irrigation projects in the upper division states from the fund.
- Assist in completion and implementation of NEPA and ESA compliance related to federal water projects and permitting in the San Juan River Basin in New Mexico, including Navajo Reservoir operations, the Hammond Project, the Navajo Indian Irrigation Project, San Juan-Chama Project diversions, the Animas-La Plata Project, the proposed Navajo-Gallup Water Supply Project, and Corps of Engineers' Section 404 permitting for irrigation ditch and other diversion maintenance activities in stream channels.

INTERSTATE STREAM COMMISSION PROGRAM Goal 3 Continued.

- Support completion and rehabilitation of irrigation projects in the San Juan Basin.
 - Support authorization and implementation of the Navajo-Gallup water Supply Project.
 - Cooperate in the development of hydrologic models for use in water resources planning, environmental assessments, water project development and operations, water use accounting, and Endangered Species Act compliance.
 - Research and develop methods for accounting for the possible effects of climate change in hydrologic models and water resources management in the San Juan River basin in New Mexico, and participate in similar activities for the Colorado River Basin.
 - Assist the United States and the OSE in the development of hydrographic survey reports including the reviews of historic irrigated acres and water uses, for ephemeral tributary areas to the San Juan River within the Navajo country as required for implementation of the Navajo Nation Water Rights Settlement.
 - Actively participate in the San Juan River Basin Recovery Implementation Program to protect New Mexico's interests in developing the water resources of the San Juan River Basin while complying with the Endangered Species Act.
 - Fund recovery actions recommended by the San Juan River Basin Recovery Implementation Program to recover endangered fish populations in the river and provide reasonable and prudent alternatives to allow water development projects in New Mexico to proceed in compliance with the Endangered Species Act and reasonable and prudent measures for all water uses in the basin to avoid take under the provisions of the ESA.
 - Support federal agencies in obtaining favorable Biological Opinions in Endangered Species Act Section 7 consultations on federal water development projects and water management activities in the San Juan River Basin.
 - Monitor the development or revision of recovery plans for endangered and threatened species in the San Juan River Basin.
 - Protect Navajo Dam releases made to benefit endangered fish in the San Juan River through AWRM.
 - Assist federal agencies and water users to comply with federal environmental laws while developing water resources in the San Juan River Basin for beneficial uses in New Mexico.
 - Monitor the implementation of the Clean Water Act in the San Juan River Basin to avoid or minimize conflicts between water quality standards and water development and use.
- Strategies for Objective F**
- Monitor and enforce water deliveries from Colorado to New Mexico in the La Plata River pursuant to Article II of the La Plata River Compact.
 - Monitor irrigation demands and diversions from the La Plata River for uses in New Mexico.
- Strategies for Objective G**
- Support completion of Animas-La Plata Project facilities, including Ridges Basin Dam, (Lake Nighthorse) and pump station and the Navajo Nation Municipal Pipeline.

INTERSTATE STREAM COMMISSION PROGRAM Goal 3 Continued.

- Support implementation of the Animas-La Plata Project through participation in the development of operating rules and administrative criteria for the project, including the development of mechanisms to protect project water deliveries from Colorado to New Mexico consistent with the Animas-La Plata Project Compact.

Strategies for Objective H

- Administer, develop, and improve New Mexico water related interests in the Canadian River Basin.
- Administer Canadian River Compact.
- Continue Arkansas River Shiner studies to reinforce the Canadian River Management Plan in lieu of designation of critical habitat.

Strategies for Objective I

- Coordinate with the Office of the State Engineer, District III to actively measure diversions, monitor irrigated crop acreage and other uses, and account consumptive uses of water in the Gila River Basin in New Mexico, and report such annually as per the U.S. Supreme Court decree in Arizona v. California.
- Apply the best available science to protect the environment and fully assess and mitigate the ecological impacts on Southwest New Mexico, the Gila River, its tributaries and associated riparian corridors, while also considering the historic uses of and future demands for water in the Basin and the traditions, cultures and customs affecting those uses.
- Maintain existing water uses and State of New Mexico jurisdiction over the uses of ground water and surface water in the Gila River Basin apportioned to New Mexico by Arizona v. California.
- Continue data development to inventory and assess water resources in the Gila River Basin to facilitate water administration.
- Optimize water and monetary benefits to New Mexico obtained in the 2004 Arizona Water Settlements Act.
- Develop basic scientific information necessary to fully plan for environmental compliance activities and environmental mitigation and restoration to allow utilization of New Mexico's apportionment of water in the 2004 Arizona Water Settlements Act.
- Support activities to protect and recover endangered and threatened species in the Gila River Basin.

INTERSTATE STREAM COMMISSION PROGRAM

Goal 5. Promote the safety and efficiency of New Mexico’s water resource infrastructure.

Objective	Measure	Target
A. Safely operate and maintain dams and infrastructure including: Ute Dam, Eagle Nest Dam, Pecos River well and pipeline systems.		
B. Implement and support Rio Grande floodway projects that assist in compact compliance.		
C. Serve as the focal point for State assistance when dealing with Acequia renovation and construction projects.		
D. Support implementation of ditch efficiency improvement projects.		
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Develop operating procedures as needed and coordinate with the Office of the State Engineer. Dam Safety Bureau. 		
<ul style="list-style-type: none"> ▪ Operate and maintain those facilities in accordance with established operating procedures. 		
<ul style="list-style-type: none"> ▪ Apply for membership with NM One Call and register all subsurface utility infrastructure owned by ISC. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Continue the MRG Water Salvage Cooperative Agreement with Reclamation. 		
<ul style="list-style-type: none"> ▪ Continue to seek funding to support the Corps of Engineers San Acacia Levee Rehabilitation Project and other Middle Rio Grande levee improvement/repair projects. 		
<ul style="list-style-type: none"> ▪ Cooperate with Federal agencies to plan, design, conduct compliance, and construct projects that maintain and/or improve the intended functions of the floodway in a manner that provides environmental benefits. 		
Strategies for Objective C		
<ul style="list-style-type: none"> ▪ Process all outstanding acequia capital appropriations. 		
<ul style="list-style-type: none"> ▪ Conduct workshops to assist acequias in administering capital improvement projects. 		
<ul style="list-style-type: none"> ▪ Coordinate funding and projects with NRCS, COE, NMAC, NMAA and the acequias themselves. 		
Strategies for Objective D		
<ul style="list-style-type: none"> ▪ Provide technical and policy support to the Bureau of Reclamation for a study of non-Navajo ditch improvements authorized by Public Law 111-11, and to provide lobbying support to the New Mexico Congressional delegation and the New Mexico legislature for federal and state cost share appropriations to implement the non-Navajo ditch improvements in the San Juan River basin in New Mexico. 		
<ul style="list-style-type: none"> ▪ Provide lobbying support to the New Mexico Congressional delegation for appropriations for rehabilitation of the Hogback and Fruitland irrigation projects per the Navajo Nation Water Rights Settlement Agreement. 		

INTERSTATE STREAM COMMISSION PROGRAM

Goal 6. Plan for New Mexico’s future water needs.

Objective	Measure	Target
A. Assist in Update of Regional Water Plans.		
B. Update and implement the State Water Plan.		
C. Engage New Mexico’s Indian tribes, pueblos, and nations concerning water rights issues.		
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Work with regions to obtain funding for recurring updates of Regional Water Plans. 		
<ul style="list-style-type: none"> ▪ Assist planning regions in updating Regional Water Plans. 		
<ul style="list-style-type: none"> ▪ Review all Regional Water Plans for inter-regional conflicts and for conflicts or omissions with respect to the State Water Plan with the assistance of the Regional Water Planning Advisory Committee. 		
<ul style="list-style-type: none"> ▪ Track the progress of independent planning initiatives to insure coordination with the State’s efforts. 		
<ul style="list-style-type: none"> ▪ Aid the regions in implementing high priority projects that address both regional and state water planning needs. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Periodically review and update the State Water Plan, including analyses of current and anticipated future water supplies and water demands. 		
<ul style="list-style-type: none"> ▪ Obtain funding for implementation of the State Water Plan. 		
<ul style="list-style-type: none"> ▪ Implement the specific strategies in the State Water Plan. 		
Strategies for Objective C		
<ul style="list-style-type: none"> ▪ Promote government-to-government relationships with New Mexico’s Indian nations, tribes and pueblos concerning water resource issues, and encourage the use of consultation/collaborative processes to resolve water issues. 		
<ul style="list-style-type: none"> ▪ Continue efforts for tribes, pueblos, and nations to be involved with State-Tribal Water Institutes on a recurring basis in accordance with Executive Order 2005-004. 		
<ul style="list-style-type: none"> ▪ Utilize the Statement of Policy and Process entered into with the Nineteen Pueblos, Navajo Nation and Mescalero Apache Tribe in 2003. 		
<ul style="list-style-type: none"> ▪ Provide a mechanism for tribes, pueblos, and nations to dialog with state government about and contribute to the State Water Plan so that the plan reflects current Native American conditions. 		
<ul style="list-style-type: none"> ▪ Continue proactive, consistent outreach with all 22 of New Mexico’s tribes, pueblos, and nations. 		

Litigation and Adjudication Program

Litigation and Adjudication Program [P553]

Statutory or Constitutional Authority:

Sections: 72-2-10, 72-4-1, through 72-4-20, 72-5-39 and 72-8-1 through 72-8-6, 72-12-11, 72-12-14 and 72-12-15 NMSA 1978

Purpose Statement:

The purpose of the Litigation and Adjudication Program is to obtain a judicial determination and definition of water rights within each stream system and underground basin to effectively perform water rights administration and meet interstate stream obligations, resolve disputes arising out of permits issued by the State Engineer governing the diversion and use of the State's water, represent the Water Rights Division in application proceedings, initiate legal proceedings to ensure compliance with the water code, rules and regulations, permits, licenses; and adjudications, and represent the state engineer in all suits filed in either state or federal courts.

Users:

Program users are the State Engineer, water right owners, and the other programs within the Office of the State Engineer.

Program Summary

The Chief Counsel serves as the legal advisor to the State Engineer. Litigation and Adjudication Program (LAP) attorneys are commissioned as Special Assistant Attorneys General to represent the State Engineer in all matters in the state and federal courts. LAP is divided into four bureaus and two units. The four bureaus (Northern New Mexico, Pecos River, Lower Rio Grande, and Hydrographic Survey and Mapping) are dedicated to prosecuting all water rights adjudications on behalf of the State of New Mexico in state and federal courts. The Administrative Litigation Unit (ALU) represents the Water Rights Division of the Water Resource Allocation Program in all water-related administrative hearings, and represents the State Engineer in appeals of his administrative decisions and in legal proceedings to prevent

illegal uses of water. The Hydrographic Survey and Mapping Bureau is comprised of technical staff with degrees and backgrounds in GIS, surveying and engineering. Technical staff perform hydrographic surveys, provide the foundation documents for all adjudications and are assigned to specific adjudication bureaus to work closely with legal staff and provide technical support for ongoing adjudications.

The main LAP office is located in Santa Fe. LAP also maintains a Lower Rio Grande (LRG) adjudication survey office in Las Cruces, which is staffed with engineers, surveyors and other technical personnel to support the Lower Rio Grande adjudication, and serves as a local point of contact for water rights owners involved in that adjudication.

Goals

LITIGATION AND ADJUDICATION PROGRAM		
Goal 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and ground water through AWRM.		
Objective	Measure LAP's support activities Are not quantitative	Target
A. To defend legal challenges to AWRM regulations and WRAP water master activities.	See Strategies below.	
B. Ensure that water is available for the continued and future economic vitality of the State; AWRM.	See Strategies below.	
C. Protect Senior water rights.	See Strategies below.	
D. Promote conservation and the efficient use of water.	See Strategies below.	
E. Manage for the effects of hydrologic variability associated with climate change or drought.	See Strategies below.	
F. Preserve state administrative authority over the State's waters.	See Strategies below.	
G. Lead efforts to collect, store, analyze, disseminate and utilize water resource data.	See Strategies below.	
Strategies for Objectives		
<ul style="list-style-type: none"> ▪ To provide legal and litigation support to WRAP for metering implementation challenges and challenges to the activities of water masters. ▪ To litigate challenges to AWRM in general. ▪ To litigate challenges to AWRM district-specific regulations. 		

LITIGATION AND ADJUDICATION PROGRAM		
Goal 3. Protect and maximize the State's ability to develop and utilize the waters apportioned to it under interstate compacts and decrees.		
Objective	Measure LAP's support activities are not quantitative	Target
A. Quantify and define valid existing rights to the use of water from streams subject to interstate compacts and decrees through the adjudication and licensing processes.	See Strategy below and Goal 4.	
Strategies for Objective A		
<ul style="list-style-type: none"> Obtain additional court orders adjudicating water rights in the Lower Rio Grande, Pecos, and San Juan stream adjudications and expedite licensure of water rights in the Middle Rio Grande and other areas of the State subject to interstate compacts and decrees. 		

LITIGATION AND ADJUDICATION PROGRAM		
Goal 4. Complete the adjudication of all water rights in the state.		
Objective	Measure	Target
A. Adjudicate all water rights in the Pecos River Stream System and related underground basins.	Number of offers to defendants. Percent of water rights in ongoing adjudications that have a judicial determination.	Baseline data source: Water Rights Adjudication Tracking System (WRATS) FY 10: 1000 & 45%
B. Adjudicate all water rights in the Lower Rio Grande Stream System and related underground basins.	Number of offers to defendants Percent of state water rights in ongoing adjudications that have a judicial determination.	Baseline data source: WRATS FY 10: 1000 & 45%
C. Adjudicate all water rights in the entire Upper Rio Grande Stream System & related underground basins, including all tributary adjudications.	Number of offers to defendants. Percent of water rights in ongoing adjudications that have a judicial determination.	Baseline data source: WRATS FY 10: 1000 & 45%

LITIGATION AND ADJUDICATION PROGRAM Goal 4 Continued.		
D. Adjudicate all water rights in the San Juan River System and related underground basins.	Number of offers to defendants. Percent of water rights in ongoing adjudications that have a judicial determination.	Baseline data source: WRATS FY 10: 1000 & 45%
E. Expedite licensure and adjudication of water rights in the Middle Rio Grande Stream System and related underground basin.		
F. Expedite licensure of water rights in remaining stream systems of the state.		
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Complete the Pecos River water rights adjudication. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Complete the Lower Rio Grande water rights adjudication. 		
Strategies for Objective C		
<ul style="list-style-type: none"> ▪ Complete water rights adjudications pending in the Upper Rio Grande. ▪ Pursue. 		
Strategies for Objective D		
<ul style="list-style-type: none"> ▪ Complete the San Juan River water rights adjudication. 		
Strategies for Objective E		
<ul style="list-style-type: none"> ▪ Develop and implement action plan for licensure of water rights in the Middle Rio Grande. ▪ Develop with the Administrative Office of the Courts an action plan for the adjudication of water rights in the Middle Rio Grande stream system and elated underground water basin. 		
Strategies for Objective F		
<ul style="list-style-type: none"> ▪ Develop and implement action plan for licensure of water rights in remaining stream systems of the state. 		

Program Support

Program Support [P554]

Purpose Statement:

The purpose of the Program Support is to provide necessary administrative support to the Office of the State Engineer so they can be successful in reaching their goal and objectives.

Users:

The Office of the State Engineer employees, contractors, other state and federal agencies and public.

Program Summary

Program Support provides administrative and management support services to the Office of the State Engineer to allow for the smooth functioning of all other programs. The program has four bureaus – Finance, Budget Services, Information Technology Systems, and Human Resources – which handle the agency’s payroll and human capital needs, budget planning, contract preparation, fixed assets, accounting, procurement, property management and control, personnel management, workforce development and computer systems and communication systems development and support. Additionally, the Hearing Unit, which falls within Program Support, conducts administrative hearings on protested and aggrieved water rights applications.

Goals

PROGRAM SUPPORT		
Goal 1. Promote the effective administration, distribution, protection, conservation and development of the State's surface and ground water through AWRM.		
Objective	Measure	Target
A. Conduct administrative hearings in accordance with law and procedural due process & make timely determinations concerning: (a) disputed applications for permits to appropriate, transfer or use the waters of the state of NM; (b) enforcement actions; (c) disputed licensing actions.	See Strategies below.	
B. Develop appropriate alternative methods and approaches to facilitate negotiated resolution of disputed applications and enforcement and licensing actions, and incorporate said ADR methodologies into the administrative hearing process.	See Strategies below.	Baseline data sources: cases docketed by Hearings Unit, Jan.–Dec. 2008; ADR outcomes, Nov. 2007–July 2009. Targets: Refer 15–20% of docketed cases to ADR. Resolve 75–80% of cases referred to ADR.
Strategies for Objective A		
<ul style="list-style-type: none"> ▪ Continue to schedule administrative hearings concerning protested and aggrieved applications in a timely and efficient manner that provides for development of a complete record addressing availability and beneficial use of water, impacts to existing water rights, conservation of water and public welfare. ▪ Expedite the hearing of enforcement & licensing actions as appropriate to protect the water resources and public welfare of the state. <ul style="list-style-type: none"> ▪ Develop a protocol for hearings concerning applications with large numbers of protestants. ▪ Support & facilitate rulemaking. 		
Strategies for Objective B		
<ul style="list-style-type: none"> ▪ Designate one FTE as the OSE Alternative Dispute Resolution (ADR) Officer responsible for the development of an ADR process compatible with New Mexico law and OSE rules. ▪ Develop ADR forms & procedures. ▪ Create and maintain data to evaluate ongoing effectiveness of ADR process. 		

PROGRAM SUPPORT**Goal 7. Develop, deliver and continuously improve the value of human resource, financial, information technology and budget services provided to the Agency Programs and business partners.**

Objective	Measure	Target Baseline data source: FY 10:
A. Provide the quality services necessary for the agency to achieve its short and long-term objectives.	See Strategies below.	
B. Recruit and hire a highly skilled and diverse workforce aligned with business goals and objectives.	See Strategies below.	
C. Retain a highly performing workforce and maintain an environment conducive to a high level of employee satisfaction.	See Strategies below.	
D. Develop a workforce dedicated to our mission and strengthened by its diversity, able and willing to meet and exceed the highest standards of conduct and performance.	See Strategies below.	
E. Provide governance and ensure compliance and accountability with the highest integrity and accuracy.	See Strategies below.	
F. Provide timely and accurate information that is used by management to direct agency resources towards achieving the agency's programmatic goals and objectives.	See Strategies below.	
G. Provide comprehensive fiscal, administrative, personnel, budget and IT support focused on enhancing workforce capabilities.	See Strategies below.	

PROGRAM SUPPORT Goal 7 Continued.		
H. Ensure all vendors who contract with OSE/ISC have clear-cut performance measures written into all professional service contracts.	Percent of department contracts that include performance measures.	100%
Strategies for Objectives A through H		
<ul style="list-style-type: none"> ▪ Provide valuable, high quality, outcome-based services to the Agency's programs. 		
<ul style="list-style-type: none"> ▪ Utilize and explore new or enhanced uses of technology or business processes including the implementation of integrated software solutions to increase the agency's ability to improve operations and work flow. 		
<ul style="list-style-type: none"> ▪ Treat all employees as valued customers to maximize employee performance, productivity and job satisfaction. 		
<ul style="list-style-type: none"> ▪ Ensure a strong performance management system is utilized within the agency to create strategic alignment between the employee's responsibilities, and the Agency's mission; one that establishes a pattern of direct communication between the supervisor and the employee, and clearly defines expectations and performance measures. 		
<ul style="list-style-type: none"> ▪ Ensure that strong retention systems are invested i.e., a rewards and recognition system, competitive salary structure, opportunities for growth and advancement. 		
<ul style="list-style-type: none"> ▪ Provide training to foster a greater knowledge base for staff and supervisors. 		
<ul style="list-style-type: none"> ▪ Lead efforts to define and implement statewide visions. 		
<ul style="list-style-type: none"> ▪ Participate in senior management meetings to identify program needs and issues. 		
<ul style="list-style-type: none"> ▪ Foster frequent communication with program personnel to address needs and concerns. 		
Information Technology Objectives in Support of Goal 7		
I. Make water resource and management information more accessible to the public.	Percent increase in public visits to Agency web site. Percent increase in public report requests from the Water Rights Reporting System.	5% 5%
Strategies for Objective I		
<ul style="list-style-type: none"> ▪ Continue to improve the New Mexico Water Rights Reporting System to satisfy common WATERS data requests from the public and external stakeholders. 		
<ul style="list-style-type: none"> ▪ Continue to improve the Agency web site to provide easy access to available information. 		

PROGRAM SUPPORT Goal 7 Continued.		
<ul style="list-style-type: none"> Complete the web-sites associated with the Mimbres and Nambe-Pojoaque-Tesuque surface water measurement systems. 		
J. Enhance Agency mission-critical systems, WATERS and WRATS to catch up and keep pace with business practices, rules and regulations.		
Strategies for Objective J		
<ul style="list-style-type: none"> Agency IT Governance Committee to budget and monitor IT resources to support Agency priorities. 		
K. Engage all programs in IT planning, resource management and performance management processes.		
Strategies for Objective K		
<ul style="list-style-type: none"> Improve Agency planning processes to further align and integrate program priorities and strategies with IT priorities and strategies. 		
L. Meet or exceed IT work order service level targets.	Percent of critical problems impacting multiple users resolved within 4 hours Percent of critical problems impacting a single user resolved within 8 hours	80% 80%
Strategies for Objective L		
<ul style="list-style-type: none"> Complete the agency-wide roll-out the Track-IT, the Information Technology work order management system. 		
M. Improve Agency work products, processes and decisions through use of GIS tools, technologies, and resources.		