

**INSTRUCTIONS – OFFICE OF THE STATE ENGINEER  
FOR PUBLIC FUNDING APPLICANTS REQUESTING VERIFICATION OF  
COMPLIANCE WITH STATE ENGINEER REGULATIONS AND WATER RIGHTS**

Applicants requesting public funding for projects that involve the repair or construction of storage, diversion, or carriage of water, need to provide verification from the Office of the State Engineer (OSE) that all of its statutory and regulatory requirements have been met by the applicant of the proposed project. The OSE has statutory and regulatory requirements for dams, ponds, wells, and all structures to divert water from springs, streams, rivers, or underground waters. This document will guide you through the process of obtaining that verification.

Note: By New Mexico statute §72.14-3.2 G covered entities must include a copy of their water conservation plan if they are applying for financial assistance. The OSE requires that the Water Conservation Plan be prepared in accordance with *New Mexico's Water Conservation Planning Guide for Public Water Suppliers, Technical Report 53* and include a Gallons Per Capita Per Day (GPCD) calculator and an American Water Works Association (AWWA) audit to enable this office to determine if the Water Conservation Plan is in compliance with the statute.

Projects requesting funding for watershed restoration or Endangered Species Act collaborative programs do not involve water right issues and **do not** need to receive verification. Flood prevention projects also do not require verification, unless they include jurisdictional dams or storage facilities. Applicants **must** submit a request form in order to receive verification.

**PROCEDURE**

1. Assemble all of the water rights and permit documents in your possession for your water system, including all of the water resource studies, well records, meter readings from the last three years regarding total water diverted, information used to develop the proposed project, construction plans, or other data that may be relevant to the project.
2. You may contact Jerri Pohl at OSE Statewide Projects in Santa Fe at (505) 827-7848 or [Jerri.Pohl@state.nm.us](mailto:Jerri.Pohl@state.nm.us) to find out the location of the appropriate District Office and the name of the appropriate staff person to contact.
3. If needed, set up an appointment with the District Office staff to go over the assembled information needed by the staff to complete the verification form.
4. Prepare a request memo to OSE (using the format in Attachment A) that describes the project and lists all of the documents included. Transmit the memo and the documents to the appropriate OSE District Office (with a copy of the memo to Jerri Pohl) for their review. OSE staff will complete the verification form (Attachment B) and provide a copy to the applicant and the funding agency.

5. If full verification cannot be made, the District Office staff will work with the applicant to bring the application into full compliance.
6. The Water Use and Conservation Bureau will provide a letter to the applicant stating that the Water Conservation Plan was reviewed to determine if the measures (metric) (components) of the Water Conservation Plan can be described as:
  - the measure is consistent with Technical Report 53;
  - the measure is not consistent with Technical Report 53, but still meets the requirements of the statute §72-14-3.2.D.2;
  - or the measure is not consistent with the statute §72-14-3.2.D.2

**ATTACHMENT A  
REQUEST FOR OSE VERIFICATION MEMO FORMAT**

**DATE:** \_\_\_\_\_  
**TO:**           **OFFICE OF THE STATE ENGINEER**  
**FROM:** \_\_\_\_\_

**REPRESENTING:** \_\_\_\_\_

**WATER TRUST BOARD CYCLE/YEAR:** \_\_\_\_\_

**FINANCE AUTHORITY FILE:** \_\_\_\_\_

**RE: VERIFICATION OF WATER RIGHTS AND PERMIT COMPLIANCE**

**The above organization has submitted an application for public funding for a proposed project that requires verification that this organization is in compliance with all OSE statutes and regulations. Please review the information provided below and return a completed verification form to the address above.**

**OSE FILE NUMBER:** \_\_\_\_\_

**LOCATION OF POINT OF DIVERSION, INCLUDING COUNTY:**

\_\_\_\_\_

**ANNUAL DIVERSIONS FOR THE PAST THREE YEARS**

\_\_\_\_\_

**IS THIS ENTITY COVERED UNDER NMSA 72.14-3.2?**

- The applicant is a covered entity and a water conservation plan is required.  
 The applicant is not a covered entity and a water conservation plan is not required.

**PROJECT DESCRIPTION:**

**LIST OF DOCUMENTS PROVIDED TO OSE:**

**ATTACHMENT B  
OSE VERIFICATION OF REGULATORY COMPLIANCE FORM**

**DATE:** \_\_\_\_\_

**TO:** \_\_\_\_\_

**FROM:** \_\_\_\_\_

**WATER TRUST BOARD CYCLE/YEAR:** \_\_\_\_\_

**FINANCE AUTHORITY FILE:** \_\_\_\_\_

**RE: VERIFICATION OF WATER RIGHTS AND PERMIT COMPLIANCE**

**I have reviewed the project proposal and materials described in request memo (attached)**

**from \_\_\_\_\_, as well as information in the OSE**

**files.**

**Based on this information:**

**IS THIS ENTITY COVERED UNDER NMSA 72.14-3.2?**

The applicant is a covered entity and a water conservation plan is required.

The applicant is not a covered entity and a water conservation plan is not required.

**It appears that the pertinent statutory and regulatory requirements pertaining to the OSE responsibilities have been met and that the above named water system or entity applying for public funds is in compliance OR this project will bring this entity into compliance.**

**OR**

**It appears that additional documentation must be provided or actions must be taken to bring this system into compliance prior to consideration of this project for public funding, as follows: [Staff to provide explanations as suggested below]**

- a. If water rights, permit requirements, reporting requirements, or any other statutory or regulatory requirement has not been met, what is required to bring the system into compliance?*

- b. Will the project require a water rights permit?*
- c. If so, what is the process for acquiring the permit?*
- d. Are there any water laws, rules or policies that may impose some difficulties in acquiring a permit?*

**OTHER RELEVANT ISSUES:**

- 1. Is OSE aware of any water availability limitations that may affect the project?*
  
- 2. Does OSE have any other comments concerning the proposal?*

**PROJECT AND FILES REVIEWED BY:**

\_\_\_\_\_  
**Signature of OSE employee**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed name of OSE employee**

\_\_\_\_\_  
**Phone number**

\_\_\_\_\_  
**Title**

cc: John T. Romero, Water Rights Division Director  
Jerri Pohl, Statewide Projects Manager