



Jerri Pohl

Office of the State Engineer

Statewide Bureau Chief

Water Rights

And Alternative Water Rights Management

69th Annual WRRIC Conference—Buffalo Thunder Pojoaque NM - November 5, 2024

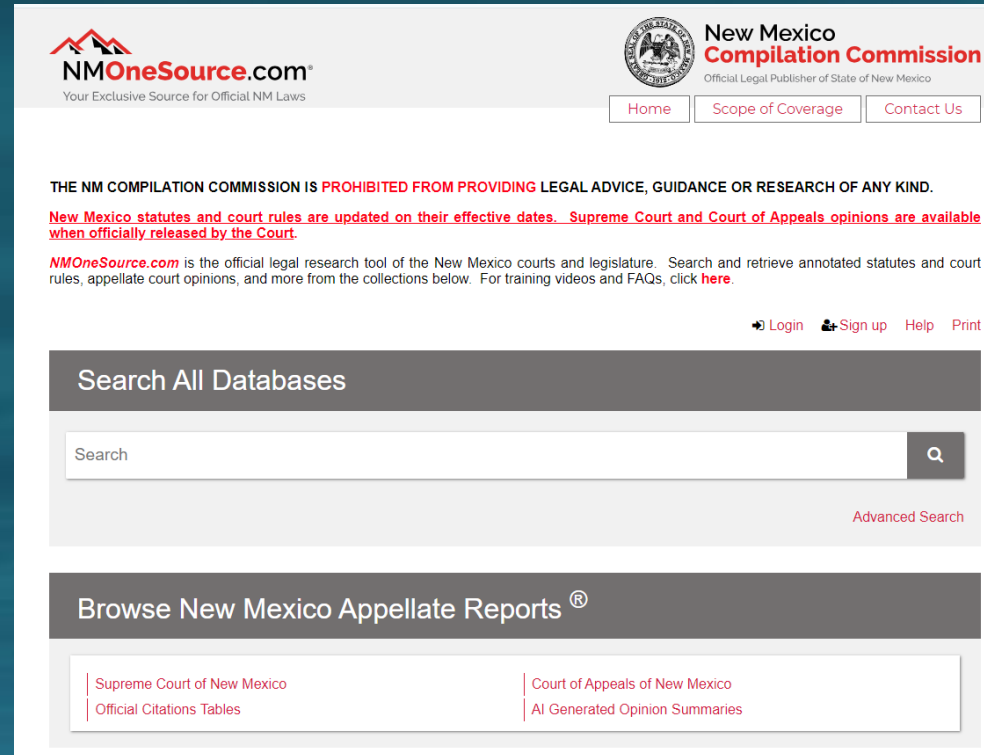
A vertical teal bar on the left side of the slide, featuring a wavy, water-like texture that transitions from a darker shade at the top to a lighter shade at the bottom.

New Mexico Constitution

1. Confirmed existing rights prior to 1907.
2. Declared unappropriated water of natural streams to be public. Priority of appropriation shall give the better right.
3. Beneficial use shall be the basis, the measure and the limit of the right to the use of water.

This is different than eastern states where riparian rights is the basic guide for use of water.

Constitutions, Statutes and Regulations



The screenshot shows the homepage of NMOneSource.com. At the top left is the logo for NMOneSource.com with the tagline "Your Exclusive Source for Official NM Laws". To the right is the seal of the New Mexico State and the logo for the New Mexico Compilation Commission, with the text "Official Legal Publisher of State of New Mexico". Below these are three navigation buttons: "Home", "Scope of Coverage", and "Contact Us". A disclaimer states: "THE NM COMPILATION COMMISSION IS PROHIBITED FROM PROVIDING LEGAL ADVICE, GUIDANCE OR RESEARCH OF ANY KIND." Below this, a note says: "New Mexico statutes and court rules are updated on their effective dates. Supreme Court and Court of Appeals opinions are available when officially released by the Court." A paragraph describes the website as the official legal research tool for New Mexico courts and legislature, with a link to "here" for training videos and FAQs. On the right side, there are links for "Login", "Sign up", "Help", and "Print". The main content area has a dark header "Search All Databases" followed by a search bar with the placeholder text "Search" and a magnifying glass icon. Below the search bar is a link for "Advanced Search". Another dark header reads "Browse New Mexico Appellate Reports®". Below this is a table with two columns of links: "Supreme Court of New Mexico" and "Court of Appeals of New Mexico" in the top row, and "Official Citations Tables" and "AI Generated Opinion Summaries" in the bottom row.

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www.nmonesource.com

New Mexico Statutes 1978 Annotated

- Chapter 72
 - Surface water is Chapter 72-5 NMSA
 - Groundwater is Chapter 72-12 NMSA

**NEW MEXICO
STATUTES
1978**

ANNOTATED

**Chapter 72
Water Law**

New Mexico Administrative Code

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 26 SURFACE WATER
PART 2 ADMINISTRATION**

- 19.26.2 Surface Water Regulations
- 19.27.1 Ground Water Regulations
- 19.27.4 Well Driller Licensing and well construction regulations

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 27 UNDERGROUND WATER
PART 1 UNDERGROUND WATER - GENERAL PROVISIONS (SE-66-1, ARTICLES 1 AND 2)**

- 19.27.5 Domestic

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 27 UNDERGROUND WATER
PART 5 THE USE OF PUBLIC UNDERGROUND WATERS FOR HOUSEHOLD OR OTHER
DOMESTIC USE IN ACCORDANCE WITH SECTION 72-12-1.1 NMSA**

- Many others for the agency but these are the ones pertaining to administration

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Important date

- March 19, 1907 (The New Mexico Water Code of 1907 established the state's regulation of water rights, including both the volume and use of water. The code's main purpose was to protect, develop, and conserve the state's public waters for beneficial use. The code also gave the State Engineer jurisdiction over new surface water appropriations.)

The background of the slide features a close-up, artistic shot of water ripples. The water is a deep teal color, and the ripples create a series of curved, overlapping lines that catch the light, giving it a textured, almost ethereal appearance. This image occupies the left half of the slide, while the right half is a solid dark blue.

Prior Appropriation Doctrine

- Grants rights over surface water and groundwater in order of seniority.
- First in time, first in right.
- Protection of senior water users.
- Historical supply studies
- Future Predictions (Leap Ahead)

Strict Prior Appropriation Issues

- Incomplete adjudications.
- Most cities and towns are junior rights.
- Outstanding Indian Water Rights Claims.
- Over-appropriated systems.
- Inequity.
- Climate Change or weather disturbances.

The background of the slide is a close-up photograph of water with gentle ripples, creating a textured, wavy pattern. The color is a deep teal or turquoise. On the right side of the image, there is a solid dark blue vertical band where the text is located.

OSE Misson

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

How do we complete this mission?

- Investigate, measure and distribute water in the most efficient manner in accordance with state laws, court adjudications and State Engineer rules and regulations;
- Administer a water rights system that lawfully and effectively allocates and reallocates water through permits, licenses and the adjudications of the courts to meet the needs of New Mexico's growing population;
- Maximize use of New Mexico's renewable interstate stream apportionments to promote the sustainability of New Mexico's water supplies; and
- Plan for the future water needs of New Mexico's people and environment.

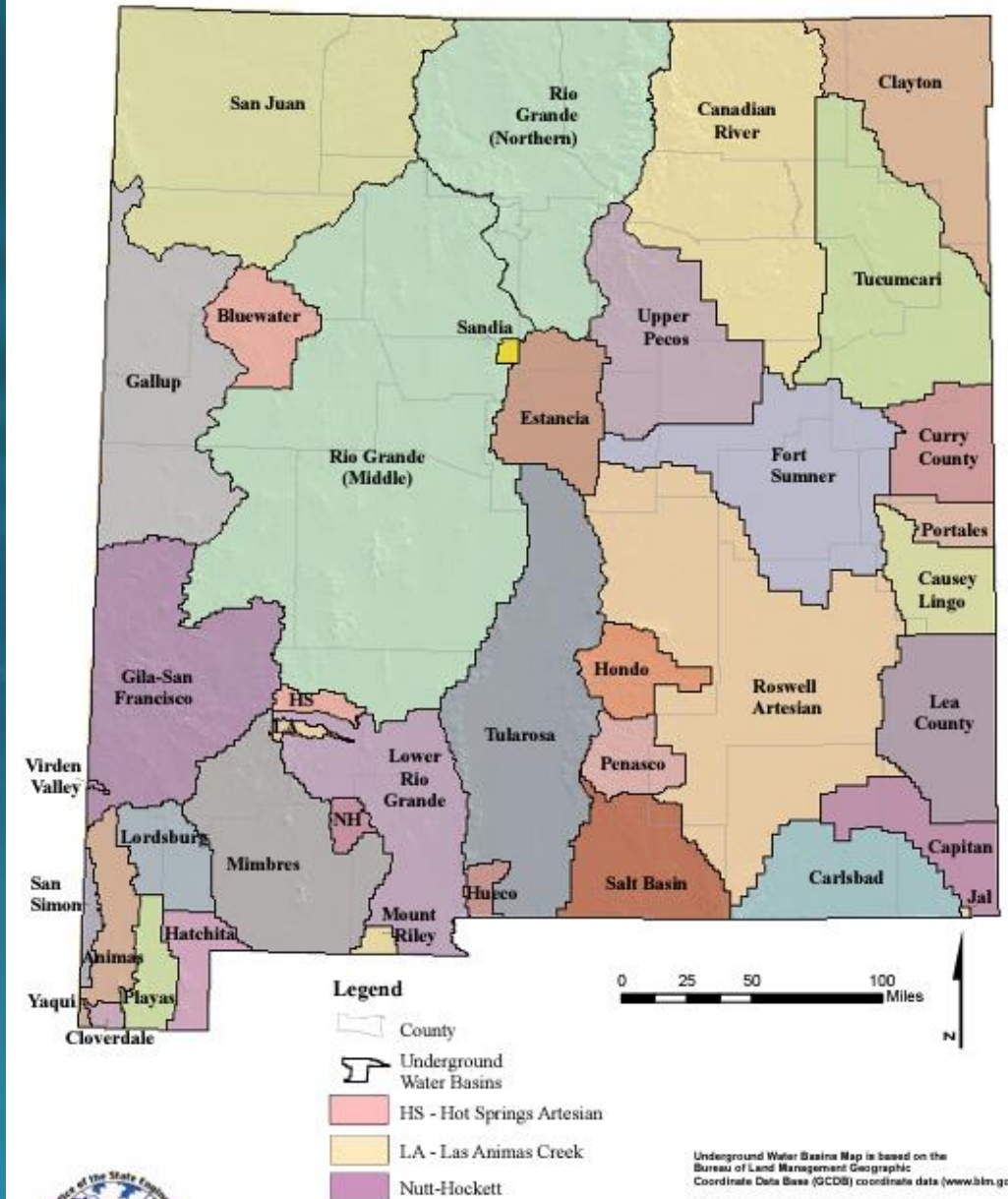
Office of the State Engineer duties:

- Water Rights Administration (measure, distribute and appropriate).
- Perform water resource investigations.
- Perform hydrographic surveys for water rights adjudications.
- Inspect dams for safety.
- Review county subdivision water supply proposals.
- Manage the well driller licensing program.
- Perform hydrologic studies and develop groundwater models.
- Ensure Interstate Stream Compact compliance.

Groundwater Basins

- July 19, 1931, Roswell Artesian was the first basin declared.
- There are now 39 underground water basins in New Mexico.

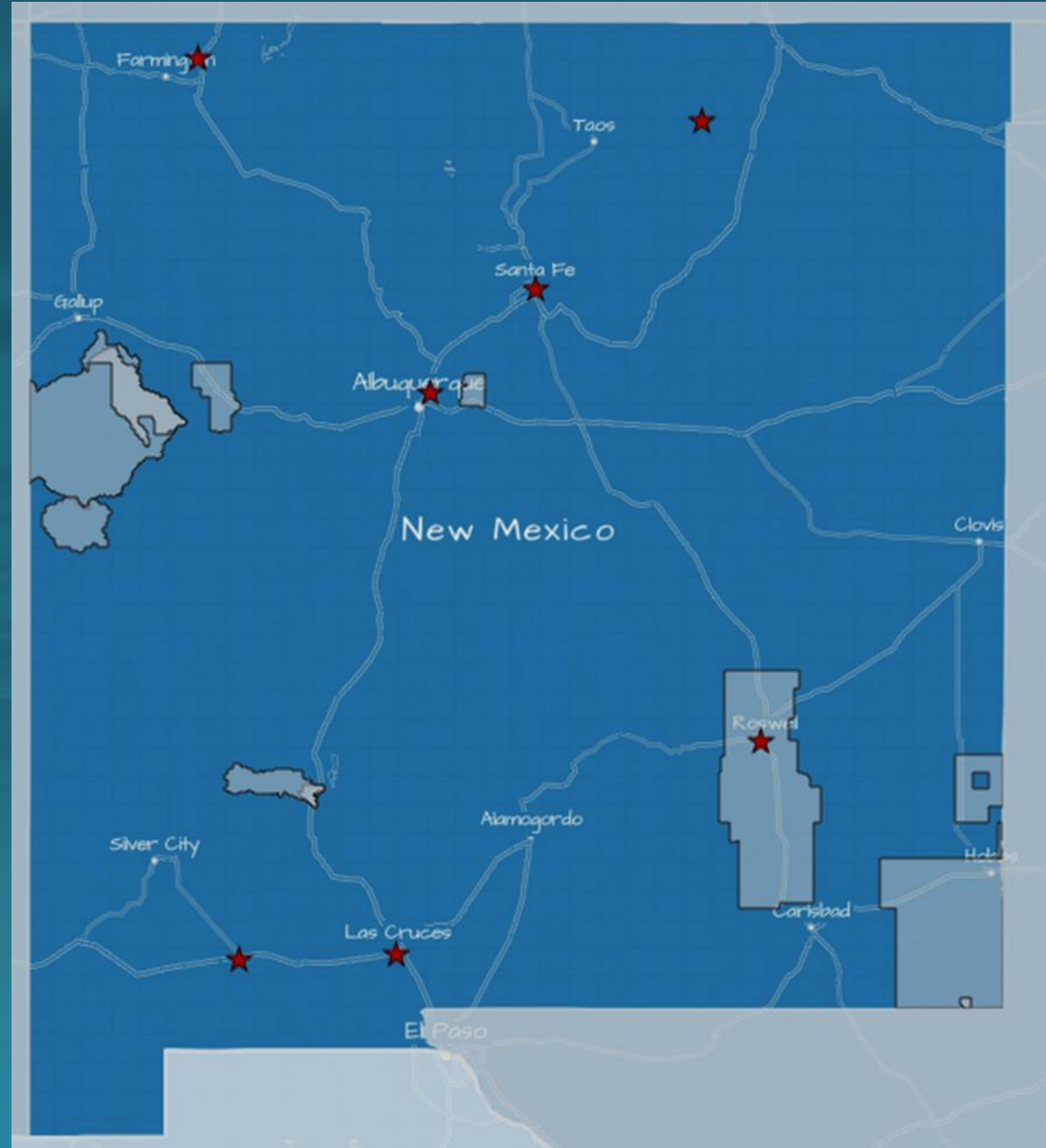
New Mexico Office of the State Engineer Underground Water Basins in New Mexico



Underground Water Basins Map is based on the Bureau of Land Management Geographic Coordinate Data Base (GCDDB) coordinate data (www.blm.gov/gcdb/)
Map is created in UTM, NAD27, Zone 13, Meters.
Created on October 24, 2005 by Christina Nottaker
OSE Water Resource Allocation Program
File: \\Gila-af\\Statewide_project\\NewBasins\\Final\\Full_letter.mxd

Closed Basins

- Jal Basin
- Sandia Basin
- SE NM Temporary
- Bluewater Basin
- Hot Springs Basin
- Lea County
- Roswell area
- Gallup Basin
- Zuni Salt Lake
- Hot Springs Artesian
- Zuni River Basin
- NO NEW APPROPRIATIONS



Administration

When evaluating an application for a new appropriation or to change the place and/or purpose of use of an existing water right, the State Engineer must:

- Determine that water is available.
- The appropriation will not impair existing rights.
- The intended use is not contrary to conservation of water, and
- The intended use is not detrimental to the public welfare.

Water Master Realities

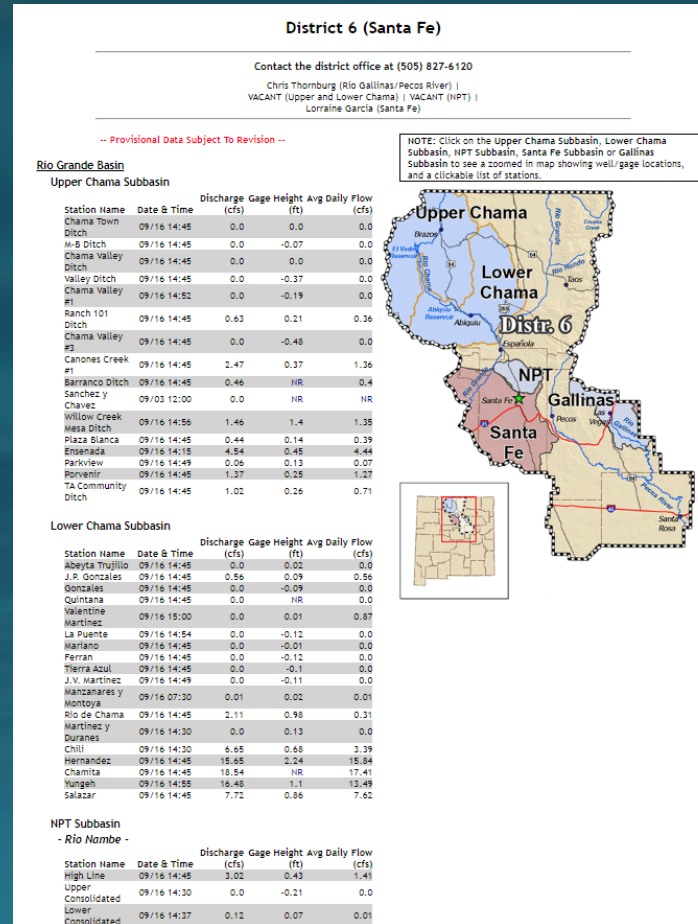
- Spring runoff occurring earlier.
- Storage is dwindling.
- Unable to meet compact requirements.
- Determine demand and calculate supply.
- Either curtail junior users or suggest Active Water Resource Management (AWRM).

A worm? No, AWRM

- Launched in 2004 in response to continued drought conditions.
- Active Water Resource Management (AWRM) refers to the essential tools and elements needed to enable the State Engineer to actively manage the state's limited water resources.
- In New Mexico, the state constitution makes priority of right the basis for water administration.
- However, many drought years in a row compelled the State Engineer to realize that, should it become necessary to conduct priority administration, the tools necessary to do so are not yet in place.

AWRM Tools

- Measuring and metering
- Rules and Regulations
- Creation of Water Master Districts
- Appointment of water masters
- Development of water master manuals



TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 25 ADMINISTRATION AND USE OF WATER - GENERAL PROVISIONS
PART 20 NAMBE-POJOAQUE-TESUQUE WATER MASTER DISTRICT: ACTIVE WATER RESOURCE MANAGEMENT

REAL-TIME WATER MEASUREMENT INFORMATION SYSTEM

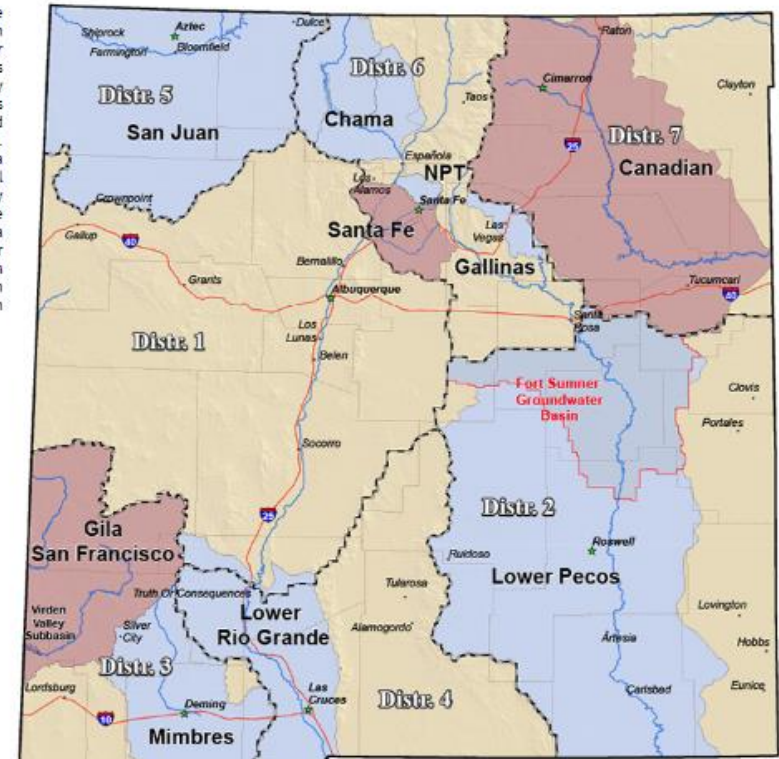
NEW MEXICO OFFICE OF THE STATE ENGINEER/INTERSTATE STREAM COMMISSION

Home Albuquerque (District 1) Roswell (District 2) Deming (District 3) Las Cruces (District 4) Aztec (District 5) Santa Fe (District 6) Cimarron (District 7)

Welcome to New Mexico's Real-Time Water Measurement Information System!

The New Mexico Office of the State Engineer/Interstate Stream Commission (OSE/ISC) engages in *Active Water Resource Management (AWRM)*. This allows the State Engineer to actively manage the state's limited water resources while administering water rights and interstate compacts throughout the state. In order to do this, the OSE/ISC maintains a network of stream, acequia, ditch and well monitoring sites that electronically transmits data values via radio and satellite telemetry and stores the data in a database. This real-time water measurement data is available for each active gage/well shown on select basin maps. To find a specific gage/well click on the appropriate area on the state map.

For further information, please see site Help.

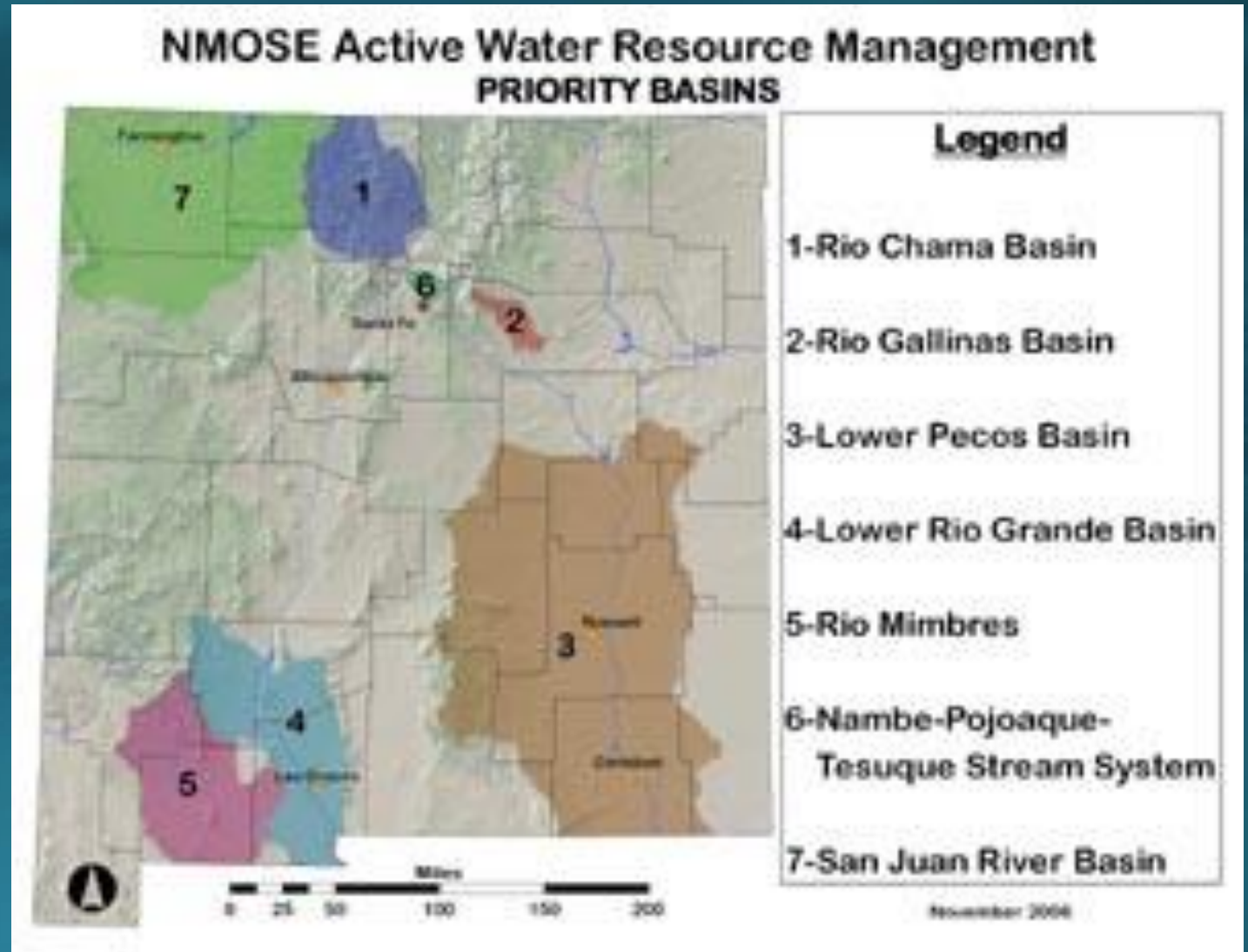


Legend

- ★ OSE District Offices
- ▤ OSE Districts (1-7)
- ▨ Fort Sumner Groundwater Metering
- ▩ AWRM Real-Time Surface Water Metering
- ▧ Non AWRM Basin, Real-Time SW Metering

Priority Basins

- Lower Pecos River
- Lower Rio Grande
- San Juan River
- Upper Mimbres
- Rio Gallinas
- Nambe-Pojoaque-Tesuque
- Rio Chama



AWRM Other Options to priority

1) Shortage Sharing Agreements

Voluntary shortage sharing agreements are one way of extending limited water supplies during the drought. An agreement might be among multiple water right owners -- for example, between farmers, municipalities, businesses, Native Americans, and others -- to share available water supplies under existing conditions. A shortage sharing agreement has worked successfully in the San Juan Basin, for example.

2) Rotation Agreements

Voluntary rotation agreements work when water users take turns using water, according to a set schedule that is agreed upon by all water users sharing a source. Agricultural communities have used rotation successfully on the Nambé, Pojoaque, Tesuque and Jemez Rivers, where non-Indians and Pueblos share water supplies.

3) Water Banking

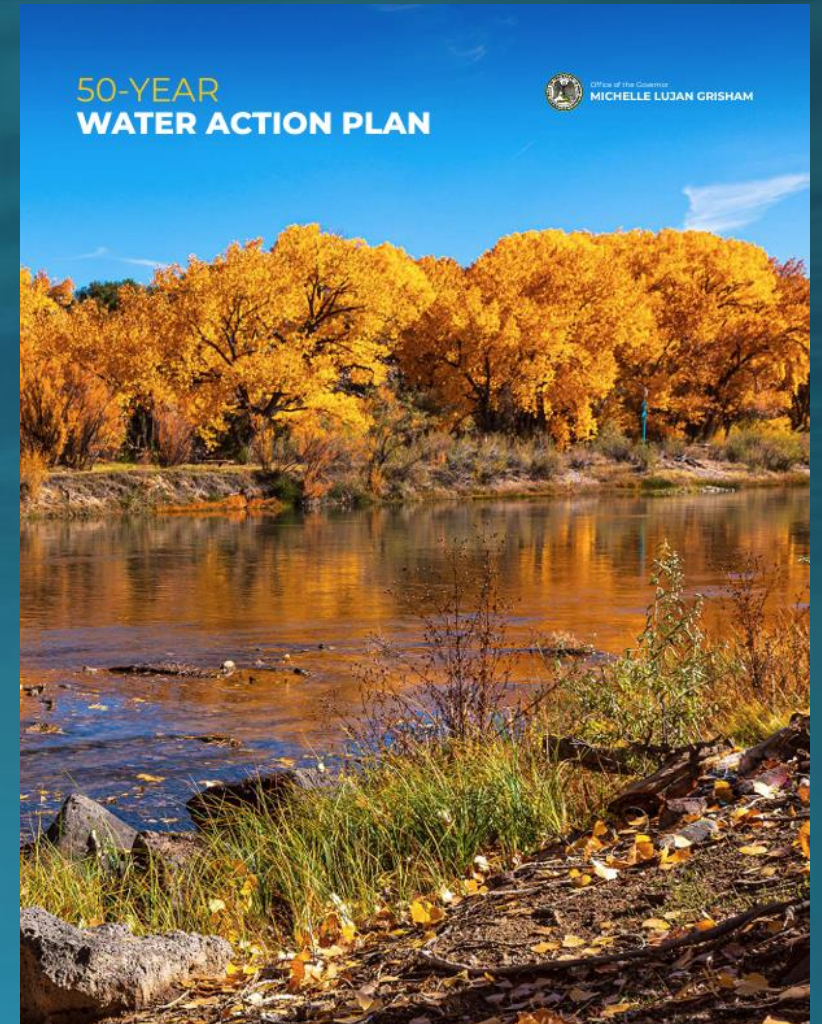
Water banking allows the expedited short-term or temporary reallocation of water, while still protecting the senior status of water rights holders.

Governor's 50 year Water Action Plan

Key Pillars:

- Conservation
- New Water Supply
- Watershed and Water Protection

<https://www.nm.gov/wp-content/uploads/2024/01/New-Mexico-50-Year-WaterAction-Plan.pdf>



Questions?



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