

**STATE OF NEW MEXICO
INTERSTATE STREAM COMMISSION**

**IN THE MATTER OF
PROPOSED NEW RULE 19.25.16
NMAC - Regional Water Security
Planning**

No. NMISC 25-01 (R)

**New Mexico Interstate Stream
Commission, Water Planning
Program,**

Movant.

MOTION TO INITIATE THE RULEMAKING PROCESS,

SET A RULEMAKING HEARING, APPOINT A HEARING OFFICER,

AND PROVIDE NOTICE AND OPEN PUBLIC COMMENT PERIOD

The Water Planning Program (“Program”) of the New Mexico Interstate Stream Commission (“Commission”) requests the Commission vote to initiate rule making proceedings for a new part (“Part 16”) to Title 19, Chapter 25 of the New Mexico Administrative Code (“NMAC”). The proposed Part 16 is entitled “Regional Water Security Planning.” Proposed Part 16 is intended to advance regional planning efforts by ensuring participation, information, and outcomes pursuant to the 2023 Water Security Planning Act, NMSA 1978, Sections 72-14A-1 to 72-14A-5. A statement of reasons is included in this pleading, and the text of the Proposed Rule is included as Attachment 1. The Default Procedural Rules for Rulemaking govern this type of rulemaking hearing and require written comment, a public hearing, and adherence to the adoption process identified in 1.24.25 et al NMAC.

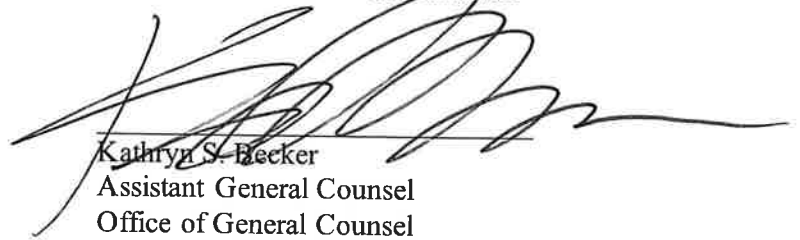
In voting to approve the Request and initiate the rulemaking process, the Program requests that the Commission set this matter for hearing to begin October 15, 2025, at 9:00 am through at least 10:00 am on October 17, 2025, and continue as long as required on the 17th to hear all testimony, evidence, and public comment. To conduct the rulemaking hearing in a fair and

equitable manner that facilitates public comment and a clear rulemaking record in accordance with the State Rules Act, NMSA 14-4-1 (amended 2017) and the Default Procedural Rule for Rulemaking, 1.24.25 NMAC, the Program requests the Commission appoint a hearing officer. Specifically, the Program requests that the Commission appoint Felicia Orth as Hearing Officer. Ms. Orth is an experienced New Mexico hearing officer, lawyer, and prior state government employee. Her familiarity with the law, the cultural demographics and characteristics of the state, and knowledge and experience with conducting administrative hearings in accordance with procedural rules will aid immensely the ease, efficiency, and public participation of the rulemaking hearing. Ms. Orth has been consulted with in advance of this request, has no conflicts with this proposed assignment, and is currently under contract with the Office of the State Engineer, and a contract is imminent for her with the Commission.

Furthermore, in voting to initiate the rulemaking process, the Commission shall authorize the Program to provide notice and allow for public comment on the page dedicated for this purpose on the agency website in advance of the requirements of the notice and proposed rule to be published in the New Mexico Register per the State Rules Act.

Respectfully submitted,

NM Interstate Stream Commission

A large, stylized handwritten signature in black ink, likely belonging to Kathryn S. Becker, is written over the typed name and title.

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STATEMENT OF REASONS

BACKGROUND

1. The Commission is authorized to adopt rules pursuant to the Water Security Planning Act, NMSA 1978, Sections 72-14A-1 through 72-14A-5, NMSA 1978.
2. The Commission has a mandate to promulgate rules that at a minimum address (a) the boundaries and number of water planning regions in the state; (b) the criteria for Commission approval of a regional water security plan with prioritized projects, programs and policies; (c) the procedure for a regional water planning entity to develop and provide notice to the Commission of issues and concerns relating to the public welfare of the water planning region; (d) the composition of a regional water planning entity; and (e) the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans. NMSA 1978, 72-14A-4.

PROVISIONS OF PART 16

3. The purpose of Part 16 is to provide the structure and support for the formation of Regional Water Security Planning Councils that will then gain an understanding of water data and forecasts, consider diverse populations, uses, and needs, and provide recommendations on what outcomes are most ready for funding and furthering.
4. The objective of Part 16 is to establish a framework for Regional Water Security Planning Councils to develop, maintain, and aid in implementation and tracking of Regional Water Security Plans. This framework will be grounded in regional values, scientific consensus, and New Mexico water law. The processes outlined in this Rule are intended to: ensure that the Plans will be based on the best available science, data, and models regarding water availability, water need, and trends; provide transparency and opportunities for meaningful input and participation by the public and Nations, Pueblos, and Tribes within each Regional Water Security Planning Region;

acknowledge the sovereignty, water rights, and water needs of tribal communities; consider public welfare and the needs of future generations of New Mexicans; align with state and federal laws; and identify and prioritize Projects, Programs, and Policies that will help to ensure water security into the future.

5. Part 16 defines a “Regional Water Security Planning Council” or “Council” by members who lead Regional Water Security Plan development, and aid in and track implementation of the Plan in their respective Region. See Proposed Rule 19.16.7.G.

6. Part 16 applies statewide, in that all of New Mexico is covered in nine proposed Councils; however, it is possible for a Region to be subdivided into sub-regions within a planning region or across multiple planning regions. See Proposed Rule, Exhibit A, and see, Proposed Rule: Regional Water Security Planning Regions. See Proposed Rule 19.16.9 NMAC.

7. Part 16 provides for ISC staff to invite representative members from governmental entities in the Region, who then select 10 at-large members and up to five non-voting members to convene the Council. See Proposed Rule: Composition of Regional Water Security Planning Councils. See Proposed Rule 19.16.12 NMAC.

8. Notably, Part 16 provides a forum for each Council to communicate and collaborate with New Mexico Nations, Pueblos, and Tribes to ensure that their sovereignty, water rights, water needs, and viewpoints are considered and incorporated in Council planning. See Proposed Rule 19.16.8 NMAC.

9. Part 16 sets out the requirements for planning periods, distinguishing between the initial planning period and the ongoing planning period. See Proposed Rule Section 10: Initial Planning Period and Section 11: Ongoing Planning Period. See Proposed Rule 19.16.10 NMAC and 19.16.11 NMAC.

10. Part 16 sets out the requirements of Council meetings, notice provisions, and public participation. See Proposed Rule: Considerations for Councils During Planning Processes. See Proposed Rule 19.16.13 NMAC.

11. Part 16 provides for the Councils to gather, review, and consider numerous resources, laws, and statewide objectives with the assistance of NMISC staff. See Proposed Rule: Considerations for Councils During Planning Processes. See Proposed Rule 19.16.14 NMAC.

12. Further, this same section sets out what Councils shall consider, may consider, and requires that the best available science, data, and models be used, yet does not allow for the lack of data to delay planning development or updates to existing plans. See Proposed Rule: Considerations for Councils During Planning Processes. See Proposed Rule 19.16.14 NMAC.

13. Part 16 provides the minimum basis for Councils to identify and document what is recommended in each Council's Plan for Commission approval. See Proposed Rule Section 15: Criteria for Approval of Regional Water Security Plans. See Proposed Rule 19.16.15 NMAC.

14. Finally, Part 16 makes clear that the State Engineer may consider information contained in Council Plans but is not bound by a Council's determination as to public welfare in permitting decisions. See Proposed Rule 19.16.16 NMAC.

STATUTORY CRITERIA FOR ADOPTION

15. The Commission's adoption of Part 16 is authorized by the general powers of the Commission by the Interstate Stream Commission; Protection of Interstate Streams, NMSA 1978, Sections 72-14-1 to 3, and specifically the Commission is authorized by the Water Security Act, NMSA 1978, 72-14-1 et al.

16. The Commission has a mandate to promulgate rules that at a minimum establish (a) the boundaries and number of water planning regions in the state; (b) the criteria for commission

approval of a regional water security plan with prioritized projects, programs and policies; (c) the procedure for a regional water planning entity to develop and provide notice to the commission of issues and concerns relating to the public welfare of the water planning region; (d) the composition of a regional water planning entity; and (e) the procedure for a regional water planning entity to consider public welfare values and the needs of future generations of New Mexicans. NMSA 1978, 72-14A-4.

17. The Commission shall be cognizant of its concomitant duties to prepare and implement a state water plan, the Governor's 50 Year Water Action Plan, and shall be cognizant that any Commission approved regional plan contemplated by the Proposed Rule will not impede or obstruct the state's obligations under interstate compacts; compliance with the Endangered Species Act and the prevention of serious harm to the habitats of species that are threatened or endangered under state or federal law; implement water rights settlements, including local and federally executed Indian water rights settlements; or the state's existing administration plans under the Active Water Resources Management program.

18. The Commission has the responsibility to conform with the Open Meetings Act and vote upon whether to initiate the rulemaking process, and if begun, the authority to issue public notice, publish the proposed rule for comment, set a public hearing in accordance with the State Rules Act, and maintain a record. 1.24.25.9 NMAC; 1.24.25.12 NMAC; 1.24.25.13 NMAC; 1.24.25.14 NMAC; and 1.24.25.15 NMAC.

19. The Proposed Rule Part 16 fulfills the mandate of the Water Security Act, NMSA 1978, Section 72-14-1 et al and is in compliance with the general authority of the Interstate Stream Commission; Protection of Interstate Streams, NMSA 1978, Sections 72-14-1 to 3, and the Commission's interest in advancing regional water planning efforts to be effective, sustained, and secure a strong water future.

PROPOSED RULE

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 25 ADMINISTRATION AND USE OF WATER – GENERAL PROVISIONS
PART 16 REGIONAL WATER SECURITY PLANNING

19.25.16.1 ISSUING AGENCY: New Mexico Interstate Stream Commission, hereinafter the commission.
[19.25.16.1 NMAC – N, xx/xx/202x]

19.25.16.2 SCOPE: This rule implements the provisions of the Water Security Planning Act, Section 72-14A-1 NMSA 1978, and sets forth the processes and criteria for convening and establishing regional water security planning councils and developing and maintaining regional water security plans.
[19.25.16.2 NMAC – N, xx/xx/202x]

19.25.16.3 STATUTORY AUTHORITY: Section 72-14A-1, et seq. NMSA 1978.
[19.25.16.3 NMAC – N, xx/xx/202x]

19.25.16.4 DURATION: Permanent.
[19.25.16.4 NMAC – N, xx/xx/202x]

19.25.16.5 EFFECTIVE DATE: xxxxxxxxxxxx xx, 2025, unless a later date is cited at the end of a section.
[19.25.16.5 NMAC – N, xx/xx/202x]

19.25.16.6 OBJECTIVE: The objective of this rule is to establish a framework for regional water security planning councils to develop, maintain, and aid in implementation and tracking of regional water security plans. This framework will be grounded in regional values, scientific consensus, and New Mexico water law. The processes outlined in this rule are intended to: ensure that the plans will be based on the best available science, data, and models regarding available water supplies, use, and trends; provide transparency and opportunities for meaningful input and participation by the public and Nations, Pueblos, and Tribes within each regional water security planning region; acknowledge the sovereignty, water rights, and water needs of tribal communities; consider public welfare and the needs of future generations of New Mexicans; align with state and federal laws; and identify and prioritize projects, programs, and policies that will help to ensure water security into the future.
[19.25.16.6 NMAC – N, xx/xx/202x]

19.25.16.7 DEFINITIONS:

A. “Commission” means the New Mexico interstate stream commission and its nine appointed members, authorized under Section 72-14-1 NMSA 1978.

B. “Initial planning period” means the time period from the establishment of each council to the approval of its first regional water security plan by the commission.

C. “NMISC staff” means the employees of the New Mexico interstate stream commission.

D. “Ongoing planning period” means any time period following the initial planning period for each council. The ongoing planning period begins once an initial regional water security plan is approved by the commission.

E. “Projects, programs, and policies” or “PPPs” or “PPP” means identified strategies and alternatives, including infrastructure projects, conservation programs, watershed or groundwater management policies, and other types of initiatives that will promote regional water security and are identified in the plans and PPP lists.

F. “Regional water security plan” or “plan” means a plan produced by a council, that meets the requirements described herein and is approved by the commission.

G. “Regional water security planning council” or “council” means the members described herein who lead regional water security plan development, and aid in and track implementation of the plan in their respective region.

H. “Regional water security planning region” or “planning region” or “region” means an area of the state as described herein that is the planning area for each regional water security planning council.

I. “Region-specific stakeholder” means a member of the public who is not a member of a council but has identified themselves to NMISC staff or a council as interested in engaging in the planning process for a specific region.

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[19.25.16.7 NMAC – N, xx/xx/202x]

19.25.16.8 WATER SECURITY TRIBAL ADVISORY COUNCIL:

A. NMISC staff shall provide administrative support and facilitation, in coordination with the office of the state engineer and Indian affairs department, for the establishment and operation of a water security tribal advisory council (“WSTAC”) comprising representatives of New Mexico Nations, Pueblos, and Tribes.

B. The purpose of the WSTAC is to provide a forum for input from New Mexico Nations, Pueblos, and Tribes to ensure that their sovereignty, water rights, water needs, and viewpoints are considered and incorporated in regional water security planning and other related activities as determined by the commission.

C. The participating Nations, Pueblos, and Tribes shall determine their own procedures and principles for the operation of WSTAC.

[19.25.16.8 NMAC – N, xx/xx/202x]

19.25.16.9 REGIONAL WATER SECURITY PLANNING REGIONS:

A. The nine regional water security planning regions are shown in exhibit A, water security planning regions (map).

B. Subject to commission approval, regional water security planning regions may be subdivided into sub-regions within a planning region or across multiple planning regions. In determining whether to approve a proposed sub-region, the commission shall use the following criteria:

(1) the basis, hydrological or otherwise, for the sub-region and what circumstances make the proposed sub-region distinct from the region;

(2) whether there is sufficient population and capacity within the proposed sub-region to engage in a transparent and inclusive planning process for the proposed sub-region;

(3) the impact of the proposed sub-region on the ability of the remainder of the region to engage in a transparent and inclusive planning process;

(4) support from the associated council(s) for the proposed sub-region;

(5) the process for how the work of the proposed sub-region will be integrated with the regional water security plan(s) of associated regions, including the prioritization of projects, programs, and policies.

[19.25.16.9 NMAC – N, xx/xx/202x]

19.25.16.10 INITIAL PLANNING PERIOD: During the initial planning period,

A. Responsibilities of NMISC staff include:

(1) inviting governmental entities identified in Paragraph (1) of Subsection A of 19.25.16.12, NMAC to select their representatives, and convening a meeting of these representative members.

(2) assisting representative members in the invitation of at-large members, identified in Paragraph 2 of Subsection A of 19.25.16.12, NMAC, and non-voting members, identified in Paragraph (3) of Subsection A of 19.25.16.12, NMAC.

(3) acting as the commission’s liaison to the councils for the purpose of ensuring the coordination of commission information, policies, and resources. Subject to adequate funding and resources, NMISC staff assigned to these tasks shall be located at an office of the state engineer district office within or near the region.

(4) providing administrative support and facilitation for at least four meetings of each council per calendar year.

(5) providing councils with technical support, including assistance with accessing the best available data and science, templates to guide decision making, and compilations of existing plans and additional resources.

(6) developing and maintaining lists of region-specific stakeholders and notifying stakeholders of opportunities to engage in the planning process.

B. Responsibilities of the council include:

(1) once convened by the NMISC staff, the representative members shall invite, with NMISC staff support, and select at-large members as identified in Paragraph (2) of Subsection A of 19.25.16.12 NMAC. NMISC staff shall review membership and confirm compliance with Paragraph (2) of Subsection A of 19.25.16.12 NMAC.

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(2) the representative members and the at-large members shall invite, with NMISC staff support, and select non-voting members as identified in Paragraph (3) of Subsection A of 19.25.16.12 NMAC.

(3) once the council has been formed through the convening, inviting, and selection of representative members, at-large members, and non-voting members, the council shall adopt and provide NMISC staff written operating principles that, at a minimum, describe the following:

- (a) the roles and responsibilities of the council's voting and non-voting members;
- (b) the duration(s) of the term(s) for council members;
- (c) the potential roles of committees, including a steering committee, sub-committees and/or work groups, if relevant;
- (d) the grounds and process for removing a member from the council;
- (e) the decision-making process to be used by the council to prioritize projects, programs, and policies; and
- (f) the process for integration and engagement with commission approved sub-regions, if relevant.

C. Councils may choose to self-convene provided the composition set forth in Section 19.25.16.12 is adhered to and the self-organized council is confirmed by NMISC staff.
[19.25.16.10 NMAC – N, xx/xx/202x]

19.25.16.11 ONGOING PLANNING PERIOD: During the ongoing planning period.

A. Responsibilities of NMISC staff include:

- (1) reviewing and confirming compliance with Subsection A of 19.25.16.12 NMAC for representation of representative and at-large members, when council vacancies are filled.
- (2) providing administrative support and facilitation for at least two meetings of the council per calendar year during periods when the council is not in the process of updating a plan and providing at least four meetings of the council per calendar year when the council is in the process of updating a plan.
- (3) providing councils with technical support, including assistance with accessing the best available data and science, decision-making guides, compilations of existing plans, and resources to aid in tracking and reporting on implementation.
- (4) publishing all regional water security plans developed by councils and approved by the commission.

B. Responsibilities of the council include:

- (1) filling vacancies on the council pursuant to Subsection A of 19.25.16.12 NMAC.
- (2) preparing proposed regional water security plans and presenting proposed plans to the commission for acceptance.
- (3) preparing proposed updates to regional water security plans and presenting proposed updates to the commission for acceptance.
- (4) reviewing the operating principles for the council and making changes consistent with Paragraph (3) of Subsection B of 19.25.16.10 NMAC if needed.
- (5) aiding in and tracking plan implementation, including outcomes.
- (6) developing, reviewing, and updating PPP lists.
- (7) developing and maintaining region-specific lists of stakeholders and providing information to stakeholders about opportunities to engage in the planning process. The council may request NMISC staff support to carry out these responsibilities.

C. Councils shall report to the commission by June 30 of each year on the progress of planning activities, status of plan implementation, and outcomes.

D. During the ongoing planning period, councils shall update plans at least once every ten years. Councils shall review and update PPP lists at least once every 5 years.
[19.25.16.11 NMAC – N, xx/xx/202x]

19.25.16.12 COMPOSITION OF REGIONAL WATER SECURITY PLANNING COUNCILS:

A. Councils shall comprise three categories of members: representative members, at-large members and non-voting members. Representative members and at-large members shall be voting members of a council. If a

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qualified or willing representative member, as described in Paragraph (1) of Subsection A of 19.25.16.12 NMAC or at-large member, as described in Paragraph (2) of Subsection A of 19.25.16.12 NMAC cannot be identified by the council, the council may propose or NMISC staff may select a replacement non-voting member who is knowledgeable about water resources in the region.

(1) Representative members. Each governmental entity listed below, if present within the region, is entitled to have a representative serve on the council for any planning region within which it is located. A single representative may represent multiple governmental entities. In the event that a governmental entity is located in multiple regional water security planning regions, the governing body may appoint the same or different representatives to each council. Each representative member shall be appointed by resolution of each governmental entity's governing body. Representative members will consist of the following:

- (a) one representative member identified by the governing body of each municipality;
- (b) one representative member identified by the governing body of each county;
- (c) one representative member identified by the governing body of each irrigation or conservancy district;
- (d) one representative member identified by the governing bodies of each Nation, Pueblo, and Tribe;
- (e) one representative member identified by the governing bodies of each soil and water conservation district;
- (f) one representative member of each regional acequia association in the planning region or if no regional acequia association exists in a planning region, one representative from that region appointed by the New Mexico Acequia Commission; and
- (g) one representative member from an active land grant appointed by the Land Grant Council in a planning region.

(2) At-large members. Up to ten at-large members shall represent each of the following stakeholder groups. There shall be one at-large member position for each stakeholder group, but members may represent multiple stakeholder groups. The stakeholder groups to be represented are:

- (a) ranchers in the region;
- (b) farmers in the region (these farmers may include 4H, Young Farmers, etc.);
- (c) statewide or regional public higher education institutions (such as a student, professor, administrator, etc.);
- (d) environmental, conservation, or water advocacy non-governmental organizations with members or local chapters in the region;
- (e) water-based recreational interests located in the region (fishing, rafting, etc.);
- (f) mutual domestic water consumer associations or community regional water systems in the region;
- (g) commercial, industrial, mining, and power in the region;
- (h) special districts established pursuant to Chapter 73, NMSA 1978, with staff whose responsibilities include water management, located in whole or in part within the region, and that do not fall within the previous membership categories within Paragraph (1) of Subsection A of 19.25.16.12. Should there be no representative pursuant to these criteria for the region, this becomes a general at-large member;
- (i) existing regional water planning steering committees who have continuously operated since the conclusion of the 2014-2016 regional water planning effort. Should there be no regional water planning steering committee in the region, this becomes a general at-large member; and
- (j) one general at-large member in the region.

(3) Non-voting members. Up to five non-voting members representing parties from outside the region with water interests in the region. These five non-voting members shall comprise up to three non-voting members for entities outside the region that own water rights within the region, and up to two non-voting members from other water security planning councils hydrologically linked to the region.

B. Region-specific stakeholders. Lists of region-specific stakeholders shall be developed and maintained by NMISC staff and shared with councils. The identification of region-specific stakeholders shall, at a minimum, include:

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- (1) an email point of contact; and
- (2) documentation including a physical address, residential or professional, within the region;

or

(3) written statement of interest identifying the individual or entity and explaining why the individual or entity is interested in engaging in the region's planning process.

[19.25.16.12 NMAC – N, xx/xx/202x]

19.25.16.13 REGIONAL WATER SECURITY PLANNING COUNCIL MEETING AND INPUT REQUIREMENTS:

A. Councils shall hold regularly scheduled meetings as follows:

- (1) meetings shall be held at least four times per year during periods when the region's plan is being developed or updated.
- (2) meetings shall be held at least two times per year during periods when the plan is not being developed or updated.
- (3) councils shall provide at least 14-day notice of meetings or other activities to council members, the public, region-specific stakeholders, Nations, Pueblos and Tribes, and the commission, with NMISC staff support as needed.
- (4) councils, with NMISC staff support, shall offer meetings for hybrid participation if practicable.

B. Councils shall develop regional water security plans through broad input. This shall include opportunities for the public, region-specific stakeholders, and Nations, Pueblos, and Tribes to be involved in the development, vetting and prioritization of PPPs. During the plan development or update of any plan, councils shall, with NMISC staff support, at a minimum:

- (1) notify the public, region-specific stakeholders, and Nations, Pueblos and Tribes, including by distributing publicly available information regionally about the development of the plan, and opportunities for input, at regular intervals.
- (2) provide in-person and virtual opportunities for input at council meetings.
- (3) provide a minimum of 60 days for the public, region-specific stakeholders, and Nations, Pueblos and Tribes to provide input in person, via email, or through a website on proposed regional water security plans.
- (4) make comments publicly available ahead of finalization of a regional water security plan to be presented for commission approval.

C. Councils shall consider a broad range of participation options for input, which may include but are not limited to:

- (1) providing materials in languages in common use within the region (e.g., ASL, Spanish, Tewa, Navajo).
- (2) hosting additional meetings, focus groups, listening sessions, open houses or other events.
- (3) providing engagement resources (e.g., presentations, paper surveys) to local community partners with existing connections in rural areas.
- (4) providing multiple in-person opportunities distributed throughout the region and expanded strategies for community engagement.
- (5) providing meeting spaces or computer access and connectivity for remote participation.

D. To promote broad awareness and to encourage participation, council outreach efforts, with NMISC Staff support as needed, shall include, but are not limited to:

- (1) educational content; and
- (2) multimedia advertising of engagement opportunities.
- (3) additional opportunities may be developed at the determination of the council.

[19.25.16.13 NMAC – N, xx/xx/202x]

19.25.16.14 CONSIDERATIONS FOR COUNCILS DURING PLANNING PROCESSES:

A. Councils shall consider, with resources provided by NMISC staff, the following information for inclusion in regional water security plans:

- (1) existing water plans and water resources planning initiatives;
- (2) compliance with state water law, including recognition of established water rights;

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- (3) best available science for considering climate resiliency and increasing aridification;
 - (4) recognition and respect of federally recognized or reserved tribal water rights;
 - (5) access to water for domestic use;
 - (6) compliance with applicable federal water law;
 - (7) public welfare values;
 - (8) balancing water uses and the needs of future generations of New Mexicans; and
 - (9) public participation and comments.
- B.** Councils may consider the following information for inclusion in any regional water security plan:
- (1) best available resources or methodologies for considering the needs of rural and urban places and populations within the region;
 - (2) groundwater management strategies and needs;
 - (3) regional food security and agricultural resilience; and
 - (4) water needs for healthy upland and riparian habitats.
- C.** Councils shall consider the following statewide objectives in any regional water security plan:
- (1) state obligations under interstate compacts;
 - (2) compliance with the Endangered Species Act and the prevention of serious harm to the habitats of species that are threatened or endangered under state or federal law;
 - (3) implementation of water rights settlements, including local and federally executed Indian water rights settlements;
 - (4) the state's existing administration plans under the Active Water Resources Management program.
- D.** Councils shall develop and update regional water security plans as provided herein using the best available science, data, and models, and may identify data gaps and recommend further studies in their regional water security plans. Councils may not delay the development of or updates to a plan due to lack of data.
[19.25.16.14 NMAC – N, xx/xx/202x]

19.25.16.15 CRITERIA FOR APPROVAL OF REGIONAL WATER SECURITY PLANS: In order to be approved by the commission, a regional water security plan must meet the following criteria:

- A.** Plans shall include documentation of the following items:
- (1) Water Security Tribal Advisory Council (WSTAC) engagement, involvement, information and recommendations;
 - (2) public notice under Section 19.25.16.13;
 - (3) stakeholder engagement in the development, vetting and prioritization of PPPs;
 - (4) comments received, considered, and incorporated from stakeholders and the public;
 - (5) comments received from state and federal agencies;
 - (6) council consideration of public welfare values, balancing water uses and the needs of future generations of New Mexico in the region, if any;
 - (7) Council committees, working groups and/or sub-regions, if applicable, within a region;
 - (8) consideration of the regional water balance, including any projected reductions in water availability due to the impacts of climate change or other factors; and
 - (9) compliance with statewide objectives identified in Paragraph C of Section 14.
- B.** Plans may include documentation that the needs of rural and urban populations within the region were considered.
- C.** Plans shall include a list of prioritized proposed projects, programs, and policies with each item ranked individually relative to all other PPPs on that sub-list region wide.
- (1) The prioritized list of PPPs included in each plan shall be organized based on the readiness of each individual PPP.
 - (2) Each proposed PPP must list the sponsor(s) that intends to lead implementation of the PPP, including obtaining and administering any necessary funding for the PPP.
 - (3) PPPs shall be sorted by priority into the following readiness stages:
 - (a) ideas stage;
 - (b) scoping stage; and
 - (c) ready to proceed stage.

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- (4) PPP types include, but are not limited to projects, programs, and policies that address the following:
- (a) watershed health
 - (b) drinking water
 - (c) storm water
 - (d) wastewater
 - (e) water retention and delivery infrastructure
 - (f) water conservation resulting in a reduction of total water use
 - (g) education
 - (h) efficiency resulting in a reduction of total or per-capita water use
 - (i) water reuse
 - (j) aquifer storage and recovery
 - (k) aquifer recharge
 - (l) agricultural resilience
 - (m) development of new water resources
 - (n) river and riparian habitat restoration
 - (o) livestock management
 - (p) alternative water administration strategies (under Active Water Resources Management, water markets or banks, voluntary shortage sharing, etc.)
 - (q) drinking water system regionalization
 - (r) asset management planning
 - (s) scientific studies
- (5) Additional documentation for each PPP may include:
- (a) existing or potential funding, including funding to match state or federal resources;
 - (b) ability to enhance regional water resilience or have long-lasting and sustainable benefits;
 - (c) the presence of multiple benefits or ability to meet multiple objectives;
 - (d) substantial support from diverse stakeholders; or
 - (e) identification of interrelated PPP's and potential enhanced benefits of implementing multiple PPPs in conjunction with each other.
- (6) Councils may elect to repeat PPP list items in subsequent plans and updated PPP lists.
- (7) Councils with sub-regions shall integrate all sub-regional priorities into a single prioritized list of PPPs for submittal to the commission with their plan. Processes for resolving sub-regional priorities alongside the recommendations of other sub-regions in the region shall be resolved by the council pursuant to its operating principles, as provided for in Paragraph (3) of Subsection B of 19.25.16.10 NMAC.
- [19.25.16.15 NMAC – N, xx/xx/202x]

19.25.16.16 STATE ENGINEER CONSIDERATION OF REGIONAL ISSUES OF PUBLIC WELFARE IN PERMITTING DECISIONS:

A. The state engineer, in its decisions on permit applications under Sections 72-5-6; 72-5-7; 72-5-23; 72-5-24; 72-5A-6; 72-6-5; 72-12-3; 72-12-7; and 72-12B-1 NMSA 1978, may consider issues of public welfare of a water planning region identified by a council if the state engineer determines that such regional issues are related to or may impact the public welfare of the state.

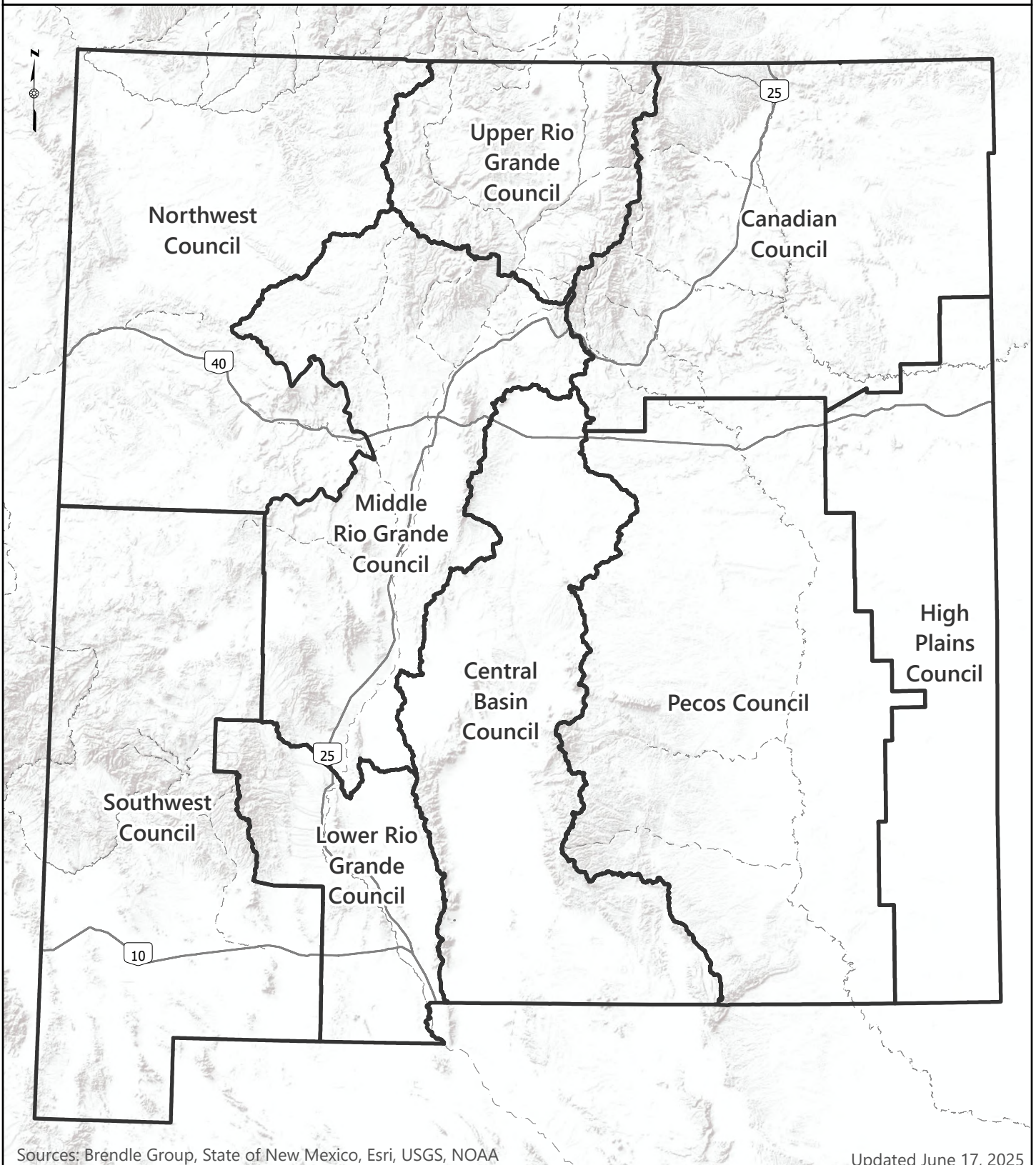
B. A council's determination shall not be binding on the state engineer's determination of whether a particular permit application would be detrimental to the public welfare of the state.

C. The state engineer, in determining whether a regional public welfare issue identified by a council is relevant to the determination of whether a particular permit application would be detrimental to the public welfare of the state, shall explain the reasoning in writing.

[19.25.16.16 NMAC – N, xx/xx/202x]

HISTORY OF 19.25.16 NMAC: [RESERVED]

Water Security Planning Regional Boundaries



Sources: Brendle Group, State of New Mexico, Esri, USGS, NOAA

Updated June 17, 2025

- Rivers
- Highways
- Water Security Planning Regional Boundaries

Exhibit A

