

State of New Mexico
Interstate Stream Commission
MOTION OF THE NEW MEXICO WATER ADVOCATES

Pro Se Filing in NMISC Rulemaking No. 25-01 (R)

I. INTRODUCTION

The New Mexico Water Advocates (“Movant”) respectfully submits this Motion to the Interstate Stream Commission (“Commission” or “ISC”) concerning the Proposed Rule filed July 17, 2025, to implement the 2023 Water Security Planning Act (“Act”).

Movant is a nonprofit, public-interest organization incorporated in New Mexico in 1998 to prepare the first regional water plan for four counties of the Middle Rio Grande. Today, Movant seeks to assist the Interstate Stream Commission (“Commission” or “ISC”) in fulfilling its statutory responsibilities under the 2023 Water Security Planning Act (SB 337, NMSA 1978, §§ 72-14A-1 et seq.). Movant has participated continuously for nearly three decades in statewide and regional water-planning efforts, consistently focusing on aligning water use with sustainable supply. Since its incorporation, Movant has advocated bringing New Mexico’s total water use into balance with its finite, overused, and declining water resources.

Movant appears in this proceeding through its president, acting pro se.

Movant shares the Commission’s understanding that time is of the essence. New Mexico’s current pattern of overuse cannot continue without grave, permanent consequences. As ISC Staff Exhibit 7, *Climate Change in New Mexico Over the Next 50 Years: Impacts on Water Resources* (NMBGMR Bulletin 164, 2022) and ISC Staff Exhibit 8, the *2022 Water Policy and Infrastructure Task Force Final Report* demonstrate, aridification and New Mexico’s failure to confront its water crisis threaten the State’s future. The Commission must act promptly and in accordance with law to establish a regional water-security planning framework that is science-based, socially equitable, durable, and results in solid implementable plans.

The Commission’s Motion and Order filed July 17, 2025, together with its New Mexico Register Notice of Rulemaking published August 26, 2025, contain the ISC staff’s Proposed Rule and the staff-determined process for the Commission’s promulgation. As filed, these documents and the staff process exhibit significant legal, procedural,

and substantive deficiencies that undermine both legitimacy and the planning program's potential effectiveness.

Movant submits this Motion not to delay the Commission's work but to help ensure that the rulemaking process and resulting rule comply with the Water Security Planning Act, the State Rules Act (NMSA 1978, §§ 14-4-1 et seq.), and controlling case law. The State Rules Act requires rulemaking to conform to judicial precedent that demands reasoned decision-making, procedural fairness, and a record adequate for review. Movant's purpose is constructive and cooperative: we recognize that timely adoption is essential to meet statutory expectations and climate-driven urgency. We stand ready to work with the Hearing Officer and all participants to identify procedural accommodations that maintain the schedule, comply with interested parties due process rights, and ensure all qualified parties can meaningfully contribute to the record.

Proceeding in this spirit of fairness and transparency will allow the Commission to complete its work promptly and consistent with law, laying a sound foundation for an effective regional water-security program for New Mexico.

II. BACKGROUND AND PROCEDURAL HISTORY

A. Background

Recognizing that institutional reform is prerequisite to effective water governance, the Executive Branch convened the 2022 Water Policy and Infrastructure Task Force to identify structural changes necessary for sustainable water management.

Recommendation 2.2 urges New Mexico to “elevate regional planning in the face of increasing water scarcity to promote equity and build capacity to govern and manage water” (*2022 Water Policy and Infrastructure Task Force Final Report*, Appendix B, Recommendation 2.2).

Movant's president co-chaired the Task Force's Water Management and Planning work group that achieved full Task Force support for each of its eight recommendations. He prepared the conceptual framework of the Act and language that became the 2023 Water Security Planning Act, drawn directly from that Task Force recommendation. This complex, transformative legislation passed every committee and both chambers with rare bipartisan unanimity and was signed into law.

The Water Security Planning Act repeals and replaces the State's 1987 initial regional water-planning statute. The Commission is “to establish and conduct a regional water-security program” (§ 72-14A-4(A)) and to adopt rules that “at a minimum, establish”

certain procedures for the Act’s implementation (§ 72-14A-4(C)). The Act requires a new, science-based, and statewide but regionally driven water planning program to confront hydrologic realities, improve regional water security, and prioritize actions consistent with regional values and determination.

B. Rulemaking Procedural Issues - General

To implement this legislative mandate, ISC staff initiated rulemaking by filing its Proposed Rule on July 17, 2025. Staff’s Proposed Rule was unaccompanied by any factual, analytical, or policy documentation to demonstrate how specific provisions satisfy the Act’s requirements or present reasons for the staff many consequential decisions. Staff filed only a perfunctory “Statement of Reasons” consisting of circular conclusions with no citation of evidence, no reference to statutory subsections, and no traceable connection to any analytical rationale.

These conclusions are circular because they merely restate the desired outcome: that the Proposed Rule satisfies the Act without any logical bridge between facts, statutory mandates, and regulatory choices.

The filing provides neither the Commission nor the public with the facts and reasoned basis to understand or evaluate the regulatory choices reflected in the Proposed Rule. By withholding the analytical foundation required by law, staff denied the Commission and the public the ability to meaningfully assess whether the Proposed Rule meets statutory mandates or rests upon a rational connection between facts found and choices made. This omission is contrary to both the State Rules Act and controlling precedent requiring reasoned rules supported by evidence.

The absence of any staff-prepared rationale at filing thus impairs meaningful pre-hearing review and heightens the importance of an open, evidence-based process if the final rule is to meet the standard of reasoned rulemaking recognized in *New Energy Economy v. N.M. Public Regulation Comm’n*, 2016-NMSC-005, ¶¶ 22–24 (agency must articulate a rational connection between the facts found and the choices made and disclose the basis of its decision so that it may be understood and judicially reviewed).

C. Procedural Issues - Specific

On August 26, 2025, the Commission published a Notice of Proposed Rulemaking setting a September 27, 2025, deadline for written comments and scheduling a non-evidentiary hearing for October 15–17, 2025. The Notice expressly excluded cross-examination, disallowed sworn testimony, and omitted any process for the submission or review of exhibits, expert analyses, or rebuttal evidence.

Under the Default Rule for Rulemaking Procedures, NMAC 1.24.25.9(B), an agency must conduct rulemaking “in accordance with the State Rules Act and any other applicable law.” Those provisions, including NMSA 1978, §14-4-5.4, require the agency to maintain a rulemaking record that discloses the factual, policy, and legal basis for each adopted rule.

The Commission has both the authority and the responsibility to meet this standard in this rulemaking, where complex hydrologic, legal, and economic sciences are integral to compliance, and where social-science insights must guide equitable policy. To do so, the Commission must structure its hearing to accommodate technical evidence, expert analysis, and rebuttal. Without such evidence, the record will consist only of untested assertions and unsourced conclusions, providing no basis consistent with law for the required explanatory statement under §14-4-5.5 or for a record sufficient to withstand judicial review under §14-4-5.4.

Movant filed written comments on September 27, 2025, identifying procedural and substantive deficiencies and urging the Commission to produce the analytical foundation required by law. Movant emphasizes that regional water-security planning success requires technical, interdisciplinary expertise and informed community-based participation.

The record shows the Water Advocates is the only party to identify the absence of an analytical rationale as a legal defect under the State Rules Act. Staff testimony filed October 1 does not acknowledge this issue. This silence underscores that the Commission has yet to develop the foundation required for reasoned rulemaking.

Movant now submits this Motion in good faith, not to delay but to assist the Commission in ensuring that its rulemaking process complies fully with statutory mandates, the State Rules Act, and applicable case law requiring fair and reasoned decision-making with the hope that the Commission’s promulgated rule will transparently establish the regulatory framework for effective, regional planning that confronts and proposes viable solutions to New Mexico’s twin crises of widespread overuse and diminishing streamflow and groundwater recharge.

III. STANDING AND INTEREST OF MOVANT

Movant participated continuously in statewide and regional water-planning activities since 1998. Movant prepared the 2004 Middle Rio Grande region’s water plan accepted by the Commission for filing. Movant organizes and hosts public forums. Movant has

contributed technical analyses and made recommendations for every phase of New Mexico's water-planning evolution. The organization and its members have repeatedly collaborated with the Interstate Stream Commission, the Office of the State Engineer, the NM Water Planning Dialogue, local governments, and regional planning entities to improve methods for integrating hydrologic science, data transparency, and stakeholder participation in planning. Movant consistently advocates for problem-solving-oriented water-resource planning to produce recommendations designed for implementation and actually carried out, confronting unsustainable use, bringing demand into balance with supply, and protecting water to meet the needs of future generations of New Mexicans.

Movant's members include technical and social-science professionals who apply scientific and civic expertise to develop solutions protecting both present and future generations of New Mexicans. Their collective experience provides a multidisciplinary perspective essential to legal, effective implementation of the Water Security Planning Act.

The Proposed Rule directly affects how participation will occur. Because it determines how regional planning councils will form, operate, and interact with the Commission, it will shape the scope and quality of future public involvement and scientific input, including whether qualified organizations and experts are afforded meaningful opportunity to contribute evidence and analysis.

Movant's participation in the Commission's rulemaking is further supported by § 72-14A-5(B), which requires the "regional water security program" "include broad public input," "consider public welfare values," and "address the needs of future generations." The promulgated rule will either enable or obstruct the ability of qualified organizations, experts, and communities to participate in these processes.

Movant brings extensive professional expertise and member experience in statewide water policy and regional planning processes that can assist the Commission in achieving the Act's objectives. Movant seeks to contribute this expertise constructively so that the Commission's final rule will align with legislative intent, comply with all relevant law, and equip New Mexico's regions to plan responsibly within their available water supplies.

For these reasons, Movant satisfies all requirements for standing as an interested and affected party to this rulemaking proceeding.

IV. LEGAL FRAMEWORK

A. Statutory Mandates

Section 72-14A-4(A) provides that the Interstate Stream Commission “shall establish and conduct a regional water security program” consistent with the provisions of the Act. The statute is mandatory: the Commission must not only establish the program but conduct it in a manner consistent with the Act’s requirements for scientific grounding, expertise, lawful process, and broad public participation.

Under § 72-14A-4(C), the Commission is required to adopt rules to establish and conduct the regional water-security program. Those rules must, at minimum, address the subjects enumerated in § 72-14A-4(C)(1). Additional statutory duties and program outcomes are set forth in § 72-14A-5, and the Commission’s rules must operationalize those provisions.

(1) Commission Rulemaking Responsibilities under § 72-14A-4(C)(1)

Section 72-14A-4(C)(1) of the Water Security Planning Act enumerates the minimum rulemaking responsibilities the Legislature assigns to the Commission. These provisions define the scope of the Commission’s authority and establish mandatory procedures the Commission must follow to legally establish and conduct the regional water-security planning program. The required rule topics are as follows:

1. Define the boundaries and number of water-planning regions in the state.
2. Establish the criteria for Commission approval of a regional water-security plan with prioritized projects, programs, and policies.
3. Establish 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.
4. Establish the composition of a regional water-planning entity.
5. Establish the procedure for a regional water-planning entity to consider public-welfare values and the needs of future generations of New Mexicans.

The Proposed Rules don’t include the third and fifth statutory requirement. The promulgated rule must.

(2) Program Duties and Outcomes under § 72-14A-5(B)

Section 72-14A-5(B) defines the substantive duties and outcomes that the statewide regional water-security program must achieve. These requirements express the Legislature’s intent that regional water-security planning not merely produce documents

but accomplish identifiable purposes grounded in science, law, and equity. The program must therefore:

1. Be established through broad public input.
2. Consider public-welfare values, balancing water uses and the needs of future generations of New Mexicans.
3. Be grounded in state water law.
4. Be developed using the best available science.
5. Recognize and respect federally recognized or reserved tribal water rights.
6. Consider access to water for domestic use.
7. Comply with applicable federal water law.

The Proposed Rule doesn't operationalize these statutory requirements through clear, objective criteria and procedures, including measurable standards, so compliance by councils can be verified on the face of the record. The promulgated rule must. Otherwise, "consideration" risks becoming nominal rather than substantive.

(3) Respect Legislative Direction

Section 72-14A-5(C)(1) was added by the House floor amendment. It grants each regional council autonomy to determine its own membership. The Proposed Rule's prescription of membership is in conflict and would exceed the Commission's delegated authority.

Under the whole statute rule, statutory provisions addressing the same subject must be construed together so that each is given effect and none rendered superfluous. The Proposed Rules must therefore harmonize the autonomy granted in Section 72-14A-5(C)(1) with Section 72-14A-4(C)(1)(d), which assigns the Commission the duty to establish the composition of regional councils. By law, the Commission must reconcile these provisions by changing the rule adopted pursuant to Section 72-14A-5(C)(1) to state the Commission's membership criteria that each council must satisfy in exercising its autonomy under Section 72-14A-4(C)(1)(d). Failure to do so would result in an impermissible violation of the Legislature's delegation of responsibility and authority. Commission membership criteria in the final rule must be transparently supported by analysis and reason.

B. Rulemaking Obligations Under the State Rules Act

The State Rules Act, NMSA 1978, §§ 14-4-1-11, establishes mandatory requirements for all agency rulemakings. Among other obligations, agencies must maintain a rulemaking record that discloses the factual, policy, and legal basis for each rule (§14-4-5.4), issue a concise explanatory statement of reasons for and against adoption (§14-4-5.5), and

conform their procedures to applicable law and due-process standards. These provisions ensure that rulemaking is transparent, evidence-based, and capable of judicial review.

C. Style and Drafting Requirements

Mandatory drafting standards under 1.24.10.12 NMAC require clear, positive, present, and precise language, consistent terminology, parallel structure, active voice, and accurate use of “shall” and “may.” Under NMSA 1978, § 14-4-5.3(A)(3), failure to comply with these standards may render a rule invalid.

D. Due-Process Standards

The New Mexico Constitution, Art. II, § 18, guarantees due process. New Mexico courts have held that where resolution of issues depends on technical or scientific expertise, a purely non-evidentiary process cannot satisfy due-process requirements. Because regional water-security planning is inherently technical, multidisciplinary, and socially complex, the rulemaking process must include procedures allowing technical evidence, testimony, and rebuttal opportunity to ensure fairness and compliance with the due-process guarantees recognized in *City of Roswell v. N.M. Water Quality Control Comm’n*, 2012-NMSC-008 ¶ 17.

V. ARGUMENT

The Commission’s Proposed Rule fails to meet statutory and constitutional requirements.

A. Defective Rulemaking Record and Absence of Analytical Rationale

Staff filed its Proposed Rule without any factual or analytical record to explain or justify its provisions. Although NMSA 1978, § 14-4-5.5 requires a statement of reasons only upon adoption of the final rule, the agency must first develop, within the rulemaking record, the factual, policy, and analytical foundation from which that statement can be drawn consistent with the reasoned-decision requirement articulated in *New Energy Economy* and *City of Roswell*. Without such a foundation, neither the Commission nor the public can meaningfully evaluate the Proposed Rule’s underlying staff decisions.

The New Mexico Supreme Court has repeatedly affirmed this requirement. Additionally, § 14-4-5.4 of the State Rules Act requires a record and basis for each proposed rule to ensure that the rulemaking is informed by evidence. Together, §§ 14-4-5.4 and -5.5

NMSA 1978 require a transparent and reasoned connection between the facts found and the choices made. In *City of Roswell v. N.M. Water Quality Control Comm’n*, 2012-NMSC-008 ¶ 17, the Court held that an agency acts arbitrarily and capriciously when it fails to consider an important aspect of the problem or to explain the reasoning that links the evidence to its conclusions. *New Energy Economy v. N.M. Public Regulation Comm’n*, 2016-NMSC-005 ¶ 23, likewise requires agencies to articulate that connection clearly so their decisions can be understood and judicially reviewed.

The materials filed by staff do not meet these standards. The Statement of Reasons consists only of conclusory assertions that the Proposed Rule satisfies the Act, without evidentiary citation, analytical support, or reference to statutory subsections. No accompanying documentation establishes any basis for specific provisions. By filing an incomplete record and designing a non-evidentiary hearing format that precludes interested parties’ testimony, technical exhibits, or rebuttal, staff has denied the Commission essential information.

Because the rulemaking record is already deficient, the Commission cannot fulfill its statutory duty by relying on it as filed. It is incumbent upon the Commission to remedy these defects, permit the submission of technical evidence and analysis, and ensure that the final rule rests on a lawful, evidence-based foundation.

B. Inadequacy of the Non-Evidentiary Process

The Notice of Proposed Rulemaking scheduled a purely non-evidentiary hearing, forbidding sworn testimony, cross-examination, and rebuttal. Because the regional water-security planning program established by the rule must satisfy the mandatory requirements in § 72-14A-5(B)—including use of best-available science, grounding in state water law, and consideration of public-welfare values—meaningful evaluation of the Proposed Rule requires expert testimony, technical exhibits, and an opportunity for rebuttal. New Mexico precedent makes clear that when agency action turns on technical or scientific judgments, due process and the State Rules Act require a record that demonstrates how evidence was weighed and how conclusions were reached. In *City of Roswell v. N.M. Water Quality Control Comm’n*, 2012-NMSC-008 ¶ 17, the Court held that an agency acts arbitrarily and capriciously if it fails to consider an important aspect of the problem or does not disclose the reasoning that connects evidence to the result. As the Supreme Court further explained, “An administrative decision is arbitrary and capricious if it is unreasonable or without consideration and in disregard of the facts and circumstances of the case.” (*City of Albuquerque v. N.M. Water Quality Control Comm’n*, 2010-NMSC-013, ¶ 21 (quoting *Jones v. N.M. State Racing Comm’n*, 1983-NMSC-089, ¶ 6, 100 N.M. 434, 671 P.2d 1145)).

The planning of water supply security is, by its nature, a technical endeavor. It requires integration of hydrologic data, climatologic projections, legal constraints, and socioeconomic information to evaluate regional supply and demand, determine sustainable yield, and balance combined uses with the available supply. As the Supreme Court’s review in *City of Albuquerque* demonstrates, agency decisions involving water resources necessarily rest on the evaluation of expert evidence and scientific method. To characterize such a process as “non-technical” is therefore false. Such characterization disregards the scientific and analytical disciplines essential to reasoned decision-making as required by law. Under the State Rules Act, disregard of applicable case law renders the proceeding arbitrary and capricious because it fails to consider the material facts and circumstances of the case.

A process that excludes evidence, forecloses rebuttal, and relies only on staff’s unsourced assertions cannot meet these legal standards.

Under the State Rules Act, the rulemaking body has discretion to structure its proceedings as necessary to develop a complete and reviewable record. Where the subject matter depends on scientific or technical expertise, fairness requires that the Commission permit the presentation and testing of technical evidence. Failure to exercise that discretion where expertise is material denies due process.

The New Mexico Constitution, Art. II, § 18, guarantees due process. The State Rules Act § 14-4-5.3(B) requires rulemakings to be “in accordance with case law” governing procedural fairness.

C. Substantive Omissions Don’t Meet Statutory Requirement

The Proposed Rule omits the two procedures expressly required by § 72-14A-4(C)(1)(c) and (e): (1) a 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 its region, and (2) a procedure for each entity to consider public-welfare values and the needs of future generations. It also fails to implement the outcomes mandated by § 72-14A-5(B), including broad public input, use of best-available science, and attention to the needs of future generations.

Further, § 72-14A-5(C)(1) grants autonomy to regional councils to determine their own membership. Any rule that prescribes or constrains council membership would conflict with this legislative directive and undermine regional self-determination intended by the Water Security Planning Act.

D. Unclear Authority and Accountability for Guidelines

Section 72-14A-4(C)(2) requires the Commission, through rulemaking, to adopt guidelines that at a minimum address the eight subjects listed in paragraphs (a) through (h). While the statute mandates that guidelines be adopted, it does not define their legal status. It is therefore essential that the rule specify the authority, process, and accountability governing those guidelines, including whether they are binding or advisory; the conditions and procedures for amendment; whether notice or public comment is required for any change; and the extent to which ISC staff, councils, or the Commission may act outside them.

The Proposed Rule is silent on these points. It provides no assurance that guidelines will remain transparent, consistently applied, or subject to Commission approval. Without defining how guidelines acquire authority, how they may be modified, and how the public is to be notified of changes, the rule invites arbitrary discretion and undermines the statutory intent for a stable, participatory framework.

E. Defective Drafting Quality and Certification Requirement

The Proposed Rule does not conform to the mandatory drafting standards set forth in 1.24.10.12 NMAC, which require clear and precise language, consistent terminology, parallel structure, active voice, positive and present language, and accurate use of “shall” and “may.” These standards ensure that adopted regulations are written in proper English.

The Commission must certify under NMSA 1978, § 14-4-5.3(A)(3), that its rule submitted for filing “has been formatted, numbered and styled in accordance with current requirements.” Because the Proposed Rule’s language and structure do not conform to the drafting standards established in NMAC 1.24.10.12, the Commission could not execute a valid certificate of compliance. The Commission must correct all such defects before promulgation to ensure the rule can take effect.

VI. RELIEF REQUESTED

The New Mexico Water Advocates respectfully request that the Interstate Stream Commission:

A. Ensure a Fair, Adequate Hearing Process

1. Convert the October 15–17 hearing to an evidentiary or hybrid format allowing expert testimony and submission of technical exhibits from any qualified, interested party, as due process requires.
2. Grant this Water Advocates’ request to intervene as an interested party in the rulemaking.
3. Provide full access to the facts and analytical materials relied upon in developing the Proposed Rule, consistent with the transparency and completeness requirements of the State Rules Act.
4. Keep the record open following the October 15–17 hearing to receive closing statements or supplemental filings that include rebuttal arguments, clarifications, or revisions developed by a structured, representative advisory committee invited by the Commission to improve the Proposed Rule in light of issues raised during the hearing.

B. Establish a Reasoned, Lawful Record

5. Develop and file a complete analytical rationale supported by facts linking findings to statutory directives, consistent with *New Energy Economy* and *City of Roswell*.
6. Add the procedures mandated by § 72-14A-4(C)(1)(c) and (e) requiring the rule to specify: (1) how a regional water-planning entity will develop and provide notice to the Commission of issues and concerns relating to the public welfare of its region; and (2) how each entity will consider public-welfare values and the needs of future generations.
7. Implement all outcomes in § 72-14A-5(B), including use of best-available science, consideration of public-welfare values, and attention to future generations. Ensure these requirements are measurable and reported.
8. Honor regional council autonomy under § 72-14A-5(C)(1) by deleting prescriptive membership requirements inconsistent with legislative intent.

C. Assure Clear Authority and Drafting Quality

9. Clarify the authority and accountability of guidelines under § 72-14A-4(C)(2) by specifying whether they are binding or advisory, the procedure for their amendment, and the role of Commission approval and public notice.

10. Redraft the Proposed Rule for clarity, consistency, and conformance with drafting standards under 1.24.10 NMAC, ensuring the Commission can certify that under NMSA 1978, § 14-4-5.3(A)(3).

D. Complete the Rule Collaboratively and Transparently

11. At the conclusion of the October hearing, vote to establish a collaborative process similar to that the Commission used to prepare the 1994 *Regional Water Planning Handbook*. Commissioners, staff, and representative stakeholders would work together to rapidly prepare an agreed Revised Proposed Rule with supporting record for Commission consideration and adoption by a deadline. See ISC Exhibit 3, Bates no. 00008, 2nd ¶.

Responding to a request from regional water planners, the Commission appointed a sub-committee of Commissioner Palemon A. Martinez and Commissioner Tracy Seidman Hephner to direct the preparation of a Regional Water Planning Template to guide regional planners to a useful and uniform product. Also, the Commission appointed a volunteer work group to participate in the preparation of the Template and this Hand Book. Cochaired by Commissioners Palemon A. Martinez and Tracy Seidman Hephner, the work group was composed of fourteen individuals from diverse constituencies and regions, all with substantial background in water issues and management. The group was guided by the hands-on experience of the regional water planners and aided by the staffs of both the Commission and the State Engineer Office. Together, they have written this document, the Regional Water Planning Handbook, which has been formally adopted by the Interstate Stream Commission.

12. Adopt procedural accommodations throughout this process that preserve timeliness while ensuring due-process safeguards and a record adequate for review.

These actions will strengthen legality, transparency, and public confidence while maintaining the schedule for rule adoption.

VII. CONCLUSION

The Proposed Rule, as filed by staff, is arbitrary and capricious. Rulemaking requires a transparent and reasoned record demonstrating how facts support conclusions. Because staff has failed to provide that record, it is incumbent upon the Commission to remedy these defects and ensure that the final rule rests on an evidence-based foundation in accordance with law.

To be effective, the reformed planning program must yield implementable programs and policies that provide for water resilience for regions, and thus resilience for New Mexico.

The **Water Security Planning Act** envisions a transformative, science-based process to confront solid information showing what increased water security would require. To realize that vision, the Commission must adopt a rule that satisfies every statutory mandate, including those of the **State Rules Act**.

As filed, the Proposed Rule omits required procedures, lacks analytical foundation, and relies on a non-evidentiary process that cannot produce a record adequate for judicial review. These are legal defects, not policy differences. They can be most timely corrected if the Commission exercises its **State Rules Act** authority to ensure a fair hearing, develop a reasoned record, and complete the promulgated rule through an evidence-based process.

The **New Mexico Water Advocates** submit this Motion in good faith and cooperation, recognizing both the urgency of timely adoption and the necessity of lawful procedure. Movant stands ready to assist the Commission and its staff in developing the analytical, technical, and participatory foundation the Act requires.

By adopting the procedural safeguards and corrective measures set forth in Section VI, the Commission can finalize a rule that:

1. Fully complies with law,
2. Commands public confidence through transparency, and
3. Equips every region to plan responsibly within its available water supply.

Respectfully submitted,

New Mexico Water Advocates

By: /s/

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President, appearing *pro se*

Albuquerque, New Mexico

Dated: October 5, 2025