

1 AN ACT
2 RELATING TO WATER PLANNING; ENACTING THE WATER SECURITY
3 PLANNING ACT; AUTHORIZING THE INTERSTATE STREAM COMMISSION TO
4 MAKE LOANS AND GRANTS FOR REGIONAL WATER PLANNING; REQUIRING
5 THE INTERSTATE STREAM COMMISSION TO MAKE RULES AND GUIDELINES
6 FOR REGIONAL WATER PLANNING; PROVIDING DUTIES OF REGIONAL
7 WATER PLANNING ENTITIES; PROTECTING PRIORITY ADMINISTRATION
8 AND WATER RIGHTS OWNERS.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. SHORT TITLE.--Sections 1 through 5 of this
12 act may be cited as the "Water Security Planning Act".

13 SECTION 2. DEFINITION.--As used in the Water Security
14 Planning Act, "commission" means the interstate stream
15 commission.

16 SECTION 3. CONDEMNATION OF WATER RIGHTS.--Nothing in
17 the Water Security Planning Act shall be construed as
18 permitting the condemnation of water rights or as
19 determining, abridging or affecting in any way the water
20 rights of water right owners in the state.

21 SECTION 4. WATER PLANNING FUNDING--REGIONAL WATER
22 PLANNING--RULES--GUIDELINES.--

23 A. Subject to available funding, the commission
24 shall establish and conduct a regional water security program
25 pursuant to the provisions of the Water Security Planning

1 Act. The commission may make grants or loans of funds for
2 the purpose of regional water planning, as possible, using
3 appropriations made for that purpose.

4 B. The commission shall establish a procedure, in
5 consultation with the Indian affairs department, to establish
6 an advisory council for taking into account in the regional
7 water security program tribal sovereignty, tribal water
8 rights and the water needs of tribal communities.

9 C. The commission shall:

10 (1) promulgate rules that, at a minimum,
11 establish:

12 (a) the boundaries and number of water
13 planning regions in the state;

14 (b) the criteria for commission
15 approval of a regional water security plan with prioritized
16 projects, programs and policies;

17 (c) the procedure for a regional water
18 planning entity to develop and provide notice to the
19 commission of issues and concerns relating to the public
20 welfare of the water planning region;

21 (d) the composition of a regional water
22 planning entity; and

23 (e) the procedure for a regional water
24 planning entity to consider public welfare values and the
25 needs of future generations of New Mexicans;

1 (2) adopt guidelines that, at a minimum,
2 address:
3 (a) the identification of regional
4 stakeholders and opportunities for stakeholder collaboration;
5 (b) the public input requirements for
6 regional water planning;
7 (c) the requirements for a proposal for
8 grants or loans for planning activities;
9 (d) the process for approval of grants
10 or loans;
11 (e) the process for state agency
12 collaboration;
13 (f) the metrics for reporting on
14 regional water projects and, programs and policies;
15 (g) the procedures to support
16 implementation of a regional water security plan; and
17 (h) the schedule for implementation of
18 regional water planning, including integration with statewide
19 objectives;

20 (3) emphasize engagement, communication and
21 education in regional water planning activities statewide;

22 (4) provide engagement with Indian nations,
23 tribes and pueblos, including through the use of the State-
24 Tribal Collaboration Act;

25 (5) provide engagement with acequia

1 communities;

2 (6) provide for the engagement of rural

3 communities;

4 (7) ensure, by using the integrated water

5 data and information platform developed pursuant to the Water

6 Data Act and collaborating with the bureau of geology and

7 mineral resources of the New Mexico institute of mining and

8 technology and the water resources research institute, that

9 the best science, data and models relating to water resource

10 planning are available to the regional water planning

11 entities and are used with scientific integrity and adherence

12 to principles of honesty, objectivity, transparency and

13 professionalism in developing, vetting and prioritizing

14 proposals;

15 (8) report, by October 31 of each year, to

16 the appropriate legislative interim committee dealing with

17 water and natural resources and, by October 31 of each year,

18 distribute the report to the appropriate state agencies

19 dealing with water and natural resources on regional water

20 planning implementation that includes:

21 (a) approved regional water security

22 plans with prioritized projects, programs and policies for

23 state funding;

24 (b) outcomes of regional water security

25 plan implementation; and

1 (c) the status of regional water

2 planning expenditures; and

3 (9) support regional water planning entities

4 by:

5 (a) providing technical and local

6 capacity development support, including commission staff and

7 funding;

8 (b) providing statewide objectives for

9 regional water security plan development, including

10 compliance with interstate compacts, the federal Endangered

11 Species Act of 1973 and congressionally authorized tribal

12 water settlement acts;

13 (c) supporting the development of a

14 proposal for alternative administration through active water

15 resources management, if prioritized by the region, that may

16 be submitted to the state engineer and affected Indian

17 nations, tribes and pueblos for approval; and

18 (d) identifying funding sources and

19 supporting the acquisition of funds for implementation of

20 approved regional water security plans.

21 SECTION 5. REGIONAL WATER PLANNING ENTITIES.--

22 A. An entity shall not be made a part of a

23 proposal for planning funds under this section without that

24 entity's consent.

25 B. The outcomes sought by each regional water

1 planning entity shall:

2 (1) be established through broad public

3 input;

4 (2) consider public welfare values,

5 balancing water uses and the needs of future generations of

6 New Mexicans;

7 (3) be grounded in state water law;

8 (4) be developed using the best available

9 science;

10 (5) recognize and respect federally

11 recognized or reserved tribal water rights;

12 (6) consider access to water for domestic

13 use; and

14 (7) comply with applicable federal water

15 law.

16 C. Each regional water planning entity shall:

17 (1) be composed of regional stakeholders as

18 identified in the entity's guidelines;

19 (2) ensure opportunities for participation

20 by Indian nations, tribes or pueblos located within the water

21 planning region;

22 (3) obtain public input in the development,

23 vetting and prioritization of regional water planning

24 activities and proposals;

25 (4) assist in the funding, development and

1 incorporation of plans for rural communities;
2 (5) report to the commission by June 30 of
3 each year on the progress of planning activities and outcomes
4 of regional water security plan implementation; and

5 (6) review existing water plans and data
6 sets of municipalities, counties and other entities within
7 the water planning region and use them as appropriate.

8 SECTION 6. Section 72-14-44 NMSA 1978 (being Laws 1987,
9 Chapter 182, Section 2) is amended to read:

10 "72-14-44. INTERSTATE STREAM COMMISSION--GROUNDWATER
11 APPROPRIATION--WATER RIGHTS PURCHASE.--

12 A. The interstate stream commission is authorized
13 to appropriate groundwater or purchase water rights on behalf
14 of any of the various regions of the state.

15 B. Nothing in this section shall be construed as
16 permitting the condemnation of water rights or as determining,
17 abridging or affecting in any way the water rights of Indian
18 nations, tribes or pueblos".