

ACTION PLAN

Submitted by agency?	No
Timeline assigned?	No
Responsibility assigned?	No

Publicly Owned Dams in Need of Rehabilitation: 10 Highest Priority Dams

Dam Name	Purpose	Estimated Rehab Cost
Cimarroncito Dam	Water Supply	\$16M or more
Fenton Lake Dam	Recreation, Wildlife	\$18M or more
Bear Canyon Dam	Irrigation, Recreation	\$8M or more
Eagle Nest Dam	Irrigation	\$10M or more
Nichols Dam	Water Supply	\$5M or more
McClure Dam	Water Supply	\$5M or more
Bluewater Dam	Irrigation	TBD
Alto Lake Dam	Water Supply	\$10M or more
Lower Vallecito Dam	Irrigation	\$7M or more
Lake Maloya Dam	Water Supply	>\$30M

Source: OSE

The Dam Safety Bureau keeps a list of publicly owned dams that are of sufficient size to be regulated by OSE, are considered high-hazard potential dams, have auxiliary spillway capacity that is less than 70 percent of the regulatory requirement, and are deficient based on safety criteria with a condition rating of unsatisfactory, poor, or fair. The table above shows the top 10 dams from that list. According to LFC's most recent quarterly capital outlay report, OSE has \$13.9 million in unspent capital outlay funding for dam construction and rehabilitation. Another \$10 million for statewide dam rehabilitation was appropriated to OSE during the 2022 legislative session.

Leadership at the Office of the State Engineer (OSE) hopes to refocus the agency's priorities on big-picture planning and investments that can mitigate the impact of water scarcity on New Mexico's residents and economy. Recommendations for the agency's 50-year water plan are expected to come out of a new water policy and infrastructure task force in July.

Water Resource Allocation

The purpose of the Water Resource Allocation Program (WRAP) is to provide for administration, distribution, protection, conservation, and development of the state's surface water and groundwater resources, including the implementation of active water resource management. WRAP has an internal goal to keep the number of backlogged water rights permit applications under 500, which it surpassed for the first time this fiscal year. WRAP typically receives more applications this time of year due to increased water use at the start of irrigation season.

The program met the target for applications processed per month in the first quarter of FY22, but has lagged since then. Program staff have reported the same reason for low performance on this measure since FY18: diversion of staff to illegal water use investigations and between 30-40 vacant positions. Clearly, the strategy of the past five fiscal years has failed to rectify this problem. LFC staff have recommended the agency consider a reorganization of WRAP or reclassification of positions to make recruitment easier and better meet the program's workload demands. So far in FY22, WRAP has completed 43 in-pay-band raises as well as 79 hires and promotions.

Written notice of a dam's condition, including any deficiencies and potential issues, is a required component of dam safety inspections conducted by the Dam Safety Bureau in WRAP. The performance measure related to the number of these notices issued indicates the number of publicly-owned dams with problematic inspection findings. OSE should reconsider the target for this measure, or whether this measure is valuable at all, as it currently implies a higher number of deficient dams is an indicator of success.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Budget: \$15,153.5 FTE: 171							
Unprotested and unaggrieved water rights applications backlogged*	502	522	N/A	489	492	513	Y
Unprotested water rights applications processed, per month	39	30.5	40	41	25	32	R
Transactions abstracted annually into the water administration resource system database	20,432	24,029	20,000	9,429	6,566	6,770	G
Notices issued to owners of publicly-owned dams notifying them of deficiencies or issues	58	78	45	0	2	26	Y
Program Rating	Y	Y					Y

*Measure is classified as explanatory and does not have a target.

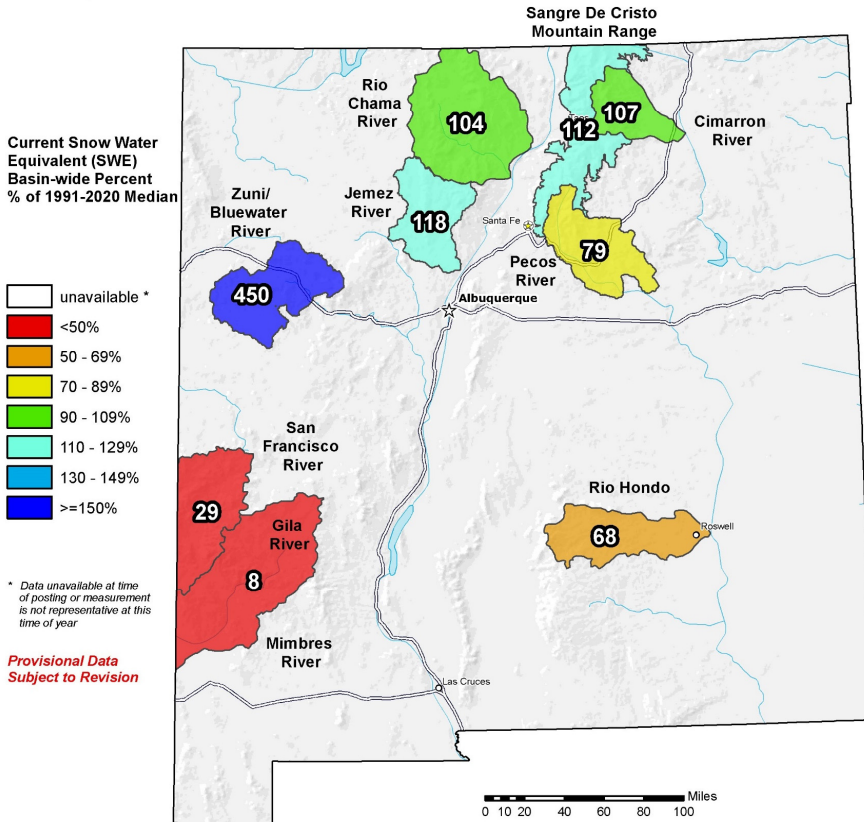
Interstate Stream Compact Compliance

The purpose of the Interstate Stream Compact Compliance and Water Development Program is to ensure New Mexico's continued compliance with interstate stream compacts, resolve federal and interstate water issues, develop water resources and stream

systems in an environmentally sound manner, and plan for the future use of water to ensure maximum sustained beneficial use of available water resources.

New Mexico
SNOTEL Current Snow Water Equivalent (SWE) % of Normal

Mar 23, 2022



The snow water equivalent percent of normal represents the current snow water equivalent found at selected Snow Telemetry (SNOTEL) sites in or near the basin compared to the average value for those sites on this day. SNOTEL is an automated, near-real-time data collection network that provides mid to high elevation hydroclimatic data from mountainous regions of the western United States.

Source: United States Department of Agriculture, Natural Resources Conservation Service

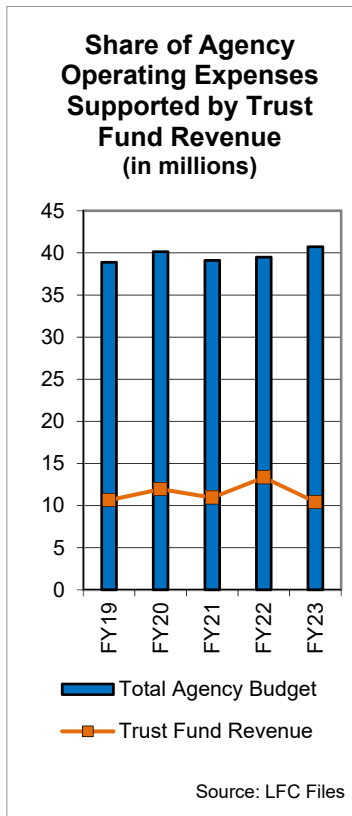
The Pecos River Compact report for water year 2020, issued on June 28, 2021, included an annual debit to New Mexico of 4,700 acre-feet, resulting in a cumulative Pecos River Compact credit of 161.6 thousand acre-feet. OSE attributes New Mexico's cumulative credit in large part to investments the State made in implementing the 2003 Pecos Settlement Agreement, such as purchasing water rights and constructing and operating two augmentation wellfields. The agency received a special appropriation of \$1 million for this purpose for use in FY21 and FY22. As of now, New Mexico is projected to incur a small under-delivery for Water Year 2021, which will be reported by the river master by July 1, 2022.

New Mexico's Rio Grande Compact Engineer Advisor reports New Mexico under-delivered by approximately 31,000 acre-feet in 2021, resulting in a calculated accrued debit of 127,100 acre-feet. The Middle Rio Grande Conservancy District will begin the 2022 irrigation season with no native water in storage and may receive less than a full allocation of San Juan Chama project water due to water supply conditions in the San Juan basin.

Rio Grande Compact litigation with Texas is in mediation and New Mexico's legal and technical teams are optimistic about reaching a settlement while continuing to prepare for trial.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Budget: \$12,037.7 FTE: 44							
Cumulative state-line delivery credit per the Pecos River Compact, in thousand acre-feet	166.3	161.6	>0	161.6	161.6	161.6	G
Cumulative delivery credit per the Rio Grande Compact, in thousand acre feet	-38.8	-96.3	>0	-96.3	-96.3	-127.1	R
Cumulative New Mexico unit fund expenditures, in millions*	\$20.1	\$22.1	N/A	N/A	\$22.0	N/A	
Program Rating	G	G					Y

*Measure is classified as explanatory and does not have a target.



Litigation and Adjudication

The two Litigation and Adjudication Program (LAP) measures track progress toward the completion of the adjudication of water rights in New Mexico. The percentage of water rights that have judicial determinations represents the percentage of water rights that have been determined by court orders entered in all water rights adjudication suits to date. It is not expressed as a percentage of all water rights that have been and will be adjudicated in the future, as that number cannot be accurately ascertained before adjudication suits are filed in the future for areas yet to be adjudicated. This measure is therefore affected not only by the ongoing entry of new judicial determinations, but also by the opening of new adjudication suits or sections of adjudications.

LAP staff report that offers to defendants in adjudications are currently low because activity in the Lower Rio Grande Bureau has a disproportionate effect on the measure; adjudications in other parts of the state are mostly in earlier stages or are correcting existing subfiles rather than initiating new offers. Program staff also noted that while this performance metric is useful, they hope to engage with LFC to develop an additional measure that captures a broader picture of adjudication progress.

	Budget: \$7,201.7	FTE: 58	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Offers to defendants in adjudications			444	381	325	38	60	27	Y
Water rights that have judicial determinations			76%	76%	74%	76%	76%	76%	G
Program Rating			G	G					G