



# Estancia Basin Water Planning Committee Regular Meeting

***Draft AGENDA***  
**Thursday, August 12, 2021**  
**9:30 A.M.**

Meeting to be Held at:  
*Torrance County Court House,  
Estancia NM, and by  
TELECONFERENCE in accordance  
with continuing ~~COVID~~ 19  
Distancing Protocols*

**Call to Order**

**Approval of Agenda**

**Membership Issues / Appointments:**

Current Filled Positions: 12/13 Quorum: 7  
Vacant Positions: Santa Fe Governmental Rep  
Bernalillo County Municipal/Utility Rep

**Election of Officers:** The Rules of Conduct for the EBWPC requires the election of officers at the August meeting:

#### Section 4. Officers and Duties

A. Each August, an election will be held within the Committee for electing a Chair, Vice Chair, and a Secretary/Treasurer. This election shall occur only after all members agencies have been advised of existing and upcoming vacancies.

**Approval of 04/08/2021 Minutes:**

Recommended for approval at 6/10/21 meeting. Motion for Approval

**Approval of 6/10/2021 Minutes:**

Motion for Approval

**Financial Matters:**

Year-end financial report – Payment of ~~Hydroresolution~~ Invoice  
Amendment 12 with Santa Fe County - Request for  
Reimbursement for \$10,000 from Santa Fe County  
Invoicing letters to Estancia, Edgewood, and Moriarty  
Amendment 13 with Bernalillo County – update of MOU for  
out year funding  
Status of Amendment 14 with Santa Fe County for FY22

**Approval of Financial Report and Invoices**

Motion for Approval

**Guests/Public Comments**

None

**Correspondence:**

None

**Unfinished Business:**

Solicitation for Professional Services – Results of Evaluation and  
Recommendation to the Committee (Torrance County)

Deep Exploratory Well / Scoping Effort and Constraints –

40-year Water Planning Subcommittee

**New Business:** None

**Reports / Meetings Attended** Monitoring Update / *Hydro Resolution* - Pending resolution/selection of Hydrogeology RFP – No Report

EBWHR&M / *Dee Tarr*

**Announcements / Discussion only items:** Open

**Next meeting** October 14, 2021 (Edgewood and/or Telecon from Estancia if Public Health Orders in effect)

**Adjourn**

Torrance County      Santa Fe County      Bernalillo County  
*"Coordinated water resource planning for the Estancia Underground Water Basin"*

*Minutes of 4/08/2021 Meeting Recommended for Approval*



# ESTANCIA BASIN WATER PLANNING COMMITTEE

## Regular Committee Meeting Minutes April 8, 2021

**Members and Staff**

*In Memoria:* Art Swenka (Feb 4, 2021) – Board Member, 2012-2021  
Richard Spencer (Jan 22, 2021) - First Chairman of the Estancia Basin Water Planning Committee

<b>Rik Thompson – Chairman, Santa Fe Co: Agriculture</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration – March 2022</i>	<b>Sherry Abraham - Santa Fe Co.: Municipal/Developer/Utility</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration: December 2023</i>
<b>Christina Allday-Bondy - Vice Chair Bernalillo Co., Municipal/Developer/Utility</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration – December 2022</i>	<b>Vacant - Santa Fe Co: Government</b> <input type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration: VACANT</i>
<b>Daniel McGregor- Sec/Treasurer Bernalillo Co.: Government</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration – March 2022</i>	<b>Johnny Perea - Vice Chairman, East Torrance SWCD</b> <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <i>Term Expiration: March 2022</i>
<b>Manny Encinias At Large Position (Committee Appointed: One Year Term)</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration –February 2022</i>	<b>Rhonda King - Torrance Co.: Municipal/Developer/ Utility</b> <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <i>Term Expiration: July 2022</i>
<b>Dierdre Tarr- Claunch-Pinto SWCD</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration – July 2022</i>	<b>Steven Guetschow - Torrance Co.: Government</b> <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <i>Term Expiration: July 2022</i>
<b>Brenda Smythe- (Interim) Edgewood SWCD (Art Swenka RIP Feb 4, 2021)</b> <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <i>Term Expiration :December 2023</i>	<b>James Pacht - Torrance Co.: Agriculture</b> <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <i>Term Expiration: May 2023</i>
<b>Staff: Vacant – Recorder</b> <input type="checkbox"/> Present <input type="checkbox"/> Absent	<b>William (Bill) Larson - Torrance Co: Agriculture</b> <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <i>Term Expiration: July 2022</i>

**Others/ Guests:**

Noah Sedillo – Torrance County	

**Call to Order:**

Held at: Remote Meeting per Meeting Notice: Remote by TEAMS Choose an item.  
 Called to Order at: 4/8/2021 9:37 AM By: Rik Thompson Chair  
 As: Quorum currently stands at 5 Met as Subcommittee - Lack of Quorum  
 Notations: Brenda Smythe – Excused. Members Tarr and Allday-Bondy initially absent but were noted as having joined as of 10:10. Initial actions recommended by subcommittee taken were subsequently addressed by roll call vote as noted in minutes below.

**Approval of Agenda:**

Review of Agenda for Monday, February 08, 2021  
 Motion: Recommended for approval by full committee  
 Motion Made: Sherry Abraham Motion Seconded: Manny Encinias  
 Notations/Amendments: None

**Motion Vote:** Unanimous by voice vote.

**Subsequent action by full quorum.** Motion to approve subcommittee recommendation: Christina Allday-Bondy  
Motion Seconded: Stephen Guetschow. Motion Vote: Unanimous by roll call vote.

### Membership Issues

**No Actions Taken.** Santa Fe Government Position Remains Vacant. Quorum stands at 7.

### Approval of Minutes:

**Review of Minutes of:** Thursday, February 11, 2021

**Motion:** Recommended for approval by full committee as amended (deleting notation of Johnny Perea as Vice Chair in the roster list, changing funding reference under financial matters from City of Santa Fe to County of Santa Fe)

**Motion Made:** Sherry Abraham **Motion Seconded:** Dan McGregor

**Notations / Amendments:** None

**Motion Vote:** Unanimous, by voice vote.

**Subsequent action by full quorum.** Motion to approve subcommittee recommendation: Christina Allday-Bondy  
Motion Seconded: Dee Tarr. Motion Vote: Unanimous by roll call vote.

### Financial Report:

**Review of Report of:** Wednesday, March 31, 2021

**Motion:** Recommended for approval by full committee as amended

**Motion Made:** Not Noted **Motion Seconded:** Not Noted

**Notations / Amendments:** Contribution from Edgewood was not noted and increases balance by \$2,000, bringing current balance to \$14,733.15

**Motion Vote:** Unanimous, by voice vote.

**Subsequent action by full quorum.** None taken. *Review / approval of next meetings financial report will include existing financial data.*

### Financial Matters:

D. McGregor reports that the existing balance stands at \$\$14,733. Sufficient money remains to fund the monitoring program for the remainder of the monitoring contract term, and was confirmed by Noah Sedillo with Torrance County. However, there has been no response on requests for FY21 support by Moriarty or County of Santa Fe. Noah Sedillo indicated that he had called Moriarty and Edgewood on the EBWPC's behalf, and if desired, that Jeremy Oliver was available to reach out to Santa Fe County. Rik Thompson indicated that he would be reaching out once again to Santa Fe County Commissioner Garcia as well as to Torrance County Manager. Steven Guetschow broached the potential to elevate the issue to the Torrance County Commission.

Committee confirmed by consensus that Hydroresolutions was still authorized to proceed with quarterly sampling rounds.

**Public Comments:** None

**Correspondence:** None

### Unfinished Business:

Solicitation for Professional Services / Appointment of Working Committee.

*Chair previously appointed Art Swenka, Rik Thompson, Dan McGregor and Noah Sedillo (as ad hoc financial agent representative) at October meeting. Dee Tarr previously volunteered to fill the vacancy left by Art Swenka on the working subcommittee*

Noah Sedillo with Torrance. RFP for monitoring is pending and should be available for solicitation by April 16.

**Deep Exploratory Well / Scoping Effort and Constraints**

*Chair appointed Dan McGregor and Dee Tarr*

Task is to develop executive summary, scope and budget and start initial engagement with Sandia and NM Bureau of Geology.

Dan McGregor reported that Stacey Timmons with NM Tech Aquifer Mapping had responded by e-mail with statement of interest to help address the scope pending further direction and inquiry.

**New Business:**

Legislative Update - Dan McGregor indicated that he had not further tracked previous water related legislation and was unsure, but doubtful, of passage of those items. However, he also noted that the Office of the State Engineer had recently closed the Sandia Basin to new water rights appropriation

Steven Guetschow briefly discussed the upsurge in hemp related inquiries and the need to potentially request records from Department of Agriculture regarding same. Rik Thompson confirmed upswing in real estate interest throughout the basin and New Mexico for cannabis production facilities.

Upcoming Commission Meetings: Dan McGregor indicated that he would be contacting Estancia, Edgewood, and Moriarty to get the EBWPC on upcoming budget agenda, likely early or mid-May.

**Reports / Meetings Attended:**

**Monitoring Report:** No report

**EBWHR&M and Other:** Dee Tarr reported that additional weather stations were being deployed within the basin and that funding from the Water Trust Board had been approved. FEMA grant funding was pending but could be as much as \$500,000 forthcoming.

**Announcements: / Discussion only items:** The topic of remote meetings was raised with the consensus that hybrid meetings would be welcome due to some members travel constraints whether or not in person meetings could resume. Steven Guetschow indicated that the commission chambers could be used to host the hybrid meetings. Revision of the Open Meetings Act resolution may be needed to allow the hybrid meetings or if Edgewood SWCD is not available to switch to hybrid meetings.

**Summary of Action Items: (Summarized post meeting)**

Dan McGregor/Subcommittee – continue with contact Stacey Timmons regarding deep well scoping, investigate possible purchase of transducers with loan to the EBWPC.

Dan McGregor/Noah Sedillo – to develop RFP for professional services and scope for approval by committee and release for solicitation.

Rik Thompson – to contact Torrance County Manager about possible funding assistance.

**Next Regular Scheduled Meeting** **Date:** Thursday, June 10, 2021 12:00 AM  
**Location:** Edgewood SWCD, 2506 Route 66, Moriarty, NM  
Or remote as needed for CoVID response.

**Adjourn:** With no further business,  
**Meeting Adjourned:** 2/11/2021 11:15 AM

*Respectfully submitted,*  
*Dan McGregor EBWPC Secretary Treasurer*

*Reviewed and approved by:* \_\_\_\_\_

**Torrance County                      Santa Fe County                      Bernalillo County**  
*"Coordinated water resource planning for the Estancia Underground Water Basin"*

*Minutes of 6/10/2021 Meeting for Approval*



# ESTANCIA BASIN WATER PLANNING COMMITTEE

Regular Committee Meeting Minutes  
June 10, 2021

Members and Staff

[Click or tap here to enter text.](#)

Member	Position	Term Expiration	Present	Absent
Rik Thompson – Chair	Santa Fe Co. - Agriculture	March 2022	x	
Christina Allday-Rosdy - Vice Chair	Bernalillo Co. – Municipal	December 2022		x
Daniel McGregor – Secretary/Treasurer	Bernalillo Co. – Government	March 2022	x	
Manny Encinas	At Large	February 2022		x
Dierdre Tarr	Claunch-Pinto SWCD	July 2022		x
Brenda Smythe	Edgewood SWCD	December 2023	x	
Johnny Perca	East Torrance SWCD	March 2022		x
Sherry Abraham	Santa Fe Co. – Municipal	December 2023	x	
Vacant	Santa Fe Co. – Government	Unfilled		x
Rhonda King	Torrance Co. – Municipal	July 2022	x	
Steven Guetschow	Torrance Co. – Government	July 2022	x	
James Patcha	Torrance Co. – Agriculture	May 2023		
William (Bill) Larson	Torrance Co. – Agriculture	July 2022	x	

Others/ Guests:

Noah Sedillo – Torrance County	
David Chase - Hydro-Resolutions	

Call to Order:

Choose an item.

Held at: Hybrid Meeting per Meeting Notice: By Zoom hosted at Torrance County in Estancia

Called to Order at: 6/10/2021 9:35 AM By: Rik Thompson Chair

As: Quorum currently stands at 7. Met as Subcommittee - Lack of Quorum

*All motions or recommendation to full Committee.*

*Consensus agreement that meeting as subcommittee allows roll call vote to be waived.*

Notations: None

Approval of Agenda:

Review of Agenda for Thursday, June 10, 2021

Motion: Recommended for approval by full committee

Motion Made: Sherry Abraham Motion Seconded: Steven Guetschow

Notations/ Amendments: None

Motion Vote: Unanimous by voice vote.

Membership Issues

No Actions Taken. Santa Fe Government Position Remains Vacant. Quorum stands at 7. Voting for slate of officers required at August meeting

**Approval of Minutes:**

Review of Minutes of: Thursday, April 08, 2021  
Motion: Recommended for approval by full committee  
Motion Made: Sherry Abraham Motion Seconded: Stephen Gustachow  
Notations / Amendments: None  
Motion Vote: Unanimous, by voice vote.

**Financial Report:**

Review of Report of: Wednesday, May 19, 2021  
Motion: Recommended for approval by full committee, with Dan McGregor to review HydroResolution's pending invoice with subsequent notification to committee with resulting current balance.  
Motion Made: Brenda Smythe Motion Seconded: Stephen Gustachow  
Notations / Amendments: Invoice submitted by HydroResolutions after agenda preparation was noted which would reduce the balance provided. (Resulting approval provided to committee on 6/11 by e-mail and with year end balance noted as \$9,983)  
Motion Vote: Unanimous, by voice vote.

**Financial Matters:**

D. McGregor reports that the existing balance stands at \$14,733, but an invoice for HydroResolutions is pending and needs review. Edgewood and Moriarty have each agreed to provide funding (\$2,000 and \$3,000, respectively) for FY22. Moriarty has requested that the EBWPC engage all water entities in the basin regarding 40-year water planning. Amendment 12 with Santa Fe County has been fully executed and needs to be returned to Santa Fe County along with the reimbursement request.

**Public Comments:**

None

**Correspondence:**

None

**Unfinished Business:**

Solicitation for Professional Services: Multiple firms responded with intent to respond, but only HydroResolutions and John Shomaker and Associates provided proposals. At the time of agenda prep, the Sec/Treasurer was only aware of the response from HydroResolution and was made aware of the John Shomaker response after returning from vacation. Dave Chace with HydroResolutions inquired as to the submittal date of John Shomaker's proposal.

Deep Exploratory Well / Scoping Effort and Constraints - no update

**New Business:**

40-year Water Planning for Water Entities in the Estancia Basin – the City of Moriarty requested that the EBWPC engage the local water entities to determine status of 40-year water planning efforts and water conservation plans. The Chair made the following committee and tasking assignments:

Sherry Abraham: Determine what EPCOR has for Edgewood  
Rik Thompson: Determine what SF County and Esplanada as well as Moriarty  
Steven Gustachow: Determine what Torrance County has as well as Estancia  
Dan McGregor.: Check with NMSEO and see what is on file.



**Reports / Meetings Attended:**

**Monitoring Report:** Dave Chase with HydroResolutions reported that the water level round was completed in the 1<sup>st</sup> week of May. It took a bit longer than usual due to needing to do some firmware updates on existing transducers, cable problems with the transducer in the Rita Loy Simmons well, and time spent to access the Hagerman well. He also commented that the Bowman well has been dropped from the program due to well collapse and that he was unable to access the Magnum Building well over the weekend on this run. Bill Larson requested coordination for monitoring on a couple of wells west of Hwy 41. Dan McGregor indicated that Bernalillo County would be providing (lending) transducers to EBWPC as an additional in-kind contribution.

**EBWPC&M and Other:** No report

**Announcements: / Discussion only items:** The topic of remote meetings was revisited. Meetings will continue to be hybrid as some members prefer the telecon meetings due to travel times.

**Summary of Action Items: (Summarized post meeting)**

Dan McGregor/Noah Sedillo – to continue evaluation of professional services and scope for action by the committee.  
Also, need to return the executed MOU amendment and submit reimbursements.

40-year Water Planning Subcommittee – to inquire of assigned water entities regarding any 40-year water planning documents and water conservation plans.

**Next Regular Scheduled Meeting** Date: Thursday, August 12, 2021 9:30 AM  
Location: Torrance County Administrative Offices, 205 Ninth Street, Estancia NM  
Plus Zoom hybrid

**Adjourn:** With no further business,  
**Meeting Adjourned:** 6/10/2021 10:40 AM

*Respectfully submitted,*  
Dan McGregor EBWPC Secretary Treasurer

*Reviewed and approved by:* \_\_\_\_\_

Torrance County

Santa Fe County

Bernalillo County

"Coordinated water resource planning for the Estancia Underground Water Basin"

**Financial Report of 8/03/2021 (22,952.44)**

FY 21				
2		Starting Balance		\$ 16,227.63
4	8/17/2019	Town of Ertancia (FY21)	\$ -	\$ 16,227.63
5	6/10/2020	Santa Fe Coun (FY21)	\$ -	\$ 16,227.63
6	8/26/2019	Town of Edgewood (FY21)	\$ -	\$ 16,227.63
7	1/27/2019	Bernalillo County (FY21)	\$ 2,750.00	\$ 18,977.63
8	4/20/2020	Hydra Revolution Invasive Field Round	\$ 2,620.11	\$ 16,357.52
9		Town of Ertancia (FY21)	\$ 500.00	\$ 16,857.52
10	1/7/2019	Immense Impact LLC (Audits)	\$ 417.45	\$ 16,440.07
11	8/10/2020	Hydra Revolution Invasive (Report and Meeting)	\$ 1,033.40	\$ 15,406.67
12	2/25/2021	Hydra Revolution Invasive (Field Round and Reg)	\$ 2,173.52	\$ 12,233.15
13	3/1/2021	Town of Edgewood (FY21)	\$2,000	\$ 14,233.15
14	6/10/2021	Hydra Revolution	\$4,475.40	\$ 18,757.75
15	6/15/2021	Immense Impact (Audits re-quitration)	\$35.36	\$ 18,793.11
16	6/23/2021	Bank of America (reimbursement)	\$19.35	\$ 18,812.46
17				\$ 18,812.46
18				\$ 18,812.46
20			\$ 5,250.00	\$ 11,275.19

Printed 10:21:37 TUESDAY JULY 27, 2021

Torrance County  
**TREASURER'S FINANCIAL REPORT FUND SUMMARY**  
 Reported as of WEDNESDAY JUNE 30, 2021

Page 1  
 GLPR10

		Begin-Fiscal	Yearly	Yearly	Yearly	TRACY	TRASKIA	
		Balance	Cash	Cash	Cash	Yearly	Yearly	TOTAL
			Receipts	Transfer-out	Transfer-in	Cash	Cash	
						Disbursement		
29	WIND WILT FUND	641	194,988.39	1,259,306.90	1,642,600.00-	53,630.15-	340,400.00	233,999.48
30	INVESTMENT INTEREST	642	200,633.05	6,046.38			6,375.42	290,304.81
30	ERTANCIA BASIN WATER BUD 650	650	16,227.63	6,360.00			11,275.19	16,227.63
31	RURAL ADDRESSING FUND	675	63,753.18	63,983.95		27,600.00-	66,441.15	67,666.74

FY 22				
35		Starting Balance		\$ 10,202.44
37	7/20/2021	County of Santa Fe (FY21) Reim	\$ 10,000.00	\$ 20,202.44
38	6/10/2020	Bernalillo Cou (FY21)	\$ 2,750.00	\$ 22,952.44
39		Town of Edgewood (FY22)	\$ -	\$ 22,952.44
40		Town of Moriarity (FY22)		\$ 22,952.44
41		Town of Ertancia (FY22)		\$ 22,952.44



# EXPENSE REPORT

Date 5/31/21

Employee Name David Chace  
 Purpose of Trip Quarterly monitoring run



Date	Project	From	To	Transportation		Lodging	Meals	Fuel	Entertainment	Other	HST	Explanation	Totals
				Air	Ground								
5/7/2021	EST-MWN-01						\$ 55.00						\$ 55.00
5/8/2021							\$ 55.00						\$ 55.00
5/9/2021													\$ -
Totals													\$ 165.00

Company Paid Expenses													
Date	Project	From	To	Air	Ground	Lodging	Meals	Fuel	Entertainment	Other	HST	Explanation	Totals
5/7/2021	EST-MNW-01				\$ 190.33	\$111.00							\$ 301.33
5/8/2021	EST-MNW-01				\$ 116.73	\$111.00							\$ 227.73
5/9/2021	EST-MNW-01				\$ 164.45								\$ 164.45
Totals													\$ 693.50
GRAND TOTALS												\$ 858.50	

Advance \$0.00      Amount Due Employee \$165.00      Amount Due Company \$ 858.50

Approved By \_\_\_\_\_      Date \_\_\_\_\_      Employee Signature \_\_\_\_\_      Date \_\_\_\_\_

David Chace  
 P.O. Box 519  
 Carlisle, NM  
 88221



Hampton Inn & Suites Albuquerque North I-25  
 4412 The 25 Way • Albuquerque, NM 87109  
 Phone (505) 345-4500 • Fax (505) 345-4501

CHACE, DAVID 310 S JAMES ST CARLSBAD NM 88220 UNITED STATES OF AMERICA	name address	room number: 208/NQRU arrival date: 5/7/2021 4:35:00 PM departure date: 5/9/2021 adult/child: 1/0 room rate: 125.50 Rate Plan: LVO HH # AL: Car:	If the debit/credit card you are using for check-in is attached to a bank or checking account, a hold will be placed on the account for the full anticipated dollar amount to be owed to the hotel, including estimated incidentals, through your date of check-out and such funds will not be released for 72 business hours from the date of check-out or longer at the discretion of your financial institution.
	Confirmation Number: 93048090 5/9/2021		Rates subject to applicable sales, occupancy, or other taxes. Please do not leave any money or items of value unattended in your room. A safety deposit box is available for you in the lobby. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges. In the event of an emergency, I, or someone in my party require special evacuation assistance due to a physical disability. Please indicate yes by checking here: <input type="checkbox"/> signature:

date	reference	description	amount
5/7/2021	484716	GUEST ROOM	\$125.50
5/7/2021	484716	TAXES	\$17.41
5/8/2021	484895	GUEST ROOM	\$125.50
5/8/2021	484895	TAXES	\$17.41
5/9/2021	485013	VS *0359	(\$285.82)
		**BALANCE**	\$0.00

EXPENSE REPORT SUMMARY			
	5/7/2021	5/8/2021	STAY TOTAL
ROOM AND TAX	\$142.91	\$142.91	\$285.82
DAILY TOTAL	\$142.91	\$142.91	\$285.82

thanks.

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account no. VS *0359	date of charge 5/9/2021	folio/check no. 162416 A
card member name CHACE, DAVID	authorization 037836	initial
establishment no. and location establishment agrees to transmit to card holder for payment THANK YOU FOR BEING A VALUED GUEST. WE WELCOME YOUR FEEDBACK AND APPRECIATE YOUR COMMENTS. PLEASE FEEL FREE TO CONTACT ME WITH ANY CONCERNS OR COMMENTS. WILLIAM KERN, GENERAL MANAGER (505) 212-8111	purchases & services	
	taxes	
	tips & misc.	
signature of card member X	total amount	-285.82

50.5%

**AMENDMENT NO. 12  
TO THE MEMORANDUM OF UNDERSTANDING BETWEEN  
SANTA FE, TORRANCE, AND BERNALILLO COUNTIES  
REGARDING  
THE WATER PLANNING ACTIVITIES AFFECTING THE ESTANCIA BASIN**

**THIS AMENDMENT** is between **Santa Fe County, Torrance County, and Bernalillo County**, political subdivisions of the State of New Mexico (hereinafter referred to as the "Parties").

**WHEREAS**, the Parties entered into a Memorandum of Understanding (MOU) dated August 23, 1995, for coordinated water resource planning for the Estancia Underground Water Basin, which is described in an exhibit to the MOU; and

**WHEREAS**, through the MOU, the parties established the Estancia Basin Water Planning Committee ("EBWPC") whose purpose and objectives are fully described in the MOU; and

**WHEREAS**, regional water planning is being promoted and supported by the New Mexico Interstate Stream Commission, and initial water planning research for the Estancia Basin has been included as part of the regional water planning process of the Middle Rio Grande Council of Governments; and

**WHEREAS**, since 2004 Santa Fe County has provided funds to support activities of the EBWPC and the continued provision of funds has been documented in the form of amendments to the 1995 MOU; and

**WHEREAS**, since the initial amendment in 2004, Santa Fe County provided a total of \$119,500.00 to the EBWPC by Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11. Bernalillo County provided a total of \$13,750.00 to the EBWPC by Amendment No. 10 to the MOU; and

**WHEREAS**, Santa Fe County had agreed to provide funding in fiscal year 2021 to assist the EBWPC with its water planning activities, including the EBWPC's groundwater measurement and monitoring program, administration of water planning activities, educational programs and maintaining an inventory of vested water rights with the Estancia Basin.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. The MOU is amended by inserting a subsection (iii) in SECTION 3.A to read:

(iii) SANTA FE COUNTY shall make available \$10,000.00 for FY 2021 to the EBWPC to fund activities described in SECTIONS 1 and 3.A herein, including without limitation groundwater measurement and monitoring program, administration of water planning activities, educational programs, maintaining an inventory of vested water rights within the Estancia Basin and use as a cash match for other sources of funding. Upon receipt of invoices from the EBWPC for services rendered and approved by Santa Fe County, payment of invoices will be made within 30 days.

Amendment No. 12 to MOU No. 2013-0128-UT/MS

2. All other provisions of the MOU not specifically modified or amended by Amendments Nos. 1 through 11 and this Amendment No. 12 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 12 as of the last date of signature below.

**SANTA FE COUNTY**

  
\_\_\_\_\_  
Katherine Miller  
Santa Fe County Manager


5.11.21  
Date

Approved as to form:

Roberta D. Joe for G.S.S.  
\_\_\_\_\_  
Gregory S. Shaffer  
Santa Fe County Attorney

May 3, 2021  
Date

Finance Division:

  
\_\_\_\_\_  
Yvonne S. Herrera  
Finance Director

5/5/2021  
Date

Amendment No. 12 to MOU No. 2013-0128-UT/MS

Chair

Date

**BERNALILLO COUNTY**

APPROVED BY:



BBF25CA19A90438...

Julie Morgas Baca,  
Bernalillo County Manager

5/20/2021

Date

APPROVED AS TO FORM:



2A3CBA81012B4DB...

Deputy County Attorney

5/20/2021

Date

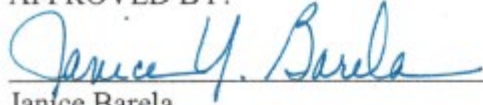
\_\_\_\_\_

\_\_\_\_\_



**TORRANCE COUNTY**

APPROVED BY:



Janice Barela  
Torrance County Manager

6.1.2021

Date

APPROVED AS TO FORM:



John Butrick  
Torrance County Attorney

6/1/2021

Date

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Amendment No. 12 – Agreement 2013-0128-UT/MS

**ESTANCIA BASIN WATER PLANNING COMMITTEE**

  
\_\_\_\_\_

Chair

June 10 '21

Date

# Reimbursement Request to Santa Fe County



## Torrance County Finance Department

PO Box 48  
ESTANCIA  
NM 87016

Phone # 505-544-4721

jromero@tcfin.us

Invoice

Date	Invoice #
6/14/2021	232

Bill To
SANTA FE COUNTY PO BOX 276 SANTA FE NM 87504

Quantity	Description	Rate	Amount
1	WATER LEVEL TESTING/INVOICE#20-07-04 PO#35540 CK#112851/8-13-2020	2,620.11	2,620.11
1	WATER LEVEL TESTING/INVOICE#20-08-02 PO#35540 CK#113151/ 09-10-2020	1,033.40	1,033.40
1	WATER LEVEL TESTING/INVOICE#21-01-04 PO#35540 CK#115188/ 02/23/2021	2,673.52	2,673.52
1	WATER LEVEL TESTING/INVOICE#21-05-05 PO#35540 CK#116459/ 06-10-2021	4,475.40	4,475.40
1	AMOUNT OVER AGREEMENT	-802.43	-802.43
Please remit to above address.		<b>Total</b>	<b>\$10,000.00</b>

RE: Corrected invoice



Joanna Romero <JRomero@tcnm.us>  
To: Dan McGregor

Cc: Jeremy Oliver; Noah J. Sedillo

You replied to this message on 6/15/2021 5:25 PM.

Reply

Reply All

CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

At this point I was requested to mail the Invoice. It is in the mail as of today.

Joanna Romero  
Assistant Finance Director  
505-544-4721  
[jromero@tcnm.us](mailto:jromero@tcnm.us)

-----Original Message-----

From: Dan McGregor <[dmcgregor@bermco.gov](mailto:dmcgregor@bermco.gov)>

Sent: Tuesday, June 15, 2021 4:48 PM

To: Joanna Romero <[JRomero@tcnm.us](mailto:JRomero@tcnm.us)>; Jeremy Oliver <[joliver@tcnm.us](mailto:joliver@tcnm.us)>

Cc: Noah J. Sedillo <[NSedillo@tcnm.us](mailto:NSedillo@tcnm.us)>; rik <[rik@bluelynxresources.com](mailto:rik@bluelynxresources.com)>; christina.alldaybondy <[christina.alldaybondy@gmail.com](mailto:christina.alldaybondy@gmail.com)>

Subject: FW: Corrected invoice

Joanna

Thanks.... That should resolve the invoicing amount.

At this point, per Jeremy's approval/direction, I'd say go ahead and send the corrected invoice along with the attached copy of the just agreed to MOU. Santa Fe County is likely going to have to create the PO on the MOU prior to payment, so I'd say send it ASAP given year end.

Could you please cc me when you do so that I've got that Santa Fe County point of contact in event anything comes up?

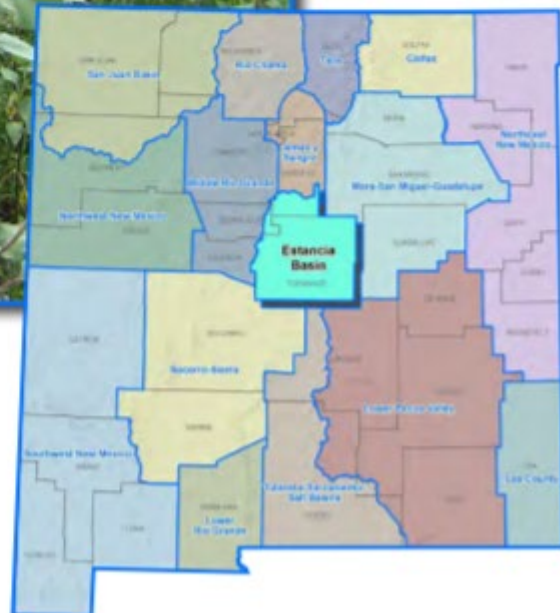
Thanks

Dan McGregor  
505-848-1578

Transducer Lend Letter from Bernalillo County

*Deep Exploratory Well Language from Estancia Basin Regional Water Plans*

# Estancia Basin Regional Water Plan



November 2016

State of New Mexico  
Interstate Stream Commission  
Office of the State Engineer

At steering committee meetings held in 2015 and 2016, the group discussed projects that would have a larger regional or sub-regional impact and for which there is interest in collaboration to seek funding and for implementation. The following key collaborative projects were identified by the steering committee and Estancia Basin region stakeholders:

- Management programs
  - An improved groundwater model that is more reflective of actual pumping and hydrologic boundaries
  - A water level monitoring program to improve the understanding of the water resources and obtain data for improved model calibration
  - A water banking or leasing program to allow flexibility in managing the water resources
- Conservation programs
  - Water conservation programs without losing water rights
  - Agricultural conservation programs such as alternative crops and irrigation methods
  - Water use metering to better understand the stress on the resources and provide a sense of fairness
  - Residential and commercial water conservation programs such as rooftop harvesting
  - Watershed monitoring programs to assess the impacts of forest treatments on soil loss, vegetation, and water use
- Water development programs
  - **Drilling of exploratory deep wells to provide a better understanding of the water resource**
  - **Forest restoration to reduce the risk of catastrophic fire, enhance recharge, and improve forest health**
  - A collaborative program to facilitate recovery of lost well capacity to allow deepening of wells
  - Watershed monitoring to monitor effectiveness of standard forest thinning on recharge to the aquifer
- Infrastructure programs
  - Intra-basin pipeline such as the Estancia-Moriarty-Willard-Torrance Regional Water Association pipeline to reduce localized stress on the aquifer and allow for recovery

- Water quality programs
  - Improved wastewater treatment systems to address contamination from septic tanks
  - Watershed management to reduce the risk of high-intensity fires that can impact the health of the watersheds
  - Watershed monitoring to determine the effectiveness of the forest treatments on water quality

The 2016 RWP characterizes supply and demand issues and identifies strategies to meet the projected gaps between water supply and demand. This plan should be added to, updated, and revised to reflect implementation of strategies, address changing conditions, and continue to inform water managers and other stakeholders of important water issues affecting the region.

**Table 8-2. Key Collaborative Programs, Projects, and Policies, 2016 Estancia Basin Regional Water Plan**  
 Page 3 of 6

Project Description	Project Lead	Project Partners	Probable Funding Source(s)	Cost Range	Major Implementation Issues
<b>Residential and Commercial Water Conservation</b>					
Develop water conservation programs to encourage water conservation, like roof-top harvesting	Edgewood and East Torrance Soil & Water Conservation Districts	Claunch-Pinto SWCD	District Cost-Share Funding, WTB	\$5,000 to \$10,000 per project	Funding
<b>Watershed Monitoring</b>					
Estancia Basin Watershed Monitoring	Claunch-Pinto SWCD	East Torrance and Edgewood SWCDs; Estancia Basin Watershed "CORE" Steering Committee (includes Federal, State, Land Grant and Tribal partners)	WTB, Private Foundations	\$175,000/year	Funding
<b>CATEGORY 3: WATER DEVELOPMENT PROGRAMS</b>					
<b>Drill <i>Exploratory Deep Wells</i></b>					
Hydrologic Investigations into other aquifers - deep wells with piezometers will provide better understanding of deeper resources and aquifer interaction	EBWPC	East Torrance SWCD & Edgewood SWCD & NMOSE		\$ 260,000	Very feasible. Could use deep wells for agriculture and save valley fill for domestic wells



- Conservation programs
  - Development of a water conservation program to implement the water conservation program statute amended in 1991 (NMSA 72-5-28 and 72-12-8). Develop criteria to enable water rights owners to execute a water conservation program to allow for long-term management and protection of water rights without forfeiture of the water rights.
  - Agricultural conservation program to reduce water use through alternative crops and/or irrigation methods.
  - Water rights metering program to install meters on all wells to quantify actual diversions and improve management of resources.
  - Residential and commercial water conservation programs that encourage water conservation like rooftop harvesting are important.
  - Watershed monitoring programs to assess the impacts of watershed treatments on soil, hydrology, water yield, vegetation, and wildlife are important to implement best management practices.
- Water development programs
  - Drill **exploratory** deep wells to investigate the hydrologic properties of other aquifers. Deep wells with piezometers will provide a better understanding of deeper resources and aquifer interaction and address ongoing concerns to recover capacity of senior water right holders (see Section 8.2.3). The deep wells will also help in understanding the brine resources below 2,500 feet and evaluate potential impact on overlying fresh aquifer resources.
  - Forest restoration and terrain and vegetative modification programs are important to reduce the risk of catastrophic wildfire and maintain healthy conditions in the recharge areas of the basin. The EBWPC is concerned with the Cibola National Forest's possible recommendation to designate portions of the Cibola National Forest within the Manzano Mountains as wilderness areas. This recommendation comes out of the ongoing review and revision of the 1985 Land and Resource Management Plan (U.S. Forest Service, July 1985). Federally designated wilderness areas are subject to restrictions on mechanized treatments, which would limit the abilities of local entities to manage watersheds (U.S. Forest Service, 2006).
  - Develop a collaborative program to facilitate water right holders deepening or replacing existing wells to recapture capacity. Develop criteria to allow for deepening or replacing wells in lower aquifers to recapture capacity of water right holders.

- Watershed monitoring programs to determine the effectiveness of forest thinning on soils, hydrology, water yield, vegetation, and wildlife are important to maintain best management practices in forest treatments.
- Infrastructure programs
  - The Estancia, Moriarty, Willard and Torrance (EMWT) Pipeline or other pipeline system program that transfers water leased through a water bank, or other permitted mechanism, to areas that need the water is a key component to managing the water resources and meeting future demands. This project can only be successful if water right sheltering (without risk of forfeiture) can be done under an approved water conservation plan.
- Water quality programs
  - Improved wastewater treatment systems are essential to addressing contamination from septic tanks or other water quality concerns.
  - Watershed management to reduce the risk of high-intensity wildfires, improve forest health, and minimize risk of destruction of homes associated with catastrophic fires is important for protecting water quality.
  - Watershed monitoring to determine the effectiveness of forest thinning on soils, hydrology, water yield, vegetation, and wildlife are important for maintaining best management practices.

In order to move forward with implementing the key collaborative projects, additional technical, legal, financial, and political feasibility assessment may be required. A detailed feasibility assessment was beyond the scope and resources for this RWP update.

### 8.3.3 Key Program and Policy Recommendations

The legislation authorizing the state water plan was passed in 2003. This legislation requires that the state plan shall “integrate regional water plans into the state water plan as appropriate and consistent with state water plan policies and strategies” (§ 72-14-3.1(C) (10)). For future updates of the state water plan, NMISC has asked the regions to provide recommendations for larger programs and policies that would be implemented on a state level. These are distinct from the regional collaborative projects listed in Table 8-2 and the PPPs listed in Appendix 8-A in that they would be implemented on a state, rather than a regional or system specific level. The State will consider the recommendations from all of the regions, in conjunction with State-level goals, when updating the state water plan.

The EBWPC identified the following recommendation for PPPs to be considered in the state water plan and other State action:

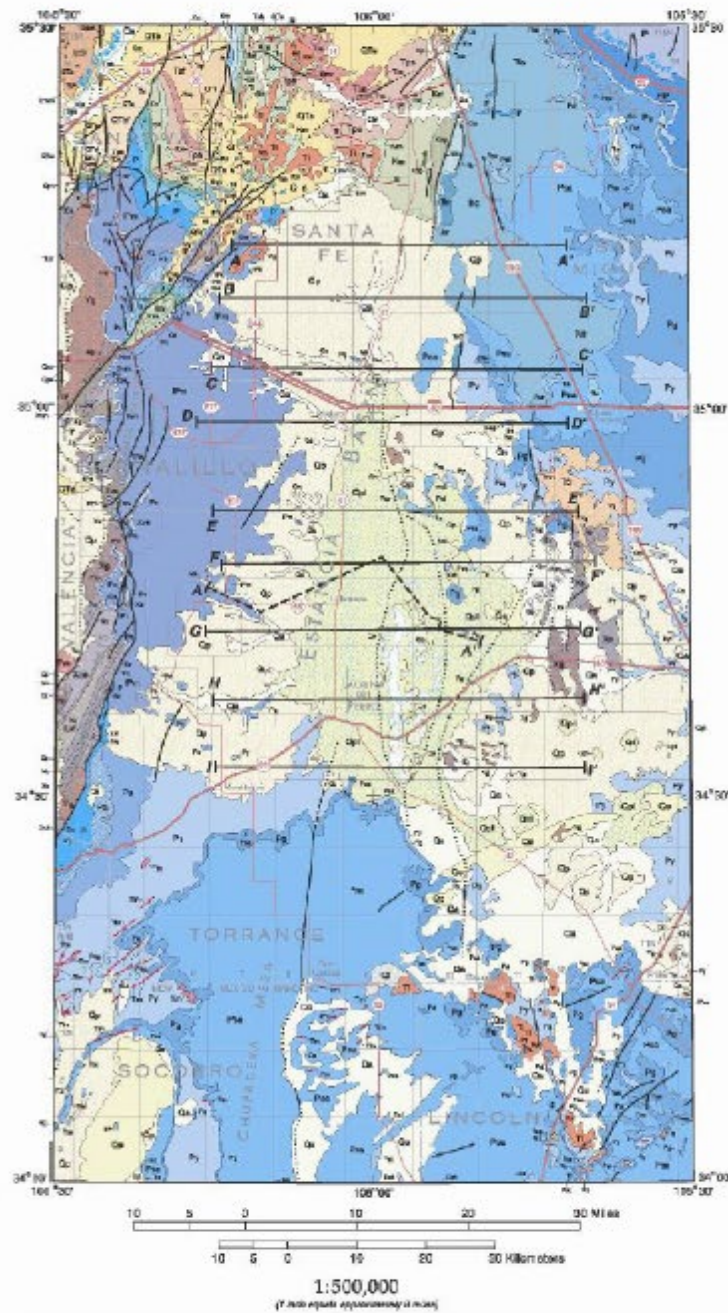
- Allow flexibility for water banking, leasing, and temporary transfers of water.
- Require metering and reporting on all wells to improve estimates of actual water use.
- Improve groundwater modeling to reflect improved understanding of hydrologic boundaries and actual pumping. Until the actual water use in the basin is better estimated, management of the resource is very difficult.
- The projected demand and depletion numbers are based on a limited number of metered wells, a limited number of measurement points, and “best available” data. Consequently, the projections are essentially a “best guess” with associated large uncertainties. This can only be corrected with additional funding and staffing for basic data collection programs at the local, state, and/or federal level. Without such funding, little if anything can be done to advance the state of knowledge of the basin’s groundwater resources.
- Additionally, the NMOSE database indicates that there remains over 159,000 acre-feet per year of “permitted” water rights, although only a portion of those rights, approximately 61,000 acre-feet per year, are being or have been put to use since 2005. Implementation or use of those unused permits, in part or in total, would put the Estancia Basin in a grave and potentially disastrous situation. Accordingly, NMOSE action to at least clarify the status of these unused permits is of critical importance. Such action is beyond the purview or regulatory authority of the EBWPC or county governments. NMOSE should continue ongoing efforts to cancel permits in which little or no beneficial use has been exercised.
- Work with the EBWPC on the criteria for deepening wells in the Estancia Basin.
- When considering interbasin transfer applications, the NMOSE should be mindful of Senate Joint JM 17 (2008) considerations as well as local public welfare statements, criteria, and priorities.
- Educate title companies statewide on the need to file a change-of-ownership for real estate that includes a well.

The 2016 Regional Water Plan characterizes supply and demand issues and identifies strategies to meet the projected gaps between water supply and demand. This plan should be added to, updated, and revised to reflect implementation of strategies, address changing conditions, and continue to inform water managers and other stakeholders of important water issues affecting the region.



**ESTANCIA BASIN REGIONAL WATER PLAN:  
YEAR 2010 UPDATE  
(Final)**

**February 2010**



**Figure 6.1 Surface expression of geologic formations in the Estancia Basin with geologic cross sections (from Hawley, 2004 & 2005) (Section A-A' dashed line from Broadhead, 1997)**

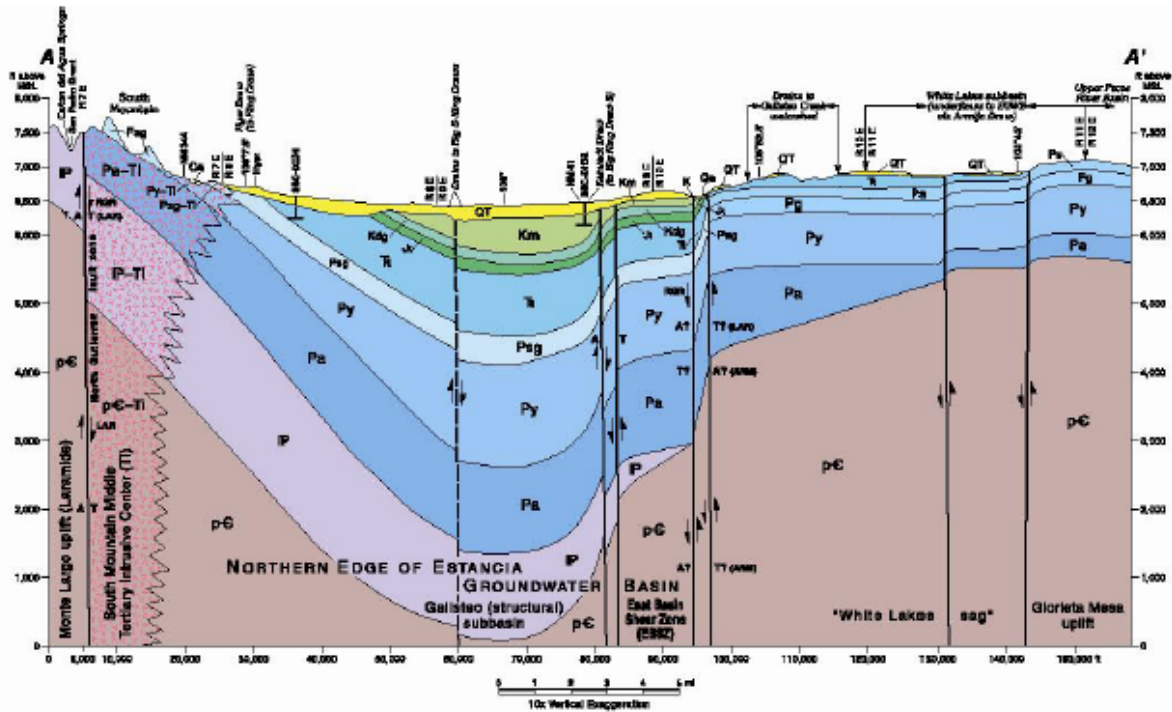


Figure 6.2 Section A-A' across the northern edge of the Estancia Basin, Southern Gallinas (structural) subbasin and Upper King Draw and northern White Lakes subbasins (from Hawley, 2004 & 2005)

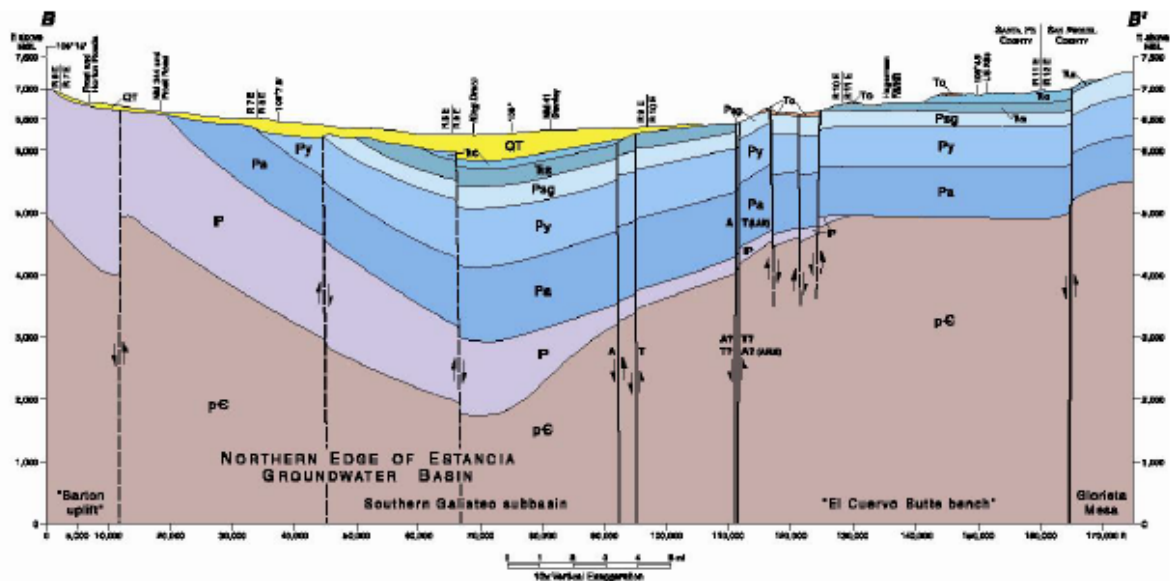


Figure 6.3 Section B-B' across northern Estancia Basin, Southern Gallisteo subbasin, and Upper King Draw and Upper Armijo Draw subbasins (from Hawley, 2004 & 2005)

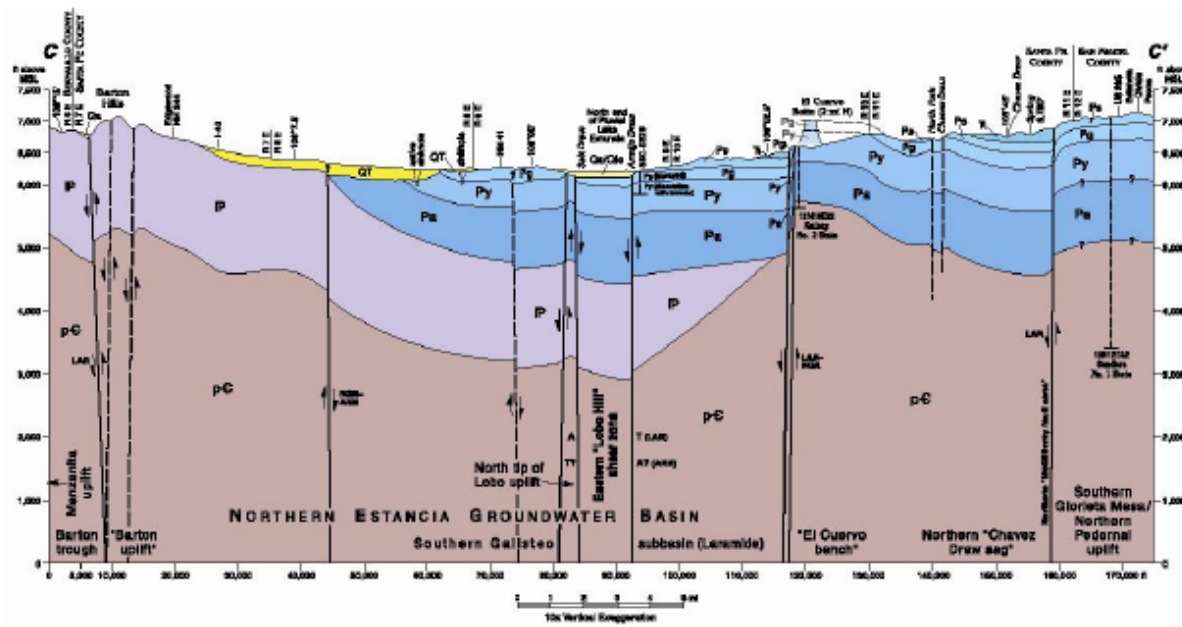


Figure 6.4 Section C-C' across northern Estancia Basin, Southern end of Galisteo subbasin, and Salt-Armijo Draw and Upper Chavez Draw subbasins (from Hawley, 2004 & 2005)

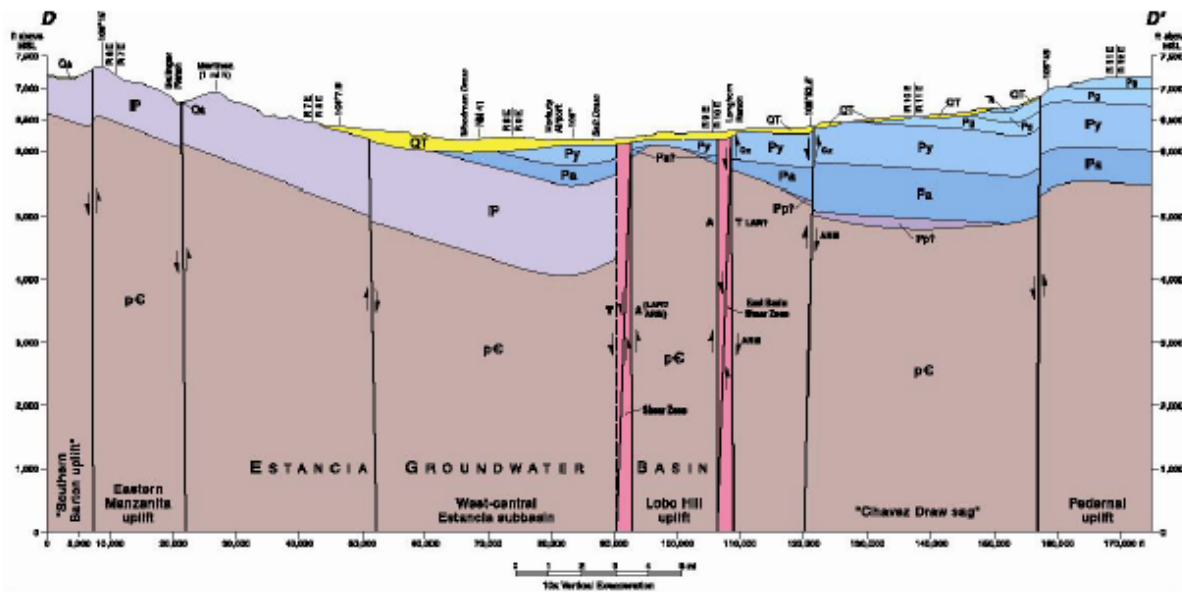


Figure 6.5 Section D-D' across north-central Estancia Basin, Northern end of Estancia (structural) subbasin, northern Lobo uplift, and Longhorn Ranch and Chavez Draw subbasins (from Hawley, 2004 & 2005)

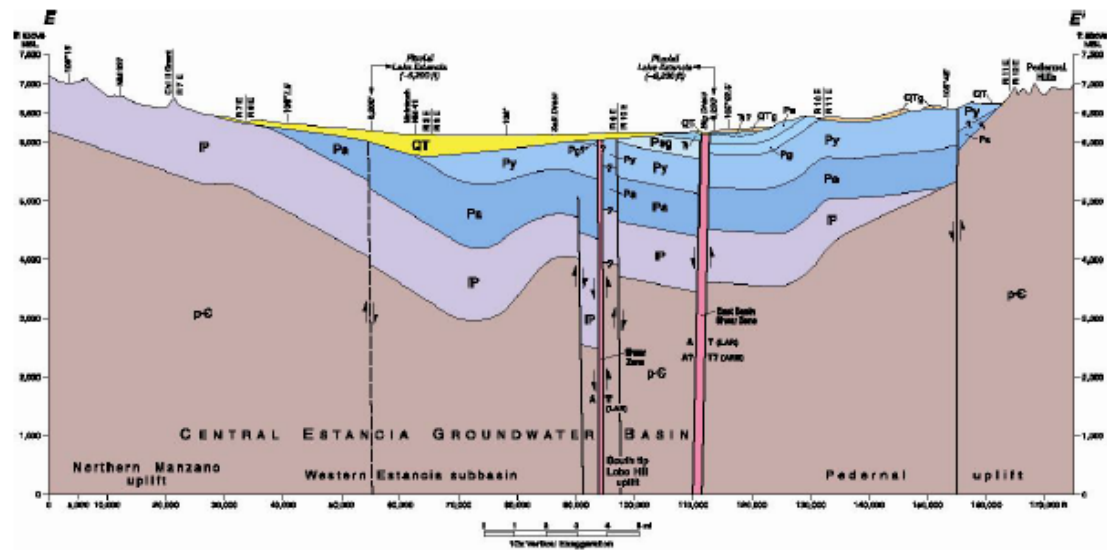


Figure 6.6 Section E-E' across central Estancia Basin, Northern Estancia (structural) subbasin, Lobo Hills-Perro subbasin transition zone, and Red Canyon subbasin (from Hawley, 2004 & 2005)

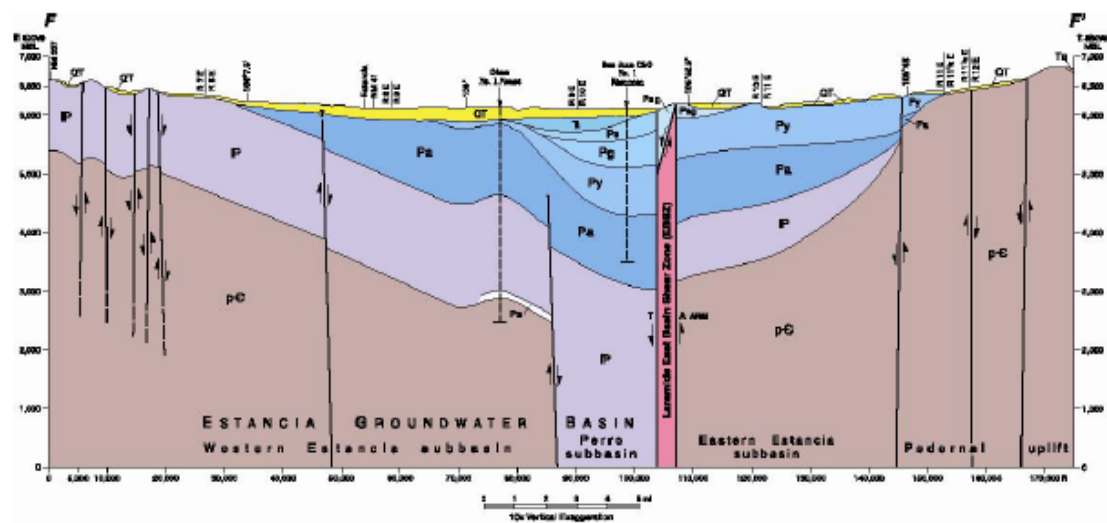


Figure 6.7 Section F-F' across south-central Estancia Basin, Central Estancia and Perro (structural) subbasins, and McGillivray Draw subbasin (from Hawley, 2004 & 2005)



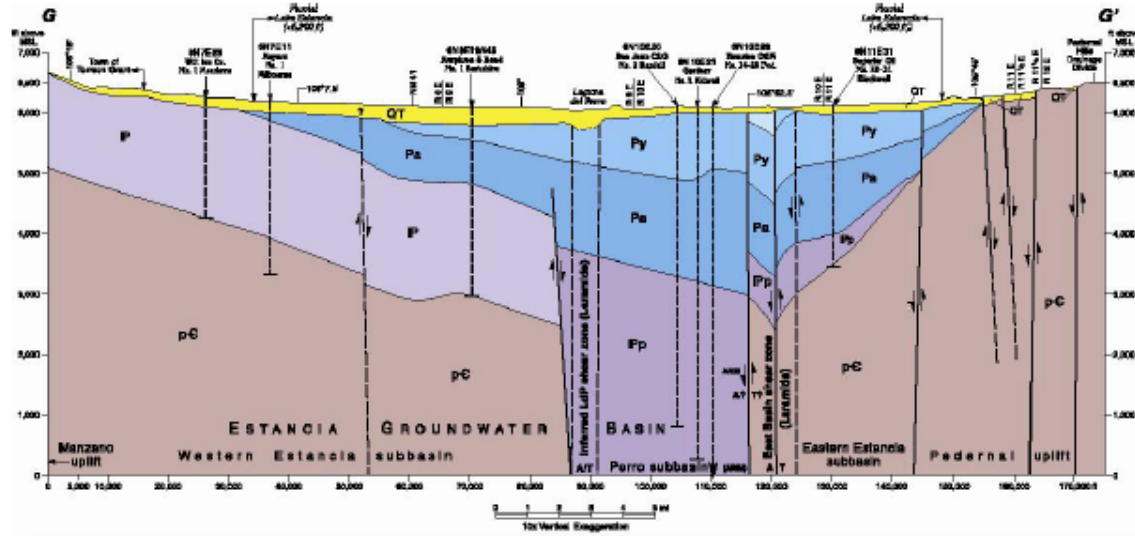


Figure 6.8 Section G-G' across southern Estancia Basin, South-central Estancia and Perro (structural) subbasins, northern Laguna del Perro Playa, and south Pedernal Hills subbasin (from Hawley, 2004 & 2005)

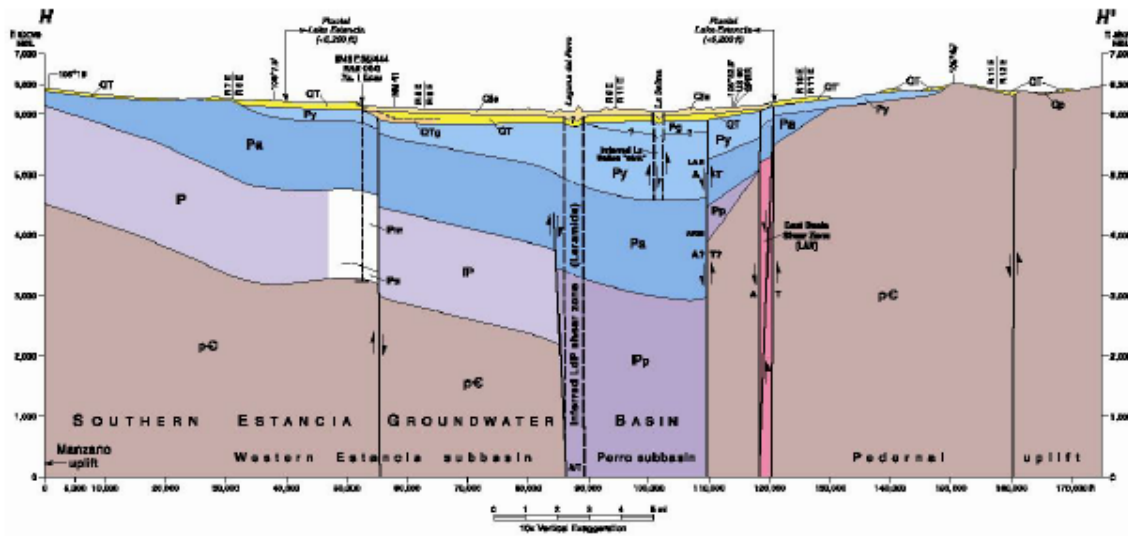


Figure 6.9 Section H-H' across southern Estancia Basin, Southern Estancia and Perro (structural) subbasins, and Laguna del Perro Playa and La Salina Playas (from Hawley, 2004 & 2005)

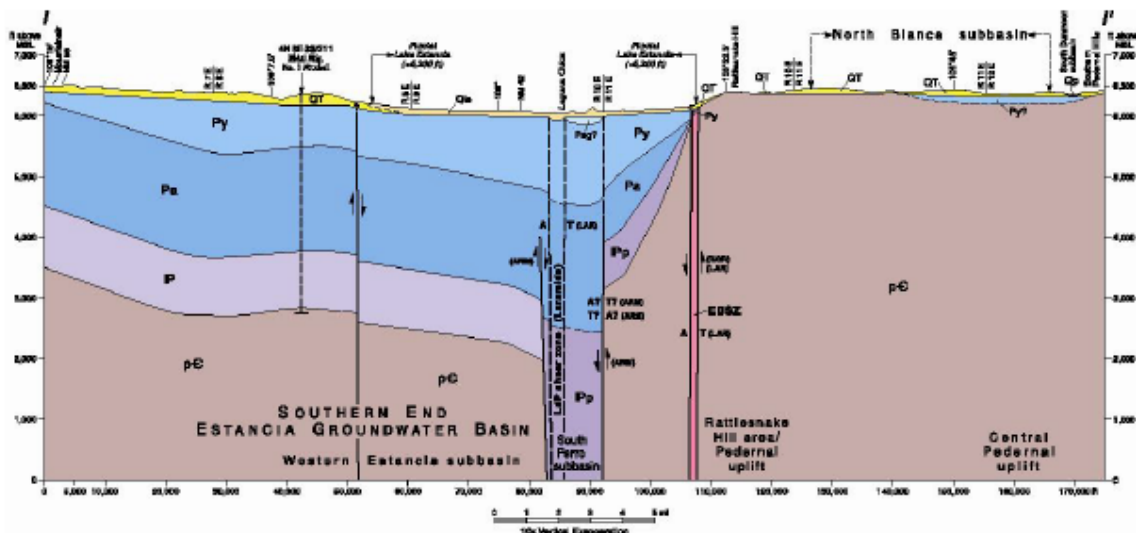


Figure 6.10 Section I-I' across southern edge of Estancia Basin, southern end of Estancia and Perro (structural) subbasins, and Laguna Chica Playa (from Hawley, 2004 & 2005)

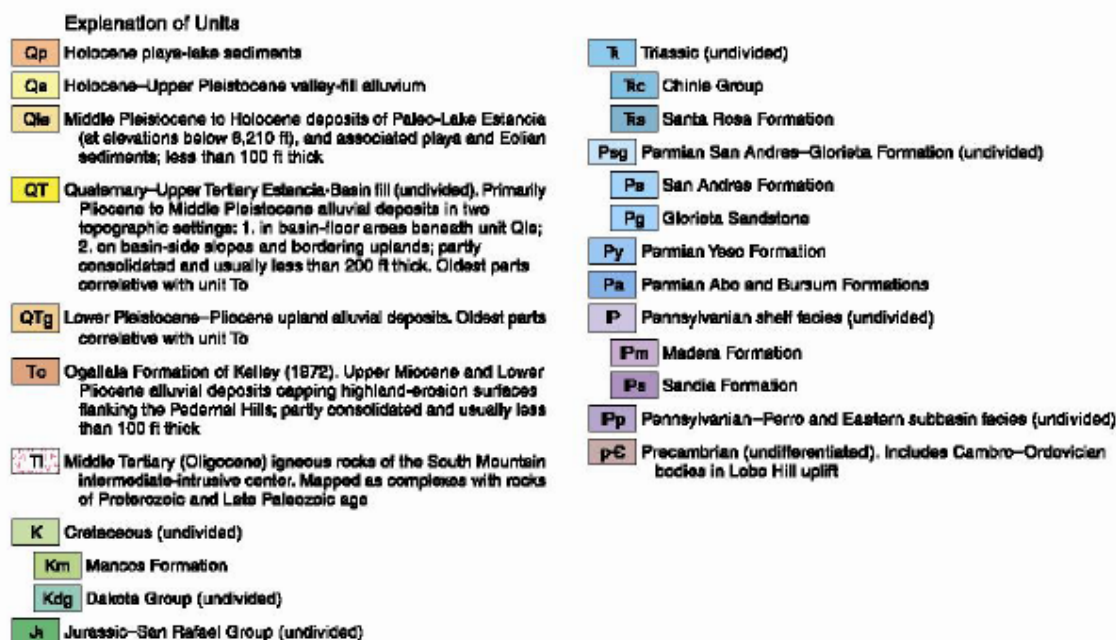


Figure 6.11 Geologic units in hydrogeologic cross sections of the Estancia Groundwater Basin (from Hawley, 2004 & 2005)

#### 8.3.4 Program No. 4 – Underground Investigation Program

Institute an aggressive, proactive subsurface investigation program to develop a better understanding of the geology and hydrology of the Estancia Basin with particular emphasis on the interaction of the aquifers and the recharge mechanism(s) and the amount of usable and unusable underground water.

**8.3.4.1a Recommended Action:** Set up a citizen panel of Estancia Basin representatives, probably five citizens, and an advisory technical board composed of three highly competent geohydrologists to develop the Underground Investigation Program and then to oversee its execution. If possible, use a federal agency and federal funds to conduct the program. The initial program should be a five-year effort, renewable for succeeding five-year increments depending on results, execution, cost efficiencies, and available funds.

**8.3.4.1b Status:** Neither a citizen panel nor an advisory technical board were established. However, SNL, through the NMSBA Program, has been working with the EBWPC since Year 2005 in an effort to implement such a monitoring program as part of a more comprehensive hydrogeologic characterization effort. SNL in collaboration with the EBWPC defined three objectives associated with the hydrogeologic characterization effort. These objectives included:

- Better define the fresh water/brackish water interface that exists within the valley fill aquifer in the Estancia Basin and monitor the migration of the interface if it is mobile. The fresh water/brackish water interface is known to exist at the approximate center of the valley fill aquifer when going from west to east.
- Better understand the interaction of the aquifers underlying the valley fill aquifer (Sand Andres/Glorieta, Abo/Yeso, and Madera) with the valley fill aquifer and vice versa.
- Identify recharge areas and find ways to enhance the ability of these areas to transmit more water through to the groundwater systems.

SNL, beginning in Year 2006, began to collect water quality and water level information in a variety of locations within the Estancia Basin. SNL is committed to, at least, a three-year effort of water quality and water level data collection and interpretation in the Estancia Basin. Water quality and level information are being collected as both a function of time and location and inevitably as a function of water-bearing unit as well. Therefore, a four-dimensional picture of water quality and water levels within the Estancia Basin will be developed as a result of this effort. SNL is in the process of expanding the current water quality and water level sampling network over the course of the next three years in an effort to develop a comprehensive representation of the water quality and movement of the Estancia Basin.

Additionally, the USGS, supported by the NMOSE, regularly measures water levels in approximately 57 wells within the Estancia Basin. The USGS has been collecting this information, in some cases, going back to the 1950's. Therefore, it serves as a means of assessing the depletion of the valley fill aquifer as a result of the management philosophies applied to the Estancia Basin beginning in Year 1965. Much of this water level data is presented in Section 6 of this report in a graphic format.

Recently, an investigation was implemented and is ongoing that serves to measure and record precipitation and soil moisture at a location in the Cedar Grove area. This investigation was designed to quantify the amount of water that makes it below the root zone of the native vegetation in both an open

meadow-type area and in a pinon/juniper forested area. Portions of the data generated from this investigation (EnviroLogic, Inc. 2007) are included in Section 6 of this report.

Bernalillo County has also initiated quarterly water level monitoring and annual water quality sampling at five locations in the western Estancia Basin/eastern Bernalillo County.

#### *8.3.5 Program No. 5 – Desalination/Brackish Water Development*

A water development program not addressed in the Plan was that of desalination. At the time of the development and release of the Plan, desalination technology was expensive and relatively inefficient. Over the past nine years desalination technology has made significant strides forward in that the cost has decreased and the efficiency has increased. These improvements have resulted in desalination being a viable water supply option, under certain circumstances, in areas where there exists brackish water resources.

Recently (2007), the City El Paso, Texas began operating the largest inland desalination plant in the world to help meet their water demand of that growing area and to help reduce the depletion occurring in the Hueco-Bolson aquifer system. The Kay Bailey Hutchinson Desalination plant is capable of producing 27.5 million gallons of water per day (30,777 acre-feet per year). The City of El Paso, Texas has made a conscious decision to reduce the demand on their fresh groundwater system in order to hold it in storage “to bank it” for times of shortage.

Closer to home, the Brackish Groundwater Desalination Research Facility, was opened on August 16, 2007 in Alamogordo, New Mexico. This facility is a focal point for developing technologies for the desalination of brackish and impaired groundwater found in the inland states. The City of Alamogordo is also actively working to secure rights to brackish groundwater resources in the Tularosa in an effort to augment their water supplies using desalination technology.

Additionally, Sandoval County has actively explored and as of 2009 is conducting pilot studies for desalination of deep aquifer water resources west of Rio Rancho and east of the Rio Puerco. Development of these resources may be used to support future urban and residential development of the western portions of Sandoval County.

#### *Brackish Water Resource Development in the Estancia Basin*

Although this option is not economically feasible for use in irrigated agriculture, considering the vast brackish water resources present in the Estancia Basin a similar scenario might be feasible to extend the life expectancy of the Valley Fill aquifer.

In 2006, Great Basin Water proposed to develop a portion of the brackish water resources of the Estancia Basin in order to reduce the demand on the Valley Fill aquifer. As part of the Great Basin Water proposal, a well field located east of the City of Estancia was proposed. From this well field, brackish water would be pumped from the aquifer and treated using reverse osmosis technology. The result of this treatment would be additional potable water that was to be distributed to the population centers of the Estancia Basin including the Cities of Estancia, Moriarty, and Edgewood. As of 2009, Great Basin Water continues to evaluate the feasibility (political, technical, and economical) of developing such a proposal in

## **Chapter 72 - Water Law**

### **Article 1 - Water Rights in General**

#### **Section 72-1-9 - Municipal, county, member-owned community water systems, school district and state university water development plans; preservation of municipal, county and state university water supplies.**

**Universal Citation:** [NM Stat § 72-1-9 \(2018\)](#)

##### **72-1-9. Municipal, county, member-owned community water systems, school district and state university water development plans; preservation of municipal, county and state university water supplies.**

A. It is recognized by the state that it promotes the public welfare and the conservation of water within the state for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties to plan for the reasonable development and use of water resources. The state further recognizes the state engineer's administrative policy of not allowing municipalities, member-owned community water systems, counties and state universities to acquire and hold unused water rights in an amount greater than their reasonable needs within forty years.

B. Municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to municipalities or counties shall be allowed a water use planning period not to exceed forty years, and water rights for municipalities, counties, school districts, state universities, member-owned community water systems, special water users' associations and public utilities supplying water to such municipalities or counties shall be based upon a water development plan the implementation of which shall not exceed a forty-year period from the date of the application for an appropriation or a change of place or purpose of use pursuant to a water development plan or for preservation of a municipal, county, school district, member-owned community water system or state university water supply for reasonably projected additional needs within forty years.

**History:** 1978 Comp., § 72-1-9, enacted by Laws 1985, ch. 198, § 1; 1990, ch. 40, § 1; 1999, ch. 40, § 3; 2000, ch. 73, § 2; 2003, ch. 369, § 1; 2006, ch. 45, § 1.

## ANNOTATIONS

**Cross references.** — For the state engineer, see 72-2-1 NMSA 1978.

**The 2006 amendment**, effective May 17, 2006, provided in Subsection A that it promotes the public welfare and conservation of water for school districts to plan for development and use of water resources; and provided in Subsection B that school districts shall be allowed a water use planning period and water rights based on a development plan not to exceed forty years.

**The 2003 amendment**, effective July 1, 2003, substituted "special" for "municipal" throughout the section.

**The 2000 amendment**, effective March 6, 2000, inserted "municipal water users' associations" in Subsections A and B.

**The 1999 amendment**, effective June 18, 1999, inserted "member-owned community water systems" in the catchline and throughout the section, and deleted "and recognizes that this administrative policy was incorporated into law by Chapter 2 of Laws 1983" at the end of Subsection A.

**The 1990 amendment**, effective February 28, 1990, inserted the references to "state university" and "state universities" in the catchline and throughout the section and made minor stylistic changes.

**Pueblo rights doctrine is incompatible** with New Mexico water law. *State ex rel. Martinez v. City of Las Vegas*, 2004-NMSC-009, 135 N.M. 375, 89 P.3d 47.

**Pueblo rights doctrine interferes** with the necessity of utilizing water for the maximum benefits. *State ex rel. Martinez v. City of Las Vegas*, 2004-NMSC-009, 135 N.M. 375, 89 P.3d 47.

**"Reasonable time"**. — A municipality may be given a more substantial "reasonable time" for its population growth than a typical water user would have to complete an appropriation. *State ex rel. Martinez v. City of Las Vegas*, 2004-NMSC-009, 135 N.M. 375, 89 P.3d 47.

**Law reviews.** — For comment, "The Federal Power Act and Western Water Law - Can States Maintain Their Own Water Use Priorities?", see 27 Nat. Resources J. 218 (1987).

For note, "Recent Developments in the El Paso/New Mexico Interstate Groundwater Controversy - The Constitutionality of New Mexico's New Municipality Water Planning Statute," see 29 Nat. Resources J. 223 (1989).

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — 78 Am. Jur. 2d Waterworks and Water Companies §§ 23 to 25.

# 2019 New Mexico Statutes

## Chapter 72 - Water Law

### Article 6 - Water-Use Leasing

#### Section 72-6-3 - Owner may lease use of water.

**Universal Citation:** NM Stat § 72-6-3 (2019)

A. An owner may lease to any person all or any part of the water use due the owner under the owner's water right, and the owner's water right shall not be affected by the lease of the use. The use to which the owner is entitled under the owner's right shall, during the exercise of the lease, be reduced by the amount of water so leased. Upon termination of the lease, the water use and location of use subject to the lease shall revert to the owner's original use and location of use.

B. The lease may be effective for immediate use of water or may be effective for future use of the water covered by the lease; however, the lease shall not be effective to cumulate water from year to year or to substantially enlarge the use of the water in such manner that it would injure other water users. The lease shall not toll any forfeiture of water rights for nonuse, and the owner shall not, by reason of the lease, escape the forfeiture for nonuse prescribed by law; provided, however, that the state engineer shall notify both the owner and the lessee of declaration of nonuser as provided in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any renewal term of a lease of water use shall not exceed ten years, except as provided in Subsections C and D of this section.

C. A water use may be leased for forty years by municipalities, counties, state universities, special water users' associations, public utilities supplying water to municipalities or counties and member-owned community water systems as lessee and shall be entitled to the protection of the forty-year water use planning period as provided in Section 72-1-9 NMSA 1978.

D. A water use deriving from an acequia or community ditch organized pursuant to Chapter 73, Article 2 or 3 NMSA 1978, whether owned by a water right owner under the acequia or community ditch or by the acequia or community ditch, may be leased for a term not to exceed ten years; provided that pursuant to the rules or bylaws duly adopted by its members, an acequia or community ditch may require that any water use lease of a water right served by the acequia or community ditch, or any water use lease in which a water right is moved into and then served by the acequia or community ditch, shall be subject to approval by the commissioners of the acequia or community ditch in accordance with the procedures for approval of changes in point of diversion or place or purpose of use as provided in Subsection E of Section 73-2-21 NMSA 1978 and Sections 72-5-24.1 and 73-3-4.1 NMSA 1978.

E. A water use due under an adjudicated water right secured to a pueblo pursuant to the settlement agreements approved in Title 5 and Title 6 of the federal Claims Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or in the partial final judgments and decrees entered pursuant to those settlement agreements, may be leased for a term, including all renewals, not to exceed the term specifically authorized in that act; provided that this subsection shall not apply to any water use due under any state-law based water rights acquired by a pueblo or by the United States on behalf of a pueblo.

**History:** 1953 Comp., § 75-40-3, enacted by Laws 1967, ch. 100, § 3; 1999, ch. 40, § 1; 2003, ch. 369, § 2; 2014, ch. 45, § 2; 2014, ch. 48, § 2; 2019, ch. 121, § 1.

#### ANNOTATIONS

**Cross references.** — For the state engineer, see 72-2-1 NMSA 1978.

**The 2019 amendment,** effective April 2, 2019, provided that a lease of a water right served by an acequia or community ditch or any water use lease in which a water right is moved into and then served by the acequia or community ditch shall be subject to approval by the commissioners of the acequia or community ditch in accordance with the procedures for approval of changes in point of diversion or place or purpose of use; added new subsection designation "D." and

