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HOUSE MEMORIAL 60

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Matthew McQueen

A MEMORIAL

IDENTIFYING THE SERIOUSNESS OF MIDDLE RIO GRANDE COMPACT  
ADMINISTRATION AND REQUESTING THE STATE ENGINEER AND THE  
INTERSTATE STREAM COMMISSION TO EXERCISE THEIR AUTHORITIES AND  
TO CLOSELY COORDINATE THEIR EFFORTS TO ADMINISTER THE COMPACT.

WHEREAS, the Rio Grande Compact requires that New Mexico  
deliver a certain amount of water each year to Elephant Butte  
reservoir; and

WHEREAS, New Mexico has a Rio Grande Compact debit  
obligation, risking costly litigation; and

WHEREAS, the annual water delivery quantity requirement to  
Elephant Butte reservoir depends in large part on the annual  
inflow to the middle Rio Grande at the Otowi gage; and

WHEREAS, year-end water delivery credits and debits are  
accrued from year to year; and

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1           WHEREAS, accrued water debits exceeding two hundred  
2 thousand acre-feet are a violation of the Rio Grande Compact;  
3 and

4           WHEREAS, violations of the Rio Grande Compact frequently  
5 elicit expensive interstate lawsuits; and

6           WHEREAS, recently, consumptive uses of water in the middle  
7 Rio Grande region have been sufficiently large that New Mexico  
8 has moved from an accrued water delivery credit of sixty-two  
9 thousand four hundred acre-feet at the end of 2013 to an  
10 accrued water delivery debit of one hundred twenty-seven  
11 thousand acre-feet at the end of 2021; and

12           WHEREAS, urgent action is needed because New Mexico's  
13 accrued water delivery debits have been rapidly approaching the  
14 violation threshold; and

15           WHEREAS, consumptive uses of water within the middle Rio  
16 Grande region must be promptly reduced to avoid Rio Grande  
17 Compact violation; and

18           WHEREAS, the consumptive uses of water in the region  
19 consist of human uses that can be controlled in part by the  
20 state engineer, mainly through active water resource  
21 management, and natural and riparian uses that can be  
22 controlled in part by federal, tribal and local landowners and  
23 water management agencies in conjunction with the interstate  
24 stream commission, mainly through river channel management; and

25           WHEREAS, close coordination between the state engineer and

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1 the interstate stream commission in the control of consumptive  
2 uses to meet Rio Grande Compact obligations is vital; and

3 WHEREAS, the difficulties in meeting Rio Grande Compact  
4 obligations will surely be exacerbated by climate-induced  
5 reductions in water availability; and

6 WHEREAS, ongoing integrated water resources planning and  
7 management is vital for ensuring the future economic,  
8 ecological and cultural well-being of New Mexico;

9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
10 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it affirm the  
11 importance of wise water management and administration to meet  
12 Rio Grande Compact obligations, while noting that a lack of  
13 capacity in state agencies has hampered the ability of the  
14 state agencies to fulfill the agencies' potential; and

15 BE IT FURTHER RESOLVED that compliance with the water  
16 delivery obligations of interstate stream compacts is of  
17 paramount importance to the public welfare of the state; and

18 BE IT FURTHER RESOLVED that, subject only to the exemption  
19 of tribal rights and uses of water, the state engineer, in  
20 coordination with the interstate stream commission, be  
21 requested to administer water rights to ensure that New Mexico  
22 reliably complies with the Rio Grande Compact water delivery  
23 obligations; and

24 BE IT FURTHER RESOLVED that the state engineer and the  
25 interstate stream commission be requested to incentivize

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1 participation, convene, fund and sponsor an inclusive and  
2 transparent collaborative process to develop a negotiated water  
3 shortage sharing agreement among all significant water rights  
4 and water permit holders that meets the criteria for an  
5 alternative administration plan set forth in rules promulgated  
6 by the state engineer pursuant to Section 72-2-9.1 NMSA 1978;  
7 and

8 BE IT FURTHER RESOLVED that copies of this memorial be  
9 transmitted to the interstate stream commission, the office of  
10 the state engineer, the middle Rio Grande conservancy district  
11 and the Albuquerque-Bernalillo county water utility authority.