

HM1 Working Group
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August 17, 2018

Hand delivered

Ms. Lucia Sanchez
Water Planner
New Mexico Interstate Stream Commission
Santa Fe, New Mexico

Dear Ms. Sanchez:

In response to House Memorial 1 (2017), the HM1 Working Group¹ is pleased to provide the NM Interstate Stream Commission (ISC) with its proposal entitled *Making the Case for Change*. It is a summary of the major water policy problems and solutions identified by the HM1 Working Group. The Working Group delivered this proposal to the HM1 (2017) sponsor, Rep. Tomas Salazar, on June 30, 2018, and expects to present it to the Water and Natural Resources Committee.

Making the Case for Change identifies four major problems whose remedy is urgent for the State's long-term health. It recommends a set of five core initiatives that are necessary to effectively address these four problems.

We recognize other important water issues need to be addressed. Key among them are the uncertainty over quantification of Native American Tribal water rights and the impact of their resolution. Non-Tribal water issues will largely be addressed through the newly effective state and regional water planning processes outlined in this proposal. These recommendations are not new. They parallel those in both the 2003 State Water Plan and the December 2017 State Water Plan Town Hall.

The widely recognized need to improve water planning processes led to HM1 and this report. Amid a groundswell of critical voices nearly three years ago, the New Mexico Water Dialogue convened a statewide meeting at the Sevilleta National Wildlife Refuge to address concerns about a "second round" of regional water planning then being directed and staffed by employees and consultants of the ISC. Attendees included representative citizen-planners from 14 of the 16 water planning regions and other NMWD Board members. Many had participated in the initial regional planning effort, 10-

¹ The authors refer to these submissions as products of an "HM1 Working Group" to acknowledge that the Task Force HM1 anticipated would be convened by the ISC was never established.

20 years earlier. The ISC Director attended with ISC staff and contractors. Participants identified substantial deficiencies in the methodology, process and product.²

A result of that meeting was the formation of a “Governance Study Group” (GSG), eleven citizen water planners from several water planning regions around New Mexico.³ GSG's original intention was to better link planning to hydrologic reality and the processes by which the State's water is actually governed. The GSG met regularly since the Sevilleta session. The first products of the group were six papers on water planning issues,⁴ which were discussed with ISC director Deborah Dixon and ISC staff. To move the recommendations from the papers into actions, the GSG worked with legislators to develop HM1 (2017), which passed unanimously.

As you know, the ISC, for various reasons – staffing changes, a lack of resources and conflicting priorities (including a deadline for completing a new State water plan) – did not participate in this response to HM1. Thus, this report is the product of the HM1 Working Group, and not the work of the Task Force requested by HM1. However, it does address the problem areas and make specific recommendations in response to HM1.

The HM1 Working Group obtained written review comments from a wide range of knowledgeable individuals and this report benefitted substantially from such input. *Making the Case for Change* includes an appendix of these review comments and their disposition.

Making the Case for Change was submitted to comply with the HM1 (2017) deadline of July 1, before the draft 2018 State Water Plan was released. However, it is clear now that the HM1 recommendations go well beyond and include a specific set of proposed actions a sense of urgency and that the draft plan indefensibly omits.

The ISC should give full consideration to the problems and solutions presented in *Making the Case for Change*. The ISC staff and members need to seek the resources and collaboration necessary to implement the identified solutions.

Sincerely,

Bob Wessely
HM1 Working Group

² Positive and negative experiences in each region are documented in the facilitator's report. Find it at <http://nmwaterdialogue.org/library/water-governance/sevilleta-workshop-july-28-2015-summary-report/view>.

³Members are Allyson Siwik (Region 4 - Silver City), Bob Wessely (Region 8 - Las Vegas), Dael Goodman (Region 11 - Las Cruces), Elaine Hebard (Region 12 - Albuquerque), Janet Jarratt (Region 12 - Los Lunas), John Brown (Region 12 - Corrales), Jeff Kiely (Region 6 - Grants), Larry Winn (Region 6 - Gallup), Norm Gaume (Region 12 - Sandoval Co.), Sharon Hausam (Region 12 - Albuquerque), Theresa Cardenas (Union of Concerned Scientists, New Mexico).

⁴ The issue papers are available at <http://nmwaterdialogue.org/library/water-governance/governance-study-group-issue-papers>: Governance and Institution Arrangements; Strengthening Linkages, Public Participation, Tribal Participation, Technical Information, Water Rights Adjudication

Making the Case for Change Seeking Solutions to Important New Mexico Water Problems

Prepared pursuant to House Memorial 1, 2017 Legislature
7-1-2018

NEW MEXICO IS FACED WITH, BUT HAS NOT FACED UP TO, IMPORTANT WATER RESOURCE LIMITATIONS: DOWNSTREAM DELIVERY OBLIGATIONS, FEDERALLY-MANDATED REQUIREMENTS, AND STATE-PERMITTED WATER USES AND AUTHORIZATIONS THAT SUBSTANTIALLY EXCEED SUSTAINABLE SUPPLIES. WITHOUT ACTION TO ADDRESS ARTICULATED PROBLEMS, NEW MEXICO CITIZENS' CURRENT AND FUTURE WATER SUPPLIES AS WELL AS OUR POCKETBOOKS ARE AT RISK.

Specific significant flaws identified from the most recent attempt at regional water planning were the impetus for 2017 House Memorial 1. The memorial requested the Interstate Stream Commission to convene a task force to address these flaws. That has yet to take place. In response to this memorial, however, a Working Group of volunteer water planners prepared this proposal on how New Mexico should address its water issues.

This Working Group identified four high priority water problems:

1. Rio Grande Compact compliance in the lower Rio Grande, from Elephant Butte to the Texas state line, and the associated US Supreme Court lawsuit;
2. Rio Grande Compact compliance in the middle Rio Grande (Otoewi Gage to Elephant Butte);
3. Unsustainable groundwater depletions in many areas of the state; and
4. New Mexico's hands-off approach to water administration.

As solutions to address those problems, the Working Group identified five core initiatives, which are:

1. *Strengthen* water management leadership and increase agency capacity to responsibly manage our water resources;
2. *Administer* water use for compliance with downstream delivery requirements and adherence to legal commitments;
3. *Address* statewide and regional water management problems, unsustainable water use, climate change impacts, watershed health, and water conservation opportunities through effective water planning;
4. *Improve and integrate* water resources and water use monitoring, data collection and data availability to support water planning and management; and
5. *Fund* state and local water management and planning programs so that they can be effective.

These solutions are presented to seek the necessary leadership and pressure by the Executive and the Legislature to cause them to be implemented. All of these problems and solutions have been raised repeatedly, most recently as the ISC's December 2017 Town Hall. But progress has not been made or has stalled. Financial support for water planning has been consistently far less than in neighboring states. Funding, staffing, water resources data collection, and the capacity of agencies to deal with New Mexico's

water problems are all currently diminished from previously inadequate levels, while, at the same time, our water supplies are facing increasing pressures.

One solution – administration of New Mexico’s water use to keep it within interstate stream compact limits – Active Water Resource Management (AWRM) became state law in 2003 and was upheld by a 2012 N.M. Supreme Court decision. The Office of the State Engineer (OSE) has not met its commitments to the Legislature to make substantial progress. Another solution – making water planning effective – needs emphasis because the Interstate Stream Commission (ISC) treats water planning as an end in itself, rather than a thoughtful means to seek and implement solutions to problems.

The NM Constitution requires that water be administered by priority, “first in time, first in right”. While such priority administration is required, it has rarely if ever been put to use. That has allowed too many demands to be placed upon a shrinking resource. Priorities must be administered so as not to exceed the physically and legally available water within the stream or basin, if planning doesn’t result in better solutions.

This summary highlights four important water problems that are being neglected and recommends solutions to address public policy issues impacting most areas and residents of the state.

Priority Problems

1. *Rio Grande Compact compliance in the lower Rio Grande, from Elephant Butte to the Texas state line, and the associated U.S. Supreme Court lawsuit*

Many observers expect the penalties and costs that the U.S. Supreme Court will impose to hold New Mexico accountable for its past and require its future Rio Grande Compact compliance will be dramatically larger than in the Pecos. Complying will mean our Rio Grande water use will be cut back and our future water use will be explicitly limited. The attendant adverse consequences and risks not only include a demand to deliver more water but carry a potential billion-dollar damage assessment.

Six years after the N.M. Supreme Court upheld the AWRM law and the State Engineer’s general rules for its implementation; the OSE has not implemented specific rules in the Lower Rio Grande (LRG). This leaves the State unprepared to limit total water use in the LRG to the Rio Grande Compact requirements. This failure is a strike against New Mexico’s good faith and ability to be accountable. Both seem essential components to any settlement of the Texas litigation.

New Mexico’s authority over its water and New Mexico’s treasury are at risk. The Executive and the Legislature must prioritize remedying the State’s failure to deal with its excessive LRG water use.

2. *Rio Grande Compact compliance in the Middle Rio Grande (Otowi Gage to Elephant Butte)*

New Mexico needs to ensure that its Middle Rio Grande (MRG) deliveries to Elephant Butte comply with Rio Grande Compact requirements so that the U.S. Supreme Court litigation does not also demand penalties and increased deliveries

from the MRG. Regional water budgets show that, on average, the MRG is depleting more water than the Compact allows. Rising temperatures will increase those depletions. Lately, New Mexico's compliance with its Compact obligations to deliver water through the MRG has been tenuous; special one-time measures have been taken to minimize net under-delivery.

Compliance with compact requirements is obligatory. The State Engineer's administration of MRG water uses will be required, either now to assure New Mexico's continued successful compliance or later to regain compliance in response to expanded US Supreme Court litigation. The Office of the State Engineer's AWRM regulations and other preparations necessary for the State's continued compliance should be a high priority.

3. *Unsustainable groundwater depletions in many areas of the state*

Many areas of the state rely solely on groundwater and are experiencing depletions from current uses that cannot be sustained. Speculators seek pumping permits based on the OSE's permissive groundwater basin rules that allow major depletions over a forty year period. New permits for development of public water resources - from supplies that are inadequately understood, have limited lifetimes, and poorly planned future uses - endanger current uses. Impacted local users face obstacles, including funding their defenses in expensive adversarial proceedings, when faced with applications to increase pumping.

4. *New Mexico's hands-off approach to water administration*

Neither history, hydrological facts, existing law, recent state law authorizations, nor agency initiative have proved sufficient for New Mexico's state and regional water management and planning agencies to confront our water problems. Left to fester, the problems are doing just that. State water management agencies have authorities fractured, and leadership lacks political support to admit and solve problems. The entire water administration program lacks accountability.

Solutions

The five core initiatives described below are essential elements of solutions to these four problems.

1. *Strengthen water management leadership and increase agency capacity to responsibly manage our water resources*

Minimizing damages from New Mexico's years of neglect of water resources management and assuring future water supplies will require diligent and competent agency leadership and sufficient professional staff. The appointment process needs to be reformed so that the Interstate Stream Commission is non-partisan, composed of qualified individuals representing the State's diversity and confirmed by the Senate. The Governor's appointments and the Senate's confirmation of the State's new state engineer and ISC director are crucially important.

The new leadership must identify necessary changes to the status quo and implement those changes in a fair and open manner. Making the necessary changes successfully will require management and technical competence and political skill.

The water planning mission of the ISC needs a statutory mandate that focuses on developing and implementing solutions, elevates water planning's priority, and requires increased emphasis and accountability.

2. *Administer water use for compliance with downstream delivery requirements and adherence to legal commitments*

New Mexico needs the State Engineer to limit our total water use on interstate rivers to our legal entitlement. As the highest of priorities, the State Engineer must complete the rules and prepare to implement AWRM in the Lower Rio Grande and the Middle Rio Grande.

The AWRM alternative administration concept requires an effective, voluntary regional water plan to reduce water demand of a planning region to the amount of water that is legally available due to compact compliance limitations. Alternative administration is intended to be superior to and more effective than priority administration. Thus, AWRM implementation is intended to and must foster localized operational agreements. Formal preparations for alternative administration in the LRG and MRG should be one of the highest priorities.

Other improvements could be implemented by the Office of the State Engineer's use of its regulatory authority to rein in water use: stop declarations; cancel dedications; stop waste; stop reserving water for abandoned uses by implementing forfeiture and abandonment statutes; stop speculation by requiring a publicly adopted regional water plan to contend with it; and manage closed basins to provide a long-term water supply.

Statutory amendments to the water code would provide necessary direction.

3. *Address statewide and regional water management problems, unsustainable water use, climate change impacts, watershed health, and water conservation opportunities through effective water planning*

State and regional water planning are needed to effectively evaluate and recommend solutions to many of New Mexico's water problems. Planning must be embraced as an essential element of effective water governance. Changes are required to make the state-funded regional water planning programs productive. Plans are needed for compliance with compacts and improved sustainability of groundwater supplies. The State's water planning since the 1987 statutory establishment of regional water planning has not met these needs.

Water planning should strive to protect our water supplies and make our uses of them more resilient. Planning should seek to collaboratively identify and implement balanced realistic solutions to solve real problems. Water plans should integrate goals and policies, including land-use decisions, water quality standards,

recreational needs, environmental protections, agricultural uses, urban growth demands, tribal requirements, and climatic changes.

Water planning at all levels must identify opportunities for conservation and seek to stop waste and non-conserving uses. To minimize the impact of climate change and build resilience, it is imperative that New Mexico plan for dealing with variable water supplies, including a focus on water-energy nexus, drought planning and preparation for extreme precipitation events to minimize their adverse impacts.

Water planning should be an adequately funded, ongoing process seeking to create remedies to identified problems through negotiation. The potential benefits to individuals and to entities must be made clear to assure adequate interest for broad and diverse participation.

Regional geographic boundaries must be congruent with the problems and hydrological realities the region's inhabitants face together. All significant stakeholder interests must be adequately represented and their voices heard. Shared goals and strategies for achieving them must be negotiated. Effective water planning for regions whose inhabitants share a common source of water requires coordination of local water plans at the regional level, to identify and seek to resolve conflicts.

The State must recognize the water interests of the many sovereign tribes through State outreach to New Mexico tribes and government-to-government consultations. Addressing tribal interests is both a constraint on and an integral part of water planning and must be prioritized.

To maintain dedicated involvement, all parties must perceive that benefits to them outweigh the costs of participating. The ISC must change its processes to approve, modify, or reject Regional Water Plan recommendations rather than only 'accepting' submitted plans. Approved recommendations must be implemented. Those charged with carrying out adopted strategies must be able to make credible commitments to do so, and the regional planning entity must have the ability to monitor both implementation and its effect on the water resource.

To enable regional planning bodies to perform these ongoing functions, they should be created and recognized under State law. The State should provide adequate financial and technical resources. To connect regional and State water planning, the State should re-establish a planning advisory council.

4. *Improve and integrate water resources and water use monitoring, data collection and data availability to support water planning and management*

Reliable data is required - Productive water planning requires knowing the size, nature and locations of the gap between supply and demand. Sound, relevant, credible technical data based upon physical reality is essential. Without such data, the planners cannot quantify their region's shortfalls, their recommendations and their goals, making it impossible to monitor on-the-ground progress against the plans.

Planners must know the gaps between supplies and demand, not just on an aggregate regional basis, but from point to point within regions. We need reliable regional and statewide data over time to understand the effects of drought and climate change on our water availability.

Improvement is needed - Improving the information on which water management and planning relies is a critical need. Improvements include better data coverage, reliable data collection with uniform methods, and strong quality assurance. Efforts are needed to make the data available and useful. Broad long-term monitoring of streamflows and aquifers is essential.

Reformed approach is needed - Agencies must work together toward a common set of goals for improvement. The State must establish uniform definitions and water accounting methods to achieve integrity of data. Programs to fill data gaps need to be planned regionally.

5. *Fund state and local water management and planning programs so that they can be effective*

Funding Mechanisms Needed - Water management and planning must be adequately and consistently funded. Funding streams should include nominal user fees, grants, and governmental appropriations to provide the necessary, consistent resources. The Legislature should make an adequate initial appropriation to commence implementation of changes recommended by the Water and Natural Resources Committee based upon this report. The Legislature should direct the Executive to submit specific recommendations for sustained funding commensurate with our water's importance by the 2020 legislature.

WITHOUT ACTION TO ADDRESS THESE PROBLEMS, NEW MEXICO CITIZENS' CURRENT AND FUTURE WATER SUPPLIES AND POCKETBOOKS ARE AT RISK.

Further Information:

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Recommended water planning guidance for the Executive to implement is included in "Executive Guidance for Water Planning"

Additional documents relating to the recommendations contained herein can be found at:

<http://nmwaterdialogue.org/new-mexico-water-dialogue/library/water-governance>

Responses to Comments on the May 11, 2018 Draft of *Making the Case for Change*
(reviewer #2's comments pertain to the final version)

Reviewer	Comment	HM1 Working Group's Response
Joseph Zupan	Add a sentence in item 3 that speaks to the importance of watershed health as a part of the overall equation.	Agree and modified.
2a	I like much of where you're headed with this document. Congrats to your team on sticking with a difficult challenge	Thank you.
2b	The tone of your document is negative in several places, and not always supported by evidence, possibly out of necessity. If reviewing this draft report as a scholarly paper, I would recommend rejection as written. Its conclusions are not all supported by verifiable data and/or models. Too many opinions are strongly-written, but not verified by evidence. Still it is a 90% improved draft over the draft I saw in late spring. Moreover, as an opinion piece, it might help open important debates over NM's water future.	<i>Making the Case for Change</i> would be unnecessary if New Mexico's water planning and management programs were not widely viewed as in need of substantial improvement. Addressing important but neglected problems first requires them to be named and described. MCC then presents a positive set of solutions to address these negative problems. Readability and brevity were deemed important for the intended audience—New Mexico's legislators and the engaged public.
Eileen Dodds	Nothing to add. Liked the report's succinct message.	Thank you.
Brenda Ekwurzel	The principles are sound for proposed solutions to the multiple stresses hindering successful NM water resource planning.	Thank you.
Brenda Ekwurzel	Replace the opening sentence with the last paragraph would make a stronger case.	Agree and modified.
Brenda Ekwurzel	Suggested moving the 4 high priority problems higher up in the document.	Agree and modified.
Tom Morrison	As a member of the Technical Team that developed the common technical platform, I was looking forward to seeing recommendations pertaining to the correction of deficiencies in the planning process. This is the purpose of HM 1.	Disagree. Approached water planning at policy level rather than attempting to fix technical problems; planning based on reliable data and model projections, not hypothetical gaps between supply and demand.
Tom Morrison	What the paper provides is an opinion from a group of volunteers on what it believes are the four high priority water problems in New Mexico.	Agree.
Tom Morrison	The paper indicates that there are significant flaws identified from the most recent attempt at regional planning, but does not identify these flaws, nor does it make recommendations to correct these flaws.	Agree. <i>Executive Guidance</i> covers flaws in detail.
Tom Morrison	I believe the most important goal of the water planning process is to identify gaps between water supply and demand, and develop solutions to remedy those gaps.	Agree!!!!
Tom Morrison	During the process to develop the methods to estimate water supply gaps, some decisions had to be made by taking available funding and project deadlines into account. Simplifying methods were adopted in some cases, but I feel we nailed down	Acknowledge the comment, but observe that the result was an unproductive expenditure of money and time.

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	the beginnings of a method to identify where and when the water supply gaps will occur. The method we applied had to recognize that there are two limits to water supply, legal and physical. Based on the principal that beneficial use defines a water right, we decided to use water use estimates as the basis for the legal limit (administrative water supply).	
Tom Morrison	It would have been useful if the volunteer team had requested input on the deficiencies and possible solutions from the Technical Team. This would have been a more appropriate start and would potentially lead to a document that would provide meaningful solutions to the deficiencies in the planning process.	Disagree. We attempted to coordinate with the ISC to the maximum extent the ISC permitted.
Tom Morrison	It would be useful if the paper detailed any flaws in the common technical platform and describe remedies. Does the team have any suggestions on how we could improve the estimation of administrative water supply? Any recommendation for revision should address how we are going to treat the water right limitations imposed by basin policies, courts, permits, declarations and the principle that a water right is defined by beneficial use. Physical limitations due to declining water levels should also be addressed by the team if it feels the water supply estimation is flawed.	Acknowledge the comment. The proposed approach to water planning, if implemented, will address the requested items.
6a	It may be better received and more efficient to allow the draft state water plan to come out, rather than begin a new dialogue just before or while the state water plan comes out.	Disagree. HM1 imposed a deadline.
6b	In order to draw in readers, I'd suggest starting the document with a positive paragraph or statement, rather than a negative. Even if it's suggesting a positive direction that NM is heading - greater awareness or simple acknowledgment of these water problems?	Agree and modified.
6c	I would prefer to see the problems identified as you have on pages 2-3, but with a specific solution to follow it. I don't know how exactly this could be fixed, but Problem #1 would be followed by specific Solution #1, Problem 2 - Solution 2, etc.	Disagree. Solutions do not neatly track one-to-one with the problems.
Sharon Hausam	The document does not seem to consider tribal water rights, sovereignty, or other tribal needs. It does not include a recommendation to address tribal water rights, specifically, and has only two cursory mentions of tribes.	Agree. See cover letter. Inappropriate for the HM1 Working Group to address tribal water rights.
Sharon Hausam	The recommendations emphasize Active Water Resource Management but do not comment on how it might be administered in relation to tribal water rights.	Agree. AWRM, as with any administrative regime, must be conducted within the constraints of tribal rights.
Sharon Hausam	They also emphasize compact compliance without referring to implications for tribal water rights negotiations.	Agree. See above.
Sharon Hausam	The recommendations call for improved data collection and accessibility but do not comment on the proprietary nature of tribal data.	Agree. See above.

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Sharon Hausam	They call for a planning advisory council to connect regional and state water planning but do not indicate how tribes would participate on the Council. The document also refers to "New Mexico's sovereign control of its water" without considering tribal control of certain waters within the state. I recommend that all of these issues be addressed in a revised version before the document is provided to the legislature.	Disagree. See above.
Sterling Grogan	One thing might make the document even more useful: The addition of an addendum of annotated references to specific bills, regulations, or other documents that would implement, or begin to implement, any of the solutions you recommend. Even if they failed to be implemented, their presence in the discussion is useful. [By "annotated" I mean a brief paragraph of text with the origin of the bill, legal history, perhaps any particularly controversial issues, etc. In my imagination, annotation goes beyond a citation to provide context for the item being cited.	Agree. We are working on draft legislation to enable implementation of these recommendations. The plan is to bring them to the Legislative Council Service in the near future.
Sterling Grogan	On page 1., one of the "...high priority water problems..." is "... New Mexico's laissez faire approach..." I would bet that you could find either a term other than "laissez faire", or some explanatory text, to help folks who may not be up to date on French clichés. I remember from political history that the term was once popular and in widespread use. I'm not sure that is still the case.	Agree and modified.
Sterling Grogan	The report's powerful suggestions for solving identified problems could be strengthened by reference to attempts already made to deal with those particular problems.	Agree. Faults of past efforts should be understood by the Executive, but it was beyond our scope to criticize past water planning efforts in detail.
Mary Helen Follingstad	Would the new governor sign any legislation?	We advocate for yes.
Mary Helen Follingstad	Implementation of plans that are adopted should be the priority for the \$. Water trust board seems to favor the little projects just like capital outlay.	Agree.
Mary Helen Follingstad	Water plan updates could have been more grass roots but that's water under the bridge now.	Agree!
10a	Good work and ideas.	Thank you.
10b	Identifies important problems and proposes reasonable solutions. Does not address the full range of NM water problems.	Agree.
10c	Document should say a more about the people and the process that produced it. The sentence about "a group of volunteer water planners" is sure to raise questions about who developed the document and how they did it.	Agree. See cover letter.

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10d	The primary focus of the document seems to be state and regional water planning. I am skeptical that even a greatly improved planning framework can effectively tackle the ongoing policy and management challenges the state faces. I am not suggesting that improved planning is a bad idea or a waste of time, only questioning whether it should be the main point of emphasis for addressing NM's water problems.	Acknowledge, but solutions to the state's water policy and management challenges require conversations best conducted in a planning setting.
10e	I like the focus on AWRM implementation, but I only see one line about the potential for AWRM to lead to locally generated agreements as an alternative to priority administration. I see that as a somewhat overlooked but potentially major benefit of AWRM, especially given the fear and loathing of priority administration in NM.	Agree and modified.
10f	I agree that unsustainable groundwater depletions are a big problem, and one that goes beyond new permitting. Is there a recommendation (other than planning) for addressing existing overdraft?	Agree and modified. See recommendations in the last two paragraphs of solution #2.
10g	Is it important to say that we've regressed? If not, I might suggest revising that opening line – it invites a debate about the recent past that I don't think is that necessary or helpful for the points you are making.	Agree and modified.
Jeffrey Sampson	The report is structured well and makes a strong statement about how poorly things have been managed.	Thank you.
12a	Comments generally on point .	Thank you.
12b	ISC administration & senior staff negligent in implementing AWRM.	Disagree. AWRM is regulatory and is in the OSE's domain.
12c	The WATERS database, which is a database of drilling permits issued statewide and in particular in the Lower River Grande, which the ISC is supposed to manage, is completely inaccurate and is not up dated to reflect actual drilling permits. We underestimate the number drilling permits that are in operation.	Not germane to this report.
12d	The number of State Water Planning regions need to be reduced from 15 or 16 to about 5 or 6 and possible aligned with the Council of Governments (COGs) to increase efficiency, Arizona and Colorado have about 6-7 Water Planning Regions.	Disagree. Water planning regions should be aligned with hydrological basins. Sub-regions or locales should be defined within the basins so that problems can be addressed at the appropriate levels.
12e	MRCOG, AMAFCA and other COGs need to be involved in the State Water Plan.	Agree!
12f	Brackish Water and deep aquifers need to be aggressively explored to provide needed water for the state. Possibly the state can consider a desalination plant -- in Tularosa, perhaps?	Outside the scope of HM1. (Use of deep and brackish waters would be experimental, limited, and extraordinarily resource intensive; the water planning process is where specific cases should be addressed.)
12g	The Irrigation Works and Construction Fund and the New Mexico Rio Grande Water Projects and Construction Fund money was authorized by the legislature for capital projects only. However, during the course of time, the ISC/OSE has used the money	Disagree. Our understanding is the reverse; the legislature has appropriated these special-use funds over the ISC's objections.

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	to pay for state employee salaries and for operations and Maintenance activities, such as sedimentation control, etc., which is a violation the statutory directive	
Mike Hightower	Reads well.	Thank you.
Mike Hightower	Deficiencies in the solutions: I think you can strengthen if you could provide tactical recommendations to go along with strategic issues and recommendations. Tactical would include how much funding would be needed for each water plan. How much staff would be needed. How many water planning regions if based on water sheds. These would be more easily actionable than high-level recommendations. The example I always use; if you ask me to increase funding for x, and increase funding for x by 1\$, I can say I meet your proposed solution. This is not addressing the spirit of the need. I think if you can add some specifics in the solutions I think it will support the dialogue	Acknowledged. Outside the scope of the HM1 Working Group.
Harold Trujillo and Enrique Romero	Include water sheds in your discussions. This is our main infrastructure of water supply.	Agree and modified.
Harold Trujillo and Enrique Romero	Needs to be local control in the development of AWRM plans. Locals offer valuable information.	Agree regarding AWRM alternative administration, which must be negotiated and agreed locally.
Brian Burnett	The BWTF believes that the Memorial unfairly characterizes the nature of the ISC's regional plan update program that started in 2013. It is our view that the ISC has appropriately structured and managed the process with the 16 planning regions around the state (Reference: Page 1 Lines 22-25 through Page 2 Lines 1-2)	Disagree. The HM1 Working Group roles did not include critiquing the unanimously passed HM1 (2017). We believe it correctly describes the situation.
Brian Burnett	The Memorial states that the "common technical platform" and "administrative water supply" are flawed and the ISC has ignored the "use of best available science." The BWTF believes that the background data used by the ISC was appropriate for the resources available. Further, the water supply and demand data and method developed by the OSE and ISC addressed the immediate need to identify existing and future potential water supplies, demands, and gaps for purposes of prioritizing water problems and providing a start for regions to develop policies, programs, and projects as regional solutions (Reference: Page 2 Lines 3-9)	Disagree. The common technical platform and the administrative water supply concepts are fatally flawed. See our responses to reviewer #5.
Brian Burnett	The Memorial states, "A lack of adequate definition of regional organizations, their boundaries, and scope of authority and continuity of functioning has hampered the	We agree with the Memorial and disagree with the comment. No changes needed.

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	ability of existing regional entities to fulfill their potential.” The BWTF does not believe this to be the case, and instead views the ISC’s work to manage the planning process as comprehensive and inclusive (Reference: Page 2 Lines 18-22).	
Brian Burnett	The Memorial spells out that the task force “will address improvements” to a number of areas related to water planning. The Task Force paper does not address these areas (Reference: Page 2 Lines 23-25 through Page 3 Lines 1-7).	Disagree. <i>Making the Case for Change</i> addresses numerous recommended improvements to a number of areas related to water planning.
Brian Burnett	The Memorial calls out other items for the Task Force to address. The Task Force paper does not address these items (Reference: Page 3 Lines 8-14).	Acknowledged. The HM1 Working Group made good faith efforts to address those areas in the companion <i>Executive Guidance</i> for regional water planning. No changes needed.
Brian Burnett	In the case of II.A and II.B (comments “c” and “d”) above, the document takes a broad leap from the Memorial’s general nature relating to water planning by proposing “high priority water problems” and “five core initiatives.” While important, we believe that the Task Force has inappropriately expanded what the Memorial was originally set out to accomplish.	Disagree. We believe <i>Making the Case for Change</i> is an appropriate response to HM1 (2017).
Brian Burnett	The Memorial spells out a list of participants in developing a response; the make-up of the Task Force writing the paper does not match this requirement (Reference: Page 3 Lines 15-25 through Page 4 Lines 1-7).	Acknowledge. The ISC did not convene the Task Force requested by HM1 (2017). No changes needed.
Brian Burnett	The Memorial calls out additional considerations about “collaboration among neighboring communities.” The Task Force paper does not address these items (Reference: Page 4 Lines 8-12).	Acknowledge. The ISC did not convene the Task Force requested by HM1 (2017). No changes needed.
Brian Burnett	Overarching Thesis: The BWTF acknowledges the critical importance of water planning for New Mexico’s future. We believe that the authority for this planning is the Interstate Stream Commission (ISC). In addition, such planning requires ALL constituents be the around the planning table, including the business sector. Finally, any state water plan must include a fair and balanced set of strategies.	Agreed. No changes needed.
Brian Burnett	Funding: Since water planning is so important, the ISC must receive increased funding for its work. However, no regional planning group should receive funds for them to act independently of the ISC’s oversight and direction.	Agreed. No changes needed.
Brian Burnett	Water Database: Building on previous work, a comprehensive inventory of all surface and sub-surface waters should be an end goal and funding appropriated to accelerate the collection of critical data needed for future water planning.	Agreed. No changes needed.
Brian Burnett	ISC’s Responsibility and Oversight: The ISC must be in charge of managing the outreach and the gathering of input from individuals and constituencies around the state. It is illogical to think that there can be a strong state water plan if all 16 planning regions act independently and without the overarching jurisdiction of the ISC.	Agreed. No changes needed.

Responses to Comments on the May 11, 2018 Draft of *Making the Case for Change*
(reviewer #2's comments pertain to the final version)

Brian Burnett	Hydrologic Analysis and River/Stream Parameters: The ISC, in cooperation with the Office of the State Engineer, manages some very sophisticated water databases and computer-modeling infrastructure used to analyze the inflows and outflows in rivers and streams around the state. It is illogical to think that independent and arbitrary modeling methods used by the 16 planning regions can ultimately yield a unified and technically sound assessment of the state's water conditions. The ISC must be the originator and arbitrator of any hydrologic and runoff analysis required to develop a State water plan.	Agreed. No changes needed. However, the OSE/ISC should be required to improve the quality and veracity of water resources data and models, and these should be the foundation of water planning.
Brian Burnett	Public Involvement Representation and Coordination: We support the ongoing effort to seek-out and secure effective stakeholder representation in the planning process and the coordination of common strategies for neighboring communities and regions sharing water sources that are hydrologically connected.	Agreed. No changes needed.
Brian Burnett	Final Author of State Water Plan: It is illogical to think that a unified State water plan is achievable through the independent work of the 16 planning regions. The ISC must be the coordinator and final author of the State water plan.	Agreed. No changes needed.
Paul Tashjian	In general, I am supportive of your priorities.	Thank you.