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OSE responses to selected questions from Stagecoach Hills in response to request from Stacy Timmons

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3. Explain the federal statute authorizing El Prado Water and Sanitation District's pipeline and the related state wide effort to support and recognize systems which will conserve our water resources through these district systems.

Response from Tomas Stockton, PE

Litigation and Adjudication Program, Bureau for Pueblos, Tribes, and Nations, New Mexico Office of the State Engineer

I'm answering this without the benefit of investigating what "pipeline" means exactly in Question 3. I'm assuming it means the pipeline that El Prado is constructing/has constructed along U.S. Highway 64 to El Prado from what El Prado calls "Well 5" and "Well 6".

"Well 5" and "Well 6" and the pipeline that conveys water to El Prado are authorized under the "Taos Pueblo Indian Water Rights Settlement Act," which is Title V of Public Law 111-291, which is titled "The Claims Resettlement Act of 2010." It was enacted by the 111th U.S. Congress. The major language in the law pertaining to the question is Section 507. This section authorizes the use of "financial assistance" to "plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the [Abeyta] Settlement Agreement—(1) to minimize adverse impacts on the Pueblo's [Taos Pueblo] water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture..." The Act can be found by searching for "public law 111-291" on the internet. Note that the Taos Settlement Agreement is a component of adjudicating all of the water rights in the Taos region.

As for the second part of the question, I think that adjudicating water rights is the final goal here as a statewide effort. It seems that adjudicated water rights provide quantified limits for water users that can then be administered. Additionally, in my opinion, administration is easier to implement and more successful for water systems (such as El Prado Water and Sanitation District) than for individual water users since water systems require less resource expenditure. I think a good example of this will be the regional water system in the Pojoaque Basin when it is completed. The valley currently has roughly 4000 points of diversion (wells) from the groundwater system by individual users – the New Mexico Office of the State Engineer

currently requires all well owners to meter their own wells in the Basin and send readings into our office – compliance with this requirement is roughly 25% for the Pojoaque Basin. In the future, many of these water users will connect to the Pojoaque Basin Regional Water System and their use will be metered by the utility. Once that occurs, administration of water use, by the State Engineer, shifts to the utility, which is more feasible with limited resources, rather than administration of all of those individual water users, which is impossible without asking water users to be voluntarily compliant.

Response from Joey Maestas, Upper Rio Grande Manager
Water Rights Division District VI, New Mexico Office of the State Engineer

I am not too sure which federal statute they are talking about as it pertains to authorizing El Prado Water and Sanitation District's pipeline. However, there is support to Public Water Suppliers (PWS) through the Settlement Agreement in the Taos Valley that is agreed upon by the Pueblo, the Town, the Acequias, El Prado AWSD, and the MDWCAs. The Settlement provides an avenue for the PWS to increase their capacity by bringing in Rio Grande water rights from outside Taos Valley through utilization of a Mitigation Well System. By providing new ways for the PWS to acquire additional water rights, it allows these PWS to expand their service areas in the future and provide a more consistent water supply and quality to their communities. Additionally, PWS have access to different types of financial assistance and allows a community to pool resources.

4. How is it proven by a developer that there is a 50-year water supply?

Response provided by Matt Nelson, Technical Lead
Water Use and Conservation Bureau, New Mexico Office of the State Engineer

The Taos County Subdivision Regulations require a Water Availability Assessment, the contents of which vary depending on the water source.

72-12-1 wells: A geohydro report showing a 50-year supply must be submitted.

New community water system: A geohydro report showing a 50-year supply must be submitted.

Existing water system: A letter of intent from the proposed utility

As with any subdivision in the state falling within county jurisdiction, the New Mexico Subdivision Act requires that the county in question request an opinion from the OSE regarding water demand and availability for the proposed subdivision. The Water Use and Conservation Bureau reviews all applicable subdivision proposals to ensure they meet all state and county

requirements and that the subdivider has a sufficient water supply. To determine sufficient supply, the WUCB reviews available water rights records and if the source of water is wells, will request an analysis from Hydrology Bureau to verify physical water availability for the timeframe specified in the disclosure statement.

Please also note that this is based on the 2005 Taos County Subdivision Regulations. In April 2026, the County posted a proposed updated code on their website for comment ([Land Use and Subdivision Regulations Updates | Taos County, NM](#)). I quickly looked through; it looks like the general requirements regarding subdivision water supplies haven't changed.

(Note that geohydro stands for geohydrologic and 72-12-1 refers to domestic wells)

7. How do the deep wells drilled by El Prado Water District which are only a few miles away, going to impact some of our domestic wells? What is the recourse if our wells dry up?

Response provided by Laura Petronis, Supervisor, Water Resources
Hydrology Bureau, New Mexico Office of the State Engineer

El Prado Water and Sanitation District (EPWSD) has submitted several water rights applications to the Office of the State Engineer that pertain to the use of the new deep wells drilled by EPWSD. Drawdown evaluations have been conducted as part of the hydrologic evaluations of the proposed pumping in those applications. The evaluations consider the predicted 40-year future drawdown in nearby wells based on the full pumping in the application. Several memoranda summarize those results.

The first memorandum (Petronis, 2018) includes an evaluation of pumping 575 AFY from four El Prado Wells, including the two deep wells referred to as the Rio Grande and Midway well. The simulated diversions from the wells were as follows:

- Las Colonias Well = 75 AFY
- El Torreon Well = 150 AFY
- Rio Grande Well = 200 AFY
- Midway Well = 150 AFY

A second memorandum (Petronis, 2020) evaluated the pumping listed above, but with an updated location for the Midway well and considered the updated well information in the New Mexico water rights database (WATERS). The drawdown results were as follows:

- The largest 40-year drawdown in the nearest well of other ownership due to full EPWSD pumping was simulated to be about 17 ft, (with a total 40-year drawdown of about 27 ft).
- Four wells were simulated to have 40-year drawdown of 10 and 17 ft due to the EPWSD pumping simulated.
- 79 wells were simulated to have 40-year drawdown between 4 and 10 ft due to the EPWSD pumping simulated.

The drawdown results were evaluated using the OSE (2017) Drawdown Assessment Guidelines (note that sixteen wells did not have sufficient information to calculate an initial water column). It was found that five wells may become critical (in other words, the total simulated 40-year drawdown exceeded economical and/or physical criteria based on the water column in the well); however those five wells do not appear to have been reasonably completed (defined as having a water column greater than or equal to 40% of the average water column for nearby wells of the same use (domestic or non-domestic) completed in the preceding 10-year period, unless some other time period is more appropriate). For this application, a well was determined to be reasonably completed if the water column was greater than 45 ft (based on similar wells drilled since 2000). The OSE (2017) Drawdown Assessment Guidelines (p. 9) indicate that “Excessive impact on a critical well that is not reasonably completed may not be grounds for impairment.”

A third memorandum (Gersh, 2024) summarized a hydrologic evaluation of EPWSD’s water rights application for a supplemental well at the Midway site. This evaluation considered a shift in pumping from the original Midway well to the Midway Supplemental Well. This analysis found several nearby wells of other ownership that may exceed 4 ft of drawdown in 40 years, but none of those wells were critical.

These memoranda can be provided upon request and I am available to answer any questions anyone might have regarding the hydrologic analyses at a later time.

Response provided by Joey Maestas, Upper Rio Grande Manager
Water Rights Division District VI, New Mexico Office of the State Engineer

The granting of a permit for El Prado’s Rio Grande Well and Midway Wells, the wells near the Airport, required a hydrogeologic analysis which determines if there are impacts to nearby wells. In a hydrogeologic analysis, if pumping from a well will cause reasonably completed nearby wells to go critical, then pumping from the well could be reduced or denied completely. This analysis is a safety measure to ensure wells do not ‘dry up’ due to granting the permit. 11.4.3 of the Settlement Agreement is for a Comprehensive Monitoring

Program. This requires an ongoing effort by all parties to design and implement a comprehensive surface and groundwater monitoring system. Currently, El Prado sends to the OSE groundwater measurements biannually as a Condition of Approval their permit and as part of the Settlement Agreement monitoring program.

8. The Governor has recently declared a state wide drought and wild fire emergency will that impact plans for development? Will state agencies and other stakeholders work together to develop within the finite resource of water?

Response provided by Tanya Trujillo, Deputy State Engineer
New Mexico Office of the State Engineer

Response to Question 8: On May 20, the Governor issued Executive Order 2026-26 Declaring a Drought and Severe Fire Conditions throughout the State and Urging Municipal and County Governments to Impose Water Use Restrictions and Fireworks Bans. The Governor's recommendations include urging communities to increase local water education resources and implement water conservation measures to protect the available supplies of water, including, but not limited to water use restrictions, removal of non-functional turf, and incentives for water-saving landscaping, incentivizing water efficient appliances and developing more water recycling and reuse.

It is the responsibility of local governments to take responsive actions to protect their local water supplies and protect their communities from wildfires. Planning and decisions relating to development at the local level should take drought and wildfire risks into consideration.

The New Mexico Drought Task Force agencies are: Office of the State Engineer/Interstate Stream Commission, NMED, NMDA, DFA, EDD, DHSEM, ENMRD, NMFA, IAD, Tourism, DOH. The agencies are working together to inform New Mexico's communities regarding evolving drought conditions and resources available to assist communities withstand drought.

Information relating to the State's drought conditions can be found at [drought.nm.gov](https://www.nm.gov/drought) and information on the State's 50-Year Water Action Plan and the Implementation Dashboard can be found at <https://www.nm.gov/water-security-in-new-mexico/>