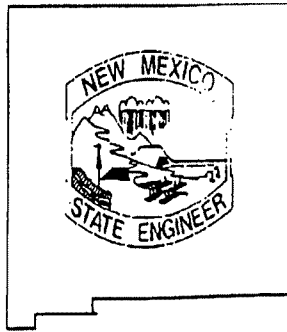




GARY E. JOHNSON  
GOVERNOR



THOMAS C. TURNEY  
STATE ENGINEER

State of New Mexico  
Environment Department  
Office of the State Engineer (12/28/07)  
Notebook of Water Rights Guidelines and Policies



PETER MAGGIORE  
SECRETARY

STATE ENGINEER OFFICE  
ALBUQUERQUE, NEW MEXICO

99 APR 26 PM 3:28

LETTER OF UNDERSTANDING  
BETWEEN THE NEW MEXICO ENVIRONMENT DEPARTMENT  
AND THE OFFICE OF THE STATE ENGINEER

This Letter of Understanding (LOU) is by and between the New Mexico Environment Department (NMED) and the Office of the State Engineer (OSE), or jointly (the parties).

The parties agree to work together as follows:

A. General Terms:

1. The parties agree that active and ongoing communication and cooperation is necessary to accomplish the purposes of this LOU.
2. All appropriate staff of the participating agencies will be provided a copy of this LOU and fully trained in its intent and meaning.
3. The parties agree to establish a task force to identify specific areas of concern and to develop policies, procedures, guidelines and subgroups as necessary to facilitate the parties working together in the areas identified.
4. Each party will within 30 days of execution of this agreement designate a liaison for implementation of this LOU and notify the other party of that designation.
5. Within 45 days of execution of this agreement, each party will delegate two representatives, one of whom should be the liaison named under this LOU, to be members of the task force.
6. At the end of each fiscal year, the task force shall issue an annual report to the Secretary and State Engineer, describing the annual joint activities as viewed necessary.

STATE ENGINEER OFFICE  
ALBUQUERQUE, NEW MEXICO  
99 APR 26 PM 3:28

## NMED-OSE LOU

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### B. NMED Responsibilities:

1. Assure that OSE is involved as early as possible on all policies and projects that potentially include both water quantity and water quality concerns.
2. Provide the OSE electronic access to water related databases, and access or copies of agency documents, as is feasible.
3. Provide notification to OSE of permitting actions which include water quantity, wastewater reuse, and artificial recharge issues.
4. Provide timely written comments on proposed regulations, policies, water rights applications, and other documents, as requested by OSE.
5. Incorporate OSE's comments on proposed regulations, policies, permit applications, and other documents, as is practicable.
6. Provide timely determination to OSE that water rights applications or transfers will not adversely affect public welfare.

### C. OSE Responsibilities:

1. Assure that NMED is involved as early as possible in the process for all projects and policies that potentially include both water quantity and water quality concerns.
2. Provide NMED electronic access to existing water right databases, and access or copies of agency documents, as is feasible.
3. Provide notification to NMED of water right permits which include wastewater reuse, in-stream flow, water diversions and artificial recharge issues, or potentially adversely impact water quality.
4. Provide timely written comments on proposed regulations, policies, permit applications, and other documents, as requested by NMED.
5. Incorporate NMED's comments on proposed regulations, policies, water rights applications, and other documents as is practicable.
6. Provide timely notification to NMED of water rights applications or transfers which pose major public welfare issues in terms of adversely impacting water quality.

NMED-OSE LOU

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D. Limitations.

1. This LOU is not intended to modify, in any way, the respective duties, obligations, right, privileges, or immunities of the parties.
2. Nothing contained herein shall require any agency to expend money in excess of appropriations authorized by law.

E. Effective Date and Termination.

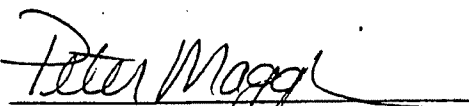
This LOU shall become effective as soon as it is signed by the parties hereto and filed with the New Mexico Secretary of State and shall continue in force unless terminated by any party upon thirty days notice, in writing, to the other party of intent to terminate upon an indicated date.

F. This LOU may be amended if done so in writing and approved by both parties.

IN WITNESS THEREOF, the parties hereto have caused this LOU to be executed.

NEW MEXICO ENVIRONMENT  
DEPARTMENT (NMED)

OFFICE OF THE STATE ENGINEER  
(OSE)



PETER MAGGIORÈ  
Cabinet Secretary

3/30/99  
DATE



THOMAS C. TURNEY  
State Engineer

3/30/99  
DATE