OFFICE OF THE STATE ENGINEER
STATE OF NEW MEXICO

IN THE MATTER OF THE REQUIREMENTS FOR METERING GROUNDWATER WITH-DRAWALS IN THE MIDDLE RIO GRANDE WATER MASTER DISTRICT, NEW MEXICO	Order No. 201

ORDER

On November 13, 2026, the State Engineer created the Middle Rio Grande Water Master District ("District") for the administration of rights from the Middle Rio Grande groundwater basin of New Mexico and authorizing the appointment of a Middle Rio Grande Water Master ("Water Master") for the purpose of administration and apportionment of the waters of the District. The Water Master shall appropriate, regulate and control the waters of such water districts so as to prevent waste and illegal water use. To fulfill these duties, metering, reporting, and enforcement of groundwater diversions within the District are necessary.

STATUTORY AUTHORITIES

1. New Mexico law declares that the water of underground streams, channels, artesian basins, reservoirs or lakes, having reasonably ascertainable boundaries, belong to the public and are subject to appropriation for beneficial use, NMSA 1978, § 72-1-1.

2. The State Engineer has a statutory responsibility to supervise, measure, appropriate, and distribute the waters of the State. NMSA 1978, § 72-2-1, including surface waters, NMSA 1978, §§ 72-5-1 through 39, and groundwaters, NMSA 1978, §§ 72-12-1 through 28, in accordance with the prior appropriation doctrine, as established by New Mexico law, NM Const. art. XVI; NMSA 1978, § 72-1-2. Such authority includes administering water allocations in accordance with water right priorities recorded with or declared or otherwise available to the State Engineer under active water resource management ("AWRM") statutes and rules. NMSA 1978, § 72-2-9.1; 19-25.13 NMAC.

3. The unauthorized use of water to which another is entitled, or the willful waste of surface or underground water to the detriment of another, or the public, is a misdemeanor, NMSA 1978, § 72-8-4.

4. The State Legislature has recognized that the need for water administration is urgent, NMSA 1978, § 72-2-9.1.

5. The Rio Grande Compact imposes an obligation on New Mexico to deliver water to Elephant Butte Reservoir on an annual basis.

FINDINGS OF FACT

1. Groundwater of the Rio Grande Underground Water Basin is in hydrologic connection to the Rio Grande, a fully-appropriated stream to which the State of New Mexico has interstate compact obligations.

2. Protracted drought and scientific projections of 25 percent less water in the Rio Grande available in the future require strict management of the State's water resources.

3. Lack of complete and accurate data on actual groundwater withdrawals impede the State Engineer's ability to evaluate water right applications, protect existing water rights, calculate depletion offset requirements, and plan drought mitigation.

4. Accurate measurements of groundwater withdrawals are necessary for improving hydrologic models and administering uses of water in the Middle Rio Grande.

5. The State Engineer apportions groundwater and calculates stream depletions using hydrologic models populated with volumes and rates of groundwater withdrawals.

CONCLUSIONS OF LAW

1. The requirement for measuring and reporting groundwater uses in the District will assist the State Engineer in managing and administering the waters of the Middle Rio Grande stream system.

2. The Order as set out below, providing for measurement and reporting of groundwater withdrawals in the District, will assist the State Engineer in performing their statutory duties to protect existing water rights, conserve water, and promote public welfare by preventing the over-appropriation, illegal use, and waste of water.

ORDER

IT IS ORDERED that:

1. Totalizing flow meters shall be installed on all groundwater wells identified below in the District and mandatory reporting is required as described below.

2. All metering devices must be in place and operational no later than March 1, 2028.

3. Failure to install, maintain, and report readings of meters shall result in enforcement procedures as described below.

DEFINITION OF THE MIDDLE RIO GRANDE WATER MASTER DISTRICT:
The District is depicted in State Engineer Order 200, and further described as being located

within the area described in State Engineer Order 65, dated November 29, 1956, declaring the Rio Grande Underground Water Basin, lying within the District 1 administrative area, including all lands within the Middle Rio Grande Conservancy District (MRGCD), and excluding lands of Indigenous Pueblos, Tribes, and Nations.

METERING OF ALL GROUNDWATER USES IN THE DISTRICT

1. Well owners are required to install totalizing flow meters, on all new and existing groundwater wells within the District in accordance with the standards set out in this Order, with the following exceptions:

    a. Existing single wells on a parcel serving *solely* domestic uses of a single household, including the irrigation of one acre or less of noncommercial trees, lawn, or garden;
    b. Existing wells used *solely* for watering livestock in a grazing operation.

2. The Water Master will require a meter for any well that is not required to have a meter but is deemed likely to have water use exceeding its authorized amount as evidenced by irrigation exceeding one acre, a pond of any size, or activities on site that may result in diversions in excess of authorized amounts.

3. No well owners or users may withdraw water from wells covered by this Order after March 1, 2028, unless such wells are metered in accordance with the specifications described in this Order.

4. Nothing herein shall limit the authority of the State Engineer to later require that water uses currently excluded from the requirements of this order be metered, including surface water diversions.

5. This Order does not apply to the Indigenous Pueblos, Tribes, and Nations or their water rights or claims within the geographical extent of the District. *See, e.g.*, Rio Grande Compact Art. XVI.

STANDARDS AND SPECIFICATIONS

1. The meter shall be of a make and model acceptable to the State Engineer.

2. Well owners shall ensure that their meters meet the following minimum standards:

    a. The meter shall be a totalizing flow meter with a rated accuracy of plus or minus two (2) percent of actual flow. The installed accuracy of the meter and any secondary equipment such as data recorders shall be within plus or minus ten (10) percent of actual flow. The meter shall be calibrated according to industry standards upon installation and at least once every three years thereafter.
    b. The meter shall contain sufficient recording digits to ensure that rollover to zero does not occur within a one-year period.
    c. The meter register or display shall record total volume and instantaneous flow rate

or be capable of flow rate calculation, be non-resettable, and have a waterproof and tamperproof seal.

d. The unit of measure and multiplier, if any, for determining the total amount of water shall be indicated on the meter.

3. The State Engineer may modify these standards and specifications or adopt additional standards and specifications for meters and their installation, repair and maintenance, or for alternative measurement methods or devices. A list of OSE-approved meters shall be available in the District 1 office and the OSE website.

INSTALLATION, MAINTENANCE AND REPAIR: The well owner is responsible for installing, maintaining, and repairing the meter. The meter shall be installed in a manner acceptable to the State Engineer as follows:

1. The well owner shall ensure that the meter is installed, inspected and maintained according to the manufacturer's specifications.

2. There shall be no diversions between the wellhead and meter.

3. The well owner shall install and maintain the meter in such a manner as to prevent meter error, including, but not limited to the following:

   a. Using adequately sized and functional equipment to prevent the discharge pipe from being incompletely filled with water at the location of the meter.
   b. The meter shall be installed to manufacturers specification, As a general rule the meter shall be installed at a distance of at least 10 pipe diameters downstream from bends in the pipe or changes in pipe diameter and 5 pipe diameters upstream of any bends, changes in pipe diameter, or the point of discharge. Flow straighteners may be utilized to reduce these requirements.

4. The well owner shall allow and maintain access to the meter for reading, inspection, and testing by representatives of the State Engineer.

5. The owner shall keep the meter in good working order to provide a continuous and accurate record of the amount of water withdrawn or diverted.

6. The well owner shall notify the OSE District 1 office in writing if a meter is serviced, repaired, or replaced.

BROKEN OR NON-FUNCTIONING METERS

1. If the meter is broken or not functioning in accordance with the specifications of this Order, the owner shall notify the OSE immediately, and diversion of water from that well shall be discontinued unless estimates of diversions can be made by hour meters or electrical meters associated with the well pump in a manner acceptable to the State

Engineer.

2. Estimates using data from hour meters shall be made based upon the listed pump capacity. Broken or non-functioning meters must be repaired within 30 days from the date the meter broke or malfunctioned.

REPORTING REQUIREMENTS

1. Within ten days after meter installation, the owner shall submit the following to the State Engineer:

    a. An OSE "Well Completion and Meter Installation Form," available on the OSE website or at the OSE District 1 Office;
    b. A clear and legible picture of the meter cover and face where all the meter details may be read.

2. Meter readings for non-domestic wells shall be submitted on or before the 10th day of the month of January, April, July, and October of each year (quarterly).

3. Meter readings for domestic wells shall be submitted on or before the 10th day of the month of January of each year (annually).

4. If a permit, license or other document of the State Engineer requires more frequent meter readings, the terms of the permit, license or other document shall control.

5. All reporting shall be made one of three ways.

    a. Reporting is encouraged to be made through the OSE online Meter Reading Web Application (MRWeb), or a successor application.
    b. Reports can be filed electronically through email to a District 1 specific meter reading email.
    c. Reports can be filed in writing to the District 1 Office on a form acceptable to the State Engineer. Such reports shall include the Office of State Engineer file number for the well, dates of readings, the meter serial number, number of moving meter dials, units of measurement, and multiplier.

6. If a meter is serviced, repaired, or replaced, the owner shall record the meter readings before and after such actions, and shall include the readings in the written notification. In the event of meter or meter register replacement, a new OSE "Well Completion and Meter Installation Form" shall be completed and filed with the OSE.

SUPERSESSION BY A COURT

In the exercise of the statutory authority to measure the public waters, the State Engineer

shall consider this Order and any orders entered by a court of competent jurisdiction regulating the use of groundwater. Where there is any inconsistency between this Order and the orders of a court of competent jurisdiction, the court's order shall control.

ENFORCEMENT AND COMPLIANCE

The following procedures shall be followed for enforcement of compliance with the Middle Rio Grande Metering Order:

STEP I: Field Inspection

The Water Master or other representatives of the OSE may conduct a field inspection of the well(s) and/or meter(s) at issue. Non-compliance tags shall be attached to out-of-compliance well(s) and/or meter(s) at the time of a field inspection. The inspecting State Engineer representative shall complete a field inspection form or memorandum, including photographs showing the violation.

STEP II: Notice of Violation to Owner

The Water Master shall issue a Notice of Violation, by certified first-class mail, to the owner of an out-of-compliance point of diversion and/or meter. The notice shall inform the owner of the violation(s) and include statements as to how to remedy the violation(s).

After issuing a Notice of Violation, the OSE may assess a civil penalty, as provided by law, for each day during any portion of which the violation continues, pursuant to NMSA 1978, Section 72-2-18.

STEP III: Owner Response to Notice of Violation

An Owner has 30 days from the date of receipt of the Notice of Violation to contact the Water Master to provide evidence of good faith compliance. This requires clear proof of specific steps taken and a good faith effort to comply with the Middle Rio Grande Metering Order.

Based on the Water Master's review, the Water Master may stay any further enforcement for a reasonable and appropriate time and may provide the owner with a new deadline by which to comply.

If the owner fails to respond to the Notice of Violation within 30 days from the date of receipt or does so in a manner that does not show a good faith attempt to comply with the Middle Rio Grande Metering Order, then the Water Master shall refer the matter to the OSE Administrative Litigation Unit for the purposes of issuing a Compliance Order.

STEP IV: Issuance of Compliance Order

Following referral of the matter, the Administrative Litigation Unit shall serve the compliance order in accordance with NMSA 1978, Section 72-2-18.

STEP V: Response to Compliance Order

If the owner requests, in writing, an administrative hearing within 30 days of receipt of the compliance order, then the Administrative Litigation Unit shall initiate the docketing of a hearing pursuant to 19.25.2 NMAC. Otherwise, the compliance order shall become final and enforceable pursuant to NMSA 1978, Section 72-2-18.

VARIANCES: When the strict application of any provision of this Order would be impracticable or would cause unreasonable hardship, the Water Master may, at their discretion, grant a variance for a specific instance, provided a written request for the variance is filed with the Water Master and the Water Master finds the request justifiable.

Alternative methods or devices for measuring water withdrawals in lieu of totalizing meters are not permitted except upon written authorization from the Water Master or State Engineer.

MODIFICATION OF THIS ORDER: The State Engineer may, at their sole discretion, supplement or modify this Order.

EFFECTIVE DATE: This Order shall become effective on the date of signature by the State Engineer. No water shall be diverted from any well in the Middle Rio Grande Water Master District after March 1, 2028, unless equipped with a functional meter as required in this Order or unless the well meets the requirements of an exception described above.

WITNESS my hand and seal of my office this 13th day of November 2026.

ELIZABETH K. ANDERSON NEW MEXICO 18540 PROFESSIONAL ENGINEER

11/13/2026
Date

Elizabeth K. Anderson, P.E.
State Engineer

REVIEWED and APPROVED as to legal content the 13th day of November 2026.

11/13/26
Date

Nathaniel Chakeres
General Counsel