



Natural Resources Conservation Service
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NEW MEXICO BULLETIN NO. 210-9-3

SUBJECT: ENG – CHANGE IN JURISDICTIONAL DAM DEFINITION BY NM OFFICE OF STATE ENGINEER

TO: All Offices

Purpose: To provide an awareness to employees that on March 30, 2009, Governor Richardson signed into law House Bill 63, which revises New Mexico Regulations relating to dams.

Expiration Date: September 30, 2009.

This new law changes the definition of a Jurisdictional Dam. The state's jurisdictional dam is now consistent with the definition of an "inventory dam" under the National Dam Safety Inspection Act of 1972. The State Engineer still has authority over all dams but only larger dams meeting the new definition of a jurisdictional dam will need to be submitted to the Office of the State Engineer-Dam Safety Bureau (OSE-DSB) for review and approval of designs or modifications.

The rule of 10 and 10 (10 feet high or 10 acre-feet in volume) still applies for water rights, but does not apply for the dam safety issues. For dam safety, the following dams do not need to obtain prior OSE-DSB approval:

1. dams less than 25 feet high with less than 50 acre-feet of storage;
2. dams less than 6 feet high regardless of storage; or
3. dams will less than 15 acre-feet of storage regardless of height.

The full text of the bill changes is attached. The OSE-DSB will be revising their dam safety regulations. The Engineering Staff will provide these when they are published or you may check the following website for updates:

<http://www.ose.state.nm.us/doing-business/DamSafety/Dam-menu.html>.

A handwritten signature in black ink, appearing to read "Dennis L. Alexander".

DENNIS L. ALEXANDER
State Conservationist

Attachment