

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 550 ERRDS, OFFICE OF THE STATE ENGINEER

1.18.550.1 ISSUING AGENCY: State Commission of Public Records
[1.18.550.1 NMAC - Rp, 1.18.550.1 NMAC, 01/12/2015]

1.18.550.2 SCOPE: office of the state engineer
[1.18.550.2 NMAC - Rp, 1.18.550.2 NMAC, 01/12/2015]

1.18.550.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-1 et seq. NMSA 1978
[1.18.550.3 NMAC - Rp, 1.18.550.3 NMAC, 01/12/2015]

1.18.550.4 DURATION: permanent
[1.18.550.4 NMAC - Rp, 1.18.550.4 NMAC, 01/12/2015]

1.18.550.5 EFFECTIVE DATE: January 12, 2015, unless a later date is cited at the end of a section.
[1.18.550.5 NMAC - Rp, 1.18.550.5 NMAC, 01/12/2015]

1.18.550.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act, Section 14-3-1 et seq. NMSA 1978.
[1.18.550.6 NMAC - Rp, 1.18.550.6 NMAC, 01/12/2015]

1.18.550.7 DEFINITIONS:

- A. "Administrator" refer to Public Records Act, Section 14-3-2(A) NMSA 1978.
 - B. "Agency" refer to Public Records Act, Section 14-3-2(B) NMSA 1978.
 - C. "Archives" refer to 1.13.10.7 NMAC.
 - D. "Archives and historical services division" refer to 1.13.10.7 NMAC.
 - E. "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
 - F. "Commission" refer to Public Records Act, Section 14-3-2(C) NMSA 1978.
 - G. "Disposition" refer to 1.13.10.7 NMAC.
 - H. "Inactive record" refer to 1.13.10.7 NMAC.
 - I. "Life cycle" refer to 1.13.10.7 NMAC.
 - J. "Microphotography" refer to Public Records Act, Section 14-3-2(D) NMSA 1978.
 - K. "Non-record" refer to 1.15.2.101 NMAC.
 - L. "Public record" refer to Public Records Act, Section 14-3-2(G) NMSA 1978.
 - M. "Records center" refer to Public Records Act, Section 14-3-2(H) NMSA 1978.
 - N. "Records custodian" refer to Public Records Act, Section 14-3-2(I) NMSA 1978.
 - O. "Records liaison officer" refer to 1.13.10.19 NMAC.
 - P. "Records management division" refer to 1.13.10.7 NMAC.
 - Q. "Records retention and disposition schedule" refer to Public Records Act, Section 14-3-2(J) NMSA 1978.
 - R. "Retention" refer to 1.13.10.7 NMAC.
- [1.18.550.7 NMAC - Rp, 1.18.550.7 NMAC, 01/12/2015]

1.18.550.8 ABBREVIATIONS AND ACRONYMS:

- A. "CFR" stands for code of federal regulations.
- B. "EDRRDS" stands for education records retention and disposition schedules.
- C. "ERRDS" stands for executive records retention and disposition schedules.
- D. "GRRDS" stands for general records retention and disposition schedules.
- E. "JRRDS" stands for judicial records retention and disposition schedules.
- F. "LGRRDS" stands for local government records retention and disposition schedules.
- G. "LRRDS" stands for legislative records retention and disposition schedules.
- H. "NMAC" stands for New Mexico administrative code.

- I. "NMSA" stands for New Mexico statutes annotated.
- J. "RRDS" stands for records retention and disposition schedules.
- K. "SRCA" stands for state records center and archives.
- L. "USC" stands for United States code.

[1.18.550.8 NMAC - Rp, 1.18.550.8 NMAC, 01/12/2015]

1.18.550.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and legislative schedules, judicial schedules, executive schedules and education schedules list records specific to an agency. Each record series will be itemized by NMAC section number and title in the format listed below.

- (1) **Program** - describes the function of the records
- (2) **Maintenance system** - describes how an agency files (organizes) records
- (3) **Description** - describes the purpose and content of a record
- (4) **Retention** - defines the length of time records must be kept before they are eligible for

destruction or archival preservation

B. For records of a general nature, refer to Title 1, Chapter 15 NMAC, General Records Retention and Disposition Schedules. This chapter includes schedules related to administrative, financial, personnel, and medical records.

C. Legislative entities shall also refer to Title 1, Chapter 16 NMAC, Legislative Records Retention and Disposition Schedules.

D. Judicial entities shall also refer to Title 1, Chapter 17 NMAC, Judicial Records Retention and Disposition Schedules.

E. Executive agencies shall also refer to Title 1, Chapter 18 NMAC, Executive Records Retention and Disposition Schedules.

F. Counties and municipalities may also refer to Title 1, Chapter 19 NMAC, Local Government Records Retention and Disposition Schedules.

G. Educational institutions shall also refer to Title 1, Chapter 20 NMAC, Education Records Retention and Disposition Schedules.

H. Agencies shall notify the records center of any extension of a retention period due to litigation, current claims, audit exception or court order involving a record.

I. Record series descriptions are not intended to be exhaustive. Descriptions may include records that do not appear in the files, and conversely, files may include records not listed in the description.

J. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

K. Records may be microfilmed or digitized provided a microphotography plan has been approved by the state records administrator. See Section 14-3-17 NMSA 1978; Title 1, Chapter 14 NMAC, Microphotography Systems. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies. See Section 14-1-6 NMSA 1978.

L. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

M. For guidance referring to electronic messaging, refer to 1.13.4 NMAC, Records Management Requirements for Electronic Messaging.

N. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.550.9 NMAC - Rp, 1.18.550.9 NMAC, 01/12/2015]

1.18.550.50 WATER RIGHTS FILES:

- A. Program:** water rights
- B. Maintenance system:** chronological by date, then numerical by basin and file number
- C. Description:** records documenting the history concerning water rights (e.g., point of diversion, place of use, owner of water rights, priority date, purpose of use, and quantity of water, etc.) in the state. This record is input into the *water administration technical engineering resource system (WATERS)*, 1.18.550.53 NMAC. Files may include applications (e.g., requests for permits and licenses to appropriate waters, change locations of water rights, supplemental or replacement of points of diversions, mine dewatering and applications for non-consumptive use of water plans for water development, repair of wells, change location of wells, combine and commingle existing rights, change of ownerships, enlargement of existing water rights, flood control dams, return flow plans, etc.), declaration of a water rights, well plugging plans, well record (e.g., location, drilling and casting, annular material, etc.), hydrographic surveys, meter readings, water master reports, correspondence, etc.
- D. Retention:** permanent

[1.18.550.50 NMAC - Rp, 1.18.550.53, 124, 125 & 128 NMAC, 01/12/2015]

1.18.550.51 WATER MASTER REPORTS:

- A. Program:** water rights
- B. Maintenance system:** chronological by date, then alphabetical by basin name
- C. Description:** annual reports documenting the monitoring and administering of ground and surface water usage in the state. This record is input to the *water administration technical engineering resource system (WATERS)*, 1.18.550.53 NMAC. Reports may show basin name, water usage, water diversion, changes to water use, field notes, etc.

- D. Retention:** permanent, transfer to archives 10 years from date of report
- [1.18.550.51 NMAC - Rp, 1.18.550.55, 56 & 63 NMAC, 01/12/2015]

1.18.550.52 WATER METER READING FILES:

- A. Program:** water rights
- B. Maintenance system:** chronological by date, then numerical by water right number
- C. Description:** records documenting monthly water usage readings submitted by users in areas that do not require a water master. This record is input to the *water administration technical engineering resource system (WATERS)*, 1.18.550.53 NMAC. Files may include *totalizing meter report* form (e.g., permittee name, contact, address, well number, location of water, serial number, number of dials, make of meter, model of meter, units, multiplier, reading date, meter reading, comments, etc.), water meter reports, correspondence, etc.

- D. Retention:** permanent, transfer to archives 10 years from date of report
- [1.18.550.52 NMAC - Rp, 1.18.550.61 NMAC, 01/12/2015]

1.18.550.53 WATER ADMINISTRATION TECHNICAL ENGINEERING RESOURCE SYSTEM (WATERS):

- A. Program:** water rights
- B. Maintenance system:** numerical by primary key
- C. Description:** document management system that maintains information and stores copies of scanned records concerning all aspects of New Mexico water rights. Information may include application data (e.g., requests for permits and licenses to appropriate water, change of water rights, supplemental or replacement of points of diversions, mine dewatering and for non-consumptive use of water plans for water development, repair of wells, change location of wells, combine and commingle existing rights, change in ownerships to enlarge existing water rights, flood control dams, return flow plans, etc.), declaration of a water rights data, plug in plans data, hydrographic survey data, meter reading data, water master report data, etc.

- D. Data retention:** permanent
- E. Input:** Records used as input to the *water administration technical engineering resource system (WATERS)* are filed in the corresponding *water rights files*, 1.18.550.50 NMAC; *water master reports*, 1.18.550.51 NMAC and *water meter reading files*, 1.18.550.52 NMAC.

- F. Output:** Because the *water administration technical engineering resource system (WATERS)* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these

reports are forwarded to the requesting entity. Some of these reports include *overdue meter reading reports*, *installation reports*, *condition of approval reports*, etc.

[1.18.550.53 NMAC - Rp, 1.18.550.10 NMAC, 01/12/2015]

1.18.550.54 WELL DRILLER LICENSURE FILES:

A. Program: water rights

B. Maintenance system: chronological by date, then numerical by well driller number

C. Description: records documenting application, issuance and licensure history of a well driller.

Files may include *well driller application*, *amendment application*, *documentation of continuing education hours*, *application for approval of continuing education course*, list of drill rig supervisors, *drill rig form*, copy of surety bond, copy of well driller license, notification of letter if not in jurisdiction, field check report, complaints, copy of written reprimand, compliance order, copy findings and orders, *renewal application*, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years from expiration or revocation of license

[1.18.550.54 NMAC - Rp, 1.18.550.57 NMAC, 01/12/2015]

1.18.550.55 HEARING UNIT CASE FILES:

A. Program: water rights

B. Maintenance system: chronological by date, then numerical by docket number

C. Description: records documenting the administrative hearing proceedings on protests concerning water rights. Files may include water rights application, protest letter, legal notice, affidavit of publications, request for prehearing scheduling conference, payment receipts, notice of scheduling conference, copy of receipts, scheduling order, pleadings, index and exhibits, digital audio recordings, final order, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years from date of final order

[1.18.550.55 NMAC - Rp, 1.18.550.74 NMAC, 01/12/2015]

1.18.550.56 - 1.18.550.99 [RESERVED]

1.18.550.100 COUNTY DEVELOPMENT PROJECT FILES:

A. Program: water use and conservation

B. Maintenance system: chronological by date, then alphabetical by county name

C. Description: records documenting opinions of water availability for proposed county development projects. Files may include development proposal, project calculations, copy of opinion letter, etc.

D. Retention: permanent, transfer to archives 10 years from date of opinion letter

[1.18.550.100 NMAC - Rp, 1.18.550.101 NMAC, 01/12/2015]

1.18.550.101 - 1.18.550.149 [RESERVED]

1.18.550.150 GEOGRAPHIC, HYDROGRAPHIC AND PHOTOGRAPHIC MAPS:

A. Program: hydrographic survey

B. Maintenance system: chronological by date, then alphabetical by location name

C. Description: maps and photographs created by aerial, geographic and hydrographic surveys documenting water sources in the state. Maps and photographs may show geographic surveys, hydrographic surveys, aerial surveys, etc.

D. Retention: permanent, transfer to archives when no longer needed for reference

[1.18.550.150 NMAC - Rp, 1.18.550.122 NMAC, 01/12/2015]

1.18.550.151 - 1.18.550.199 [RESERVED]

1.18.550.200 DAM SAFETY DESIGN CRITERIA AND INSPECTION FILES:

A. Program: dam safety

B. Maintenance system: chronological by date, then numerical by office of state engineer D number

C. Description: records documenting the history of state dams (e.g., design, construction, modification, alteration and inspection, etc.). Files may include *application for permit to construct and operate a dam* (e.g., cost estimate, letter of water rights, design report, construction drawings, project specifications, plat of survey, dam site security, instrumentation plan, operation and maintenance manual, emergency action plan, etc.),

change of ownership of a dam, dam owner certificate, certificate of construction, copy of contract of construction or modification of dam, inspection checklist, investigation report, completion of work, application for permit to alter or rehabilitate an existing dam, construction completion reports, final inspection report, correspondence, etc.

D. Retention: permanent

E. Confidentiality: Portions of this record may be confidential.

[1.18.550.200 NMAC - Rp, 1.18.550.146 & 147 NMAC, 01/12/2015]

1.18.550.201 - 1.18.550.299 [RESERVED]

1.18.550.300 WATER ADJUDICATION CASE FILES:

A. Program: legal services

B. Maintenance system: chronological by date, then alphabetical by case name

C. Description: records documenting water rights adjudication suits to determine elements of all water rights in a particular stream system. Files may include pleadings, pleadings index, copy of water right applications, copy of water right agreement, discovery index, exhibits, hydrographic survey report, maps, depositions, expert reports, partial final decrees, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years from final disposition of case

E. Confidentiality: Portions of this file may be confidential.

[1.18.550.300 NMAC - Rp, 1.18.550.70, 71, 73, 121 & 123 NMAC, 01/12/2015]

1.18.550.301 WATER LITIGATION CASE FILES:

A. Program: legal services

B. Maintenance system: chronological by date, then alphabetical by entity or surname

C. Description: records documenting administrative litigation proceedings with regard to water rights. Files may include copy of pleadings, list of applicants or protestant, list of attorneys for applicants or protestant, exhibits, hydrology expert report, water right resources specialist report, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years from final disposition of case

E. Confidentiality: Portions of this file may be confidential.

[1.18.550.301 NMAC - Rp, 1.18.550.70, 72 & 73 NMAC, 01/12/2015]

HISTORY OF 1.18.550 NMAC:

Pre-NMAC Filing History: The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule 72-10, Records Retention and Disposal Schedule for State Engineer, ISC, filed 5/1/72;

SRC Rule 77-10, Records Retention and Disposal Schedule for Conservancy and Irrigation District, filed 12/16/77;

SRC Rule No. 83-15, Records Retention and Disposition Schedule for State Engineer, filed 4/29/83; and

SRC Rule No. 92-12, Records Retention and Disposition Schedule for Middle Rio Grande Conservancy District, filed 4/11/94.

History of Repealed Material:

1 NMAC 3.2.93.550, Executive Records Retention and Disposition Schedules, Office of the State Engineer - Repealed 12/15/00.

1.18.550 NMAC, Executive Records Retention and Disposition Schedules, Office of the State Engineer, filed 11/15/2000 - Repealed 01/12/2015.