

This is an amendment to 20.6.4 NMAC, Section 97, effective 3/14/2026.

20.6.4.97 EPHEMERAL WATERS: Ephemeral surface waters of the state as identified below and additional ephemeral waters as identified on the department's water quality standards website pursuant to Paragraph (2) of Subsection D of 20.6.4.15 NMAC are subject to the designated uses and criteria as specified in this section. Ephemeral waters classified in 20.6.4.101-899 NMAC are subject to the designated uses and criteria as specified in those sections.

- A. Designated uses:** livestock watering, wildlife habitat, limited aquatic life and secondary contact.
- B. Criteria:** the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses.
- C. Waters:**
 - (1)** the following waters are designated in the Rio Grande basin:
 - (a)** Cunningham gulch from Santa Fe county road 55 upstream 1.4 miles to a point upstream of the Lac minerals mine, identified as Ortiz mine on U.S. geological survey topographic maps;
 - (b)** an unnamed tributary from Arroyo Hondo upstream 0.4 miles to the Village of Oshara water reclamation facility outfall;
 - (c)** an unnamed tributary from San Pedro creek upstream 0.8 miles to the PAA-KO community sewer outfall;
 - (d)** Inditos draw from the crossing of an unnamed road along a power line one-quarter mile west of McKinley county road 19 upstream to New Mexico highway 509;
 - (e)** an unnamed tributary from the diversion channel connecting Blue canyon and Socorro canyon upstream 0.6 miles to the New Mexico firefighters academy treatment facility outfall;
 - (f)** an unnamed tributary from the Albuquerque metropolitan arroyo flood control authority (AMAFCA) Rio Grande south channel upstream of the crossing of New Mexico highway 47 upstream to I-25;
 - (g)** the south fork of Cañon del Piojo from Cañon del Piojo upstream 1.2 miles to an unnamed tributary;
 - (h)** an unnamed tributary from the south fork of Cañon del Piojo upstream 1 mile to the Resurrection mine outfall;
 - (i)** Arroyo del Puerto from San Mateo creek upstream 6.8 miles to the Ambrosia Lake mine entrance road;
 - (j)** an unnamed tributary from San Mateo creek upstream 1.5 miles to the Roca Honda mine facility outfall;
 - (k)** San Isidro arroyo, including unnamed tributaries to San Isidro arroyo, from Arroyo Chico upstream to its headwaters;
 - (l)** Arroyo Tinaja, including unnamed tributaries to Arroyo Tinaja, from San Isidro arroyo upstream to 2 miles northeast of the Cibola national forest boundary;
 - (m)** Mulatto canyon from Arroyo Tinaja upstream to 1 mile northeast of the Cibola national forest boundary; ~~and~~
 - (n)** Doctor arroyo, including unnamed tributaries to Doctor arroyo, from San Isidro arroyo upstream to its headwaters, and excluding Doctor Spring and Doctor arroyo from the spring to its confluence with the unnamed tributary approximately one-half mile downstream of the spring[-]; and
 - (o)** Tijeras arroyo from Rio Grande to Four Hills bridge.
 - (2)** the following waters are designated in the Pecos river basin:
 - (a)** an unnamed tributary from Hart canyon upstream 1 mile to South Union road;
 - (b)** Aqua Chiquita from Rio Peñasco upstream to McEwan canyon; and
 - (c)** Grindstone canyon upstream of Grindstone reservoir.
 - (3)** the following waters are designated in the Canadian river basin:
 - (a)** Bracket canyon upstream of the Vermejo river;
 - (b)** an unnamed tributary from Bracket canyon upstream 2 miles to the Ancho mine; and
 - (c)** Gachupin canyon from the Vermejo river upstream 2.9 miles to an unnamed west tributary near the Ancho mine outfall.
 - (4)** in the San Juan river basin an unnamed tributary of Kim-me-ni-oli wash upstream of the mine outfall.
 - (5)** the following waters are designated in the Little Colorado river basin:
 - (a)** Defiance draw from County Road 1 to upstream of West Defiance Road; and

(b) an unnamed tributary of Defiance draw from McKinley county road 1 upstream to New Mexico highway 264.

(6) the following waters are designated in the closed basins:

(a) in the Tularosa river closed basin San Andres canyon downstream of South San Andres canyon; and

(b) in the Mimbres river closed basin San Vicente arroyo from the Mimbres river upstream to Maudes canyon.

[20.6.4.97 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 12/17/2019; A, 4/23/2022; A, 3/14/2026]