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HOUSE MEMORIAL 23

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Richard Vigil

A MEMORIAL

REQUESTING THE STATE ENGINEER TO REPORT TO THE WATER AND
NATURAL RESOURCES COMMITTEE ON THE IMPACT OF AND PROBLEMS
ASSOCIATED WITH DOMESTIC WELLS IN NEW MEXICO.

WHEREAS, for the past five decades, the state engineer
has issued permits for domestic wells for domestic, livestock
and commercial purposes pursuant to Section 72-12-1 NMSA 1978
without considering the issues of impairment, public welfare
or conservation; and

WHEREAS, the number of domestic wells in the state has
been steadily increasing; and

WHEREAS, in fiscal year 1998-1999 alone the state
engineer approved five thousand seven hundred thirty-four
domestic wells; and

WHEREAS, many of these wells have been drilled in
critical stream-connected basins; and

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1 WHEREAS, the impact of any one domestic well
2 individually may be de minimus; and

3 WHEREAS, hundreds or thousands of domestic wells in a
4 critical basin can impact existing senior water rights held
5 by acequias, municipalities, irrigators and Indian nations,
6 tribes or pueblos; and

7 WHEREAS, these wells can also impact New Mexico's
8 interstate compact delivery obligations; and

9 WHEREAS, domestic wells in many of rural areas of the
10 state are likely not concentrated or located so as to
11 conflict with or impact other appropriators' water rights;
12 and

13 WHEREAS, a portion of these wells approved for livestock
14 purposes has allegedly been used to fill lakes for the
15 raising of fish or for the beautification of commercial
16 subdivisions; and

17 WHEREAS, a portion of these wells has been abandoned
18 without capping or plugging, creating potential safety
19 hazards and sources of water contamination;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state
22 engineer report to the interim legislative water and natural
23 resources committee the number and general location of
24 domestic wells applied for with the office of the state
25 engineer; an estimate of the potential impact of those wells
on streams and the interstate compact water deliveries;
examples of where domestic wells are being used for

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1 fisheries, aesthetic and other purposes not consistent with
2 statute; critical areas of the state where domestic wells may
3 impact other appropriators; proposed rules relating to
4 capping and plugging of abandoned wells; and necessary
5 statutory changes concerning problems associated with
6 domestic wells; and

7 BE IT FURTHER RESOLVED that a copy of this memorial be
8 sent to the New Mexico legislative council, the chairman of
9 the water and natural resources committee and the state
10 engineer.

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