

HOUSE JOINT MEMORIAL 53

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE STATE ENGINEER, WHEN EVALUATING APPLICATIONS TO EXPORT GROUND WATER OUT OF THE BASIN OF ORIGIN, TO CONSIDER THE AVAILABILITY OF WATER SUPPLIES WITHIN THE BASIN TO WHICH WATER IS BEING EXPORTED.

WHEREAS, certain governmental entities are considering or have considered policies to mine and export ground water from closed basins, such as the Estancia basin, which are often the sole water supply sources for communities; and

WHEREAS, the ground water resources of these basins are not renewable and will not be replenished because they are being mined; and

WHEREAS, the exportation of ground water from these basins has the potential to shorten their productivity; and

WHEREAS, the Estancia basin regional water plan provides

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1 that the exportation of ground water is contrary to the greater
2 interest of the planning area and that it must be aggressively
3 discouraged and opposed; and

4 WHEREAS, the ground water of the Estancia basin
5 constitutes the sole potable water supply upon which the
6 communities in the basin depend; and

7 WHEREAS, the local governments of Moriarty, Estancia,
8 Mountainair, Edgewood and Torrance county and local residents
9 of the Estancia basin have joined together in opposing
10 increased mining and exportation of ground water from the
11 Estancia basin; and

12 WHEREAS, the boards of county commissioners of Torrance,
13 Bernalillo and Santa Fe counties have actively discouraged the
14 exportation of any ground water from the Estancia basin; and

15 WHEREAS, during the hearings on the regional water plan
16 and the Torrance county comprehensive ordinance, the residents
17 of the Estancia basin consistently voiced their opposition to
18 the exportation of water from the Estancia basin, fearing that
19 exportation will both impair the existing water rights and be
20 detrimental to the planning regions' public welfare; and

21 WHEREAS, the state engineer has administratively
22 designated parts of the Estancia basin as a critical management
23 area, curbing domestic and other uses of water; and

24 WHEREAS, there is uncertainty regarding the maximum amount
25 of ground water that will be placed to beneficial use in any

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1 given year within the Estancia basin, and all studies conclude
2 that current existing diversions from the aquifer exceed the
3 rate at which it is being recharged; and

4 WHEREAS, the continued and future economic existence of
5 the Estancia basin communities is dependent on a reliable, if
6 not entirely sustainable, water supply; and

7 WHEREAS, some ground and surface water basins have access
8 to reliable, renewable sustainable water supplies from
9 renewable stream systems and have the ability to acquire water
10 rights within those systems and also have sufficient ground
11 water resources to sustain their current and projected growth
12 needs; and

13 WHEREAS, the public welfare of the state of New Mexico is
14 served by requiring other basins to develop the available
15 surface and ground water resources within their own basins
16 rather than mining the nonrenewable ground water resources in
17 the rural Estancia basin and depriving fellow New Mexicans,
18 including ranchers, farmers and local governments, of a future;

19 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
20 STATE OF NEW MEXICO that the exportation of mined ground water
21 from a closed ground water basin be consistent with the public
22 welfare of New Mexico and not contrary to the planning
23 objectives set forth in a regional water plan, and that the
24 state engineer require that any application to export ground
25 water from a mined ground water basin be supported by

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1 demonstrable need of the importing basin and proof that there
2 are no alternative in-basin sources of water to supply the
3 importing basin; and

4 BE IT FURTHER RESOLVED that the state engineer be
5 requested to adopt the above provisions as part of the process
6 for evaluating applications proposing to export ground water
7 from the Estancia basin; and

8 BE IT FURTHER RESOLVED that a copy of this memorial be
9 transmitted to the state engineer.

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