

**LFC Requester:****Austin Davidson****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** February 20, 2025 *Check all that apply:***Bill Number:** HB 356 Original  Correction   
Amendment  Substitute **Sponsor:** House Agriculture, Acequias, and Water Resources Committee **Agency Name and Code Number:** Office of the State Engineer 550**Person Writing Analysis:** Nat Chakeres**Short Title:** Protests for Replacement Wells **Phone:** 505-231-4459 **Email:** Nathaniel.chakeres@se.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

This amendment removes a strikethrough that was in the original bill and was intended as a stylistic amendment. The current statute defines emergency replacement wells as, *inter alia*, wells drilled into “the same and only the same” underground stream, channel, artesian basin, reservoir or lake as the original well.

The original bill struck out the language “and only the same.” The HAAWC amendment removes this strikethrough, keeping the definition of an emergency replacement well unchanged.

#### **FISCAL IMPLICATIONS**

None

#### **SIGNIFICANT ISSUES**

In the OSE analysis of the original bill, the OSE pointed out that striking out “and only the same” could potentially open up the possibility for applicants to argue that emergency replacement wells could tap into multiple aquifers, including aquifers that the original well did not tap, so long as the replacement well also tapped into the same aquifer that the original well tapped. This could increase the effects on neighboring wells.

The amendment, which removes the strikethrough of “and only the same”, removes this possibility. Emergency replacement wells will continue to be limited to the same and only the same aquifers that are tapped by the wells they are replacing.

#### **PERFORMANCE IMPLICATIONS**

None

#### **ADMINISTRATIVE IMPLICATIONS**

None

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

#### **TECHNICAL ISSUES**

None

#### **OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

**AMENDMENTS**

None suggested