

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to 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: 3/8/2025

Check all that apply:

Bill Number: SJM 4

Original Correction Amendment Substitute

Sponsor: Sen. Pat Woods

Agency Name
and Code

Office of the State Engineer

Number:

550

Person Writing

Analysis:

Nat Chakeres

Short Title: Emergency Water for Portales

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Title:

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: se.nm.gov

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	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
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Joint Memorial 4 is a memorial designed to highlight the extreme water supply crisis faced by the City of Portales. Despite aggressive reductions in per capita water use over the past several decades, Portales still faces rapidly dwindling groundwater supplies. The Memorial sets forth some of the facts relating to the City's groundwater supplies, and then urges the following actions:

- A request that the Governor develop a comprehensive and coordinated plan for the delivery of purified drinking water resources for the city of Portales and Roosevelt County, utilizing the infrastructure of the Eastern New Mexico Water Utility Authority to the greatest extent possible;
- Instruction to the Governor's Drought Task Force to investigate all potential resources that may be made available to the city of Portales, the Eastern New Mexico Water Utility Authority, the NM Environment Department, and other state agencies to deliver plentiful, purified drinking water to the city of Portales, potentially under the All Hazard Emergency Management Act, the Disaster Location Act, or other law;
- Declaration of an emergency, as appropriate, related to the drinking water insecurity of the city of Portales and Roosevelt County;
- Instruction to the State Engineer to coordinate with the City of Portales, the Eastern New Mexico Water Utility Authority, the NM Environment Department, the NM Department of Agriculture and Curry and Roosevelt Counties to develop and execute a holistic regional water plan to adjust the use of groundwater resources, including those which are currently in agricultural use, towards municipal supply; and
- Instruction to the board of directors of the Eastern New Mexico Water Utility Authority to utilize its infrastructure to deliver drinking water to the City of Portales.

The memorial also states that there is groundwater available in Curry County that could be utilized for delivery to Portales, and that any PFAS contamination in the groundwater could be treated or filtered using off-the-shelf technologies.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

There is no question that the City of Portales, and Roosevelt County, are facing an acute water crisis. To the extent this memorial is intended to raise awareness of the crisis and trigger discussions about the next steps, it is commendable and well-timed.

Some of the language in the memorial suggests that the state should take on the responsibility of ensuring that Portales has an adequate supply of water. It is not clear if that is the intent of the memorial. While the Office of the State Engineer and other state agencies, including emergency response agencies, work with municipalities to ensure that they can continue to provide water in emergency situations (including considerable efforts to protect the water supply of the City of Las Vegas during and after the Hermit's Peak/Calf Canyon Fire), the state cannot take on the role of water provider of last resort for all communities in New Mexico. To the extent that the memorial suggests that the state condemn or commandeer water resources held by other users for use by Portales, that would face considerable legal obstacles. The OSE would submit that a better approach would be to acquire water rights through purchase or lease from willing sellers.

Curry County is listed in the memorial as a potential source of additional groundwater. Curry County, itself, is also dependent on the Ogallala/High Plains Aquifer, and is seeing its own groundwater levels dropping. Therefore, the memorial rightly calls for a comprehensive regional planning approach to the region's water needs.

On Page 6, lines 6-8, the memorial states that large-scale dairies consume more than eighty percent of the fresh water supply in New Mexico. That is incorrect – the Memorial likely intended to refer to agricultural water use more generally, which is approximately eighty percent of water use by humans in the state.

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

There will not be legislative action highlighting the need to bring additional drinking water supplies to Portales.

AMENDMENTS

None