

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.state.nm.us/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: 3/7/2025 Check all that apply:
Bill Number: SJM 4 Original X Correction
 Amendment Substitute

Sponsor: Pat Woods **Agency Name and Code Number:** NMDA - 199
Emergency Water for **Person Writing Analysis:** Jeff Witte
Short Title: Portales **Phone:** 575-294-3817 **Email:** jheitz@nmda.nmsu.edu

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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate joint memorial 4 (SJM 4) requests the governor to develop a comprehensive and coordinated plan for the delivery of potable water to the city of Portales and Roosevelt County (City and County), including from ground water and agricultural sources, and from the Finished Water 3 Pipeline (FW3 Pipeline). The governor is also requested, on an emergency basis, to:

- A. Instruct the governor's drought task force to investigate all potential resources and existing laws available to deliver potable water to the City and County.
- B. Declare an emergency related to the drinking water insecurity of the City and County.
- C. Instruct the state engineer (OSE) to coordinate with the City of Portales, eastern New Mexico water utility authority (ENMWUA), New Mexico environment department (NMED), New Mexico department of agriculture (NMDA), and Curry and Roosevelt counties for the purpose of developing and executing a holistic regional water plan aimed at adjusting the use of ground water resources.
- D. Instruct ENMWUA to exercise its authority to:
 1. Enable the City of Portales to expeditiously use the FW3 Pipeline for potable water delivery
 2. Reform and amend any current or future funding instruments with the federal government to achieve purpose 1.

SJM 4 also directs that copies of the memorial be transmitted to the governor, OSE, the governor's drought task force, NMED, ENMWUA, the department of finance and administration, and NMDA.

FISCAL IMPLICATIONS

There would be no fiscal implications to NMDA.

SIGNIFICANT ISSUES

Accomplishing the objectives of SJM 4 will require extensive engagement with the local agricultural community. Under New Mexico law, water rights are considered a real property. Any efforts to transfer allocation of water between uses will require a cooperative, voluntary and incentive-based approach by the state. Agriculture is a major economic driver in Roosevelt County. In 2022, the county produced over \$372 million in agricultural products according to the United States Department of Agriculture's 2022 Census of Agriculture. Programs that transition lands out of irrigation should explore options that maintain agricultural production and its associated benefits to local economies and environments. Such options could include transitions to dryland agriculture, livestock grazing, and any other options that maintain groundcover and soil health.

There are ongoing initiatives to reduce aquifer depletions in the Ogalla region, including the Readiness and Environmental Protection Integration (REPI) Clovis partnership and the Eastern New Mexico Sentinel Landscape Partnership. These efforts focus on reducing groundwater depletions to protect the long-term water supply of Cannon Air Force Base and Melrose Air Force Range, while sustaining local agriculture. Both initiatives rely on the use of voluntary transactions to secure water rights or groundwater conservation easements from willing landowners. Both partnerships also support farmers in transitioning to non-irrigated forms of agriculture.

NMDA recommends that Roosevelt Soil and Water Conservation District (Roosevelt SWCD) be included in any regional water planning efforts related to SJM 4. Roosevelt SWCD is led by an elected board of supervisors, comprised of local residents and landowners, and has broad powers to fund and coordinate natural resource conservation efforts on private lands. Their involvement in the planning process will ensure that the perspectives of the local agricultural community are considered and that any recommended actions can be effectively implemented.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

There would be no administrative implications to NMDA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

Lines 6 through 9 of page 6 state that, “large-scale dairies ... consume more than eighty percent of the fresh water supply in New Mexico.” NMDA is unaware of the data that supports this claim. NMDA is only aware of data supporting the claim that the *entire agricultural sector* accounts for just under 80% of the state’s water withdrawals. This data is published by the OSE Water Use and Conservation Bureau, and the most recent data for 2020 can be found here:

https://www.ose.nm.gov/WUC/wuc_waterUseData.php

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SJM 4 is not enacted, the governor will not be requested to develop a plan, declare an emergency or take any additional steps to address the drinking water crisis in Portales and Roosevelt county.

AMENDMENTS

N/A