

1 HOUSE JOINT MEMORIAL 28

2 43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

3 INTRODUCED BY

4 STEVEN E. PEARCE

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10 A JOINT MEMORIAL

11 REQUESTING STUDIES AND A LITIGATION EVALUATION OF THE IMPACTS
12 TO NEW MEXICO WATER RESOURCES AND OTHER INTERESTS DUE TO
13 UNRESTRICTED WATER PUMPING BY TEXAS RESIDENTS AT THE TEXAS-NEW
14 MEXICO BORDER ADJACENT TO LEA COUNTY, NEW MEXICO.

15
16 WHEREAS, the Ogallala aquifer underlies one hundred
17 seventy-four thousand square miles in South Dakota, Wyoming,
18 Nebraska, Colorado, Kansas, Oklahoma, Texas and New Mexico;
19 and

20 WHEREAS, the Ogallala aquifer is the only source of water
21 for many communities in eastern New Mexico and west Texas; and

22 WHEREAS, the depth to ground water in the Ogallala
23 aquifer is highly variable, Texas and New Mexico having a
24 greater share of depths to water at more than two hundred
25 feet; and

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1 WHEREAS, New Mexico is on an upslope in the Ogallala
2 aquifer from which pumping at the downslope of the aquifer in
3 Texas drains water from New Mexico; and

4 WHEREAS, in recent years unrestricted pumping by Texas
5 residents from the Ogallala aquifer in Texas at the Texas-New
6 Mexico border has dramatically increased, resulting in
7 noticeably severe declines in New Mexico wells drawing from
8 the Ogallala aquifer in Lea county; and

9 WHEREAS, since Texas does not limit, restrict or regulate
10 the pumping of water to the same extent imposed in this state
11 by law and regulation, New Mexicans cannot resort to
12 comparable pumping to attempt to mitigate the effects of the
13 unregulated Texas pumping; and

14 WHEREAS, creating a "buffer zone" five miles wide along
15 the Texas-New Mexico border in Lea county from which unlimited
16 New Mexico pumping of the Ogallala aquifer would be permitted
17 could achieve more agricultural development in New Mexico by
18 using the water that is currently appropriated from under New
19 Mexico by Texas' pumping and could likely enhance New Mexico's
20 negotiating stance with its Texas counterparts to resolve the
21 inequitable use of the Ogallala aquifer's limited water
22 resources by Texas to the detriment of New Mexico;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that the state engineer evaluate,
25 determine and exercise his authority with respect to

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1 establishing and permitting a five-mile wide buffer zone along
2 the Texas-New Mexico border in Lea county for unrestricted and
3 unlimited pumping by New Mexico to counteract the impacts
4 created by unrestricted pumping of the Ogallala aquifer
5 permitted by Texas; and

6 BE IT FURTHER RESOLVED that an appropriate interim
7 committee of the legislature study and make recommendations to
8 the full legislature on the facts and impacts of and
9 resolution alternatives to Texas' border pumping; and

10 BE IT FURTHER RESOLVED that the attorney general evaluate
11 whether New Mexico should stop, counteract and resolve the
12 unrestricted pumping in Texas being done to the detriment of
13 New Mexico and its citizens and, if so, initiate litigation or
14 alternative legal methods to do so; and

15 BE IT FURTHER RESOLVED that a copy of this memorial be
16 transmitted to members of the New Mexico legislative council,
17 the state engineer and the attorney general.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 12, 1998
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8 Mr. Speaker:
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10 Your AGRICULTURE AND RESOURCES COMMITTEE, to
11 whom has been referred
12

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

- 17 1. On page 2, line 24, delete the comma and insert in
18 lieu thereof "and", and on line 25, delete "and exercise".,
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20 and thence referred to the JUDICIARY COMMITTEE.
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SECOND SESSION, 1998

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Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Porter

Absent: None

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