

1 SENATE JOINT MEMORIAL 4

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Pat Woods

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE GOVERNOR INSTRUCT STATE AGENCIES AND  
12 AUTHORITIES TO ADVANCE AND COORDINATE THE CONVERSION,  
13 PURIFICATION AND TRANSMISSION OF REMOTE AGRICULTURAL WATER  
14 RESOURCES ON AN EMERGENCY BASIS TO THE CITY OF PORTALES AND  
15 ROOSEVELT COUNTY FOR MUNICIPAL DRINKING WATER.

16  
17 WHEREAS, for decades, the city of Portales has  
18 successfully managed its own municipal water system, servicing  
19 the needs of residents, commercial and industrial users,  
20 eastern New Mexico university and the Roosevelt county water  
21 cooperative, and currently serves approximately twenty thousand  
22 New Mexico residents; and

23 WHEREAS, according to recent studies conducted by the city  
24 of Portales, its sole source of water supply is the  
25 Ogallala/High Plains aquifer, which has been pumped for

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1 agricultural and municipal use at a rate that exceeds natural  
2 recharge for the last seventy years; and

3 WHEREAS, since 2000, the ground water supply beneath  
4 Portales' existing Blackwater, Sandhill and Baker Farm  
5 wellfields has been depleted by sixty-five percent, with  
6 saturated thickness of the primary wellfield once measuring  
7 eighty feet and decreasing to just twenty-eight feet in 2021,  
8 and that wellfield is being depleted at a relatively rapid rate  
9 of two and three-tenths feet per year, so the saturated  
10 thickness is becoming critically low, with many wells taken out  
11 of production due to insufficient aquifer thickness; and

12 WHEREAS, beginning in 2000, the Portales water system  
13 initiated a forty-year water conservation plan that reached its  
14 initial long-term objective within ten years, cutting  
15 residential water usage by nearly fifty percent. However, by  
16 2013, it became evident that additional and more aggressive  
17 conservation measures were needed to offset the observed rate  
18 of depletion of the city's ground water supply, and additional  
19 wells were also desperately needed; and

20 WHEREAS, in 2013, the governor's drought task force  
21 assessed that the city of Portales, which was being affected by  
22 drought, was at that time in need of new wells to keep up with  
23 normal demand; and

24 WHEREAS, in 2014, the city of Portales updated its water  
25 conservation plan and then adopted an emergency drought

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1 management ordinance to impose further conservation and reuse  
2 policies on the water system's customers; and

3 WHEREAS, in 2010, the legislature enacted the Eastern New  
4 Mexico Water Utility Authority Act, creating the eastern New  
5 Mexico water utility authority; and

6 WHEREAS, the eastern New Mexico water utility authority  
7 is charged by the legislature to "plan, design, develop,  
8 purchase, acquire, own, operate, establish, construct and  
9 maintain the eastern New Mexico rural water system pipeline and  
10 waterworks to supply water for domestic, commercial, non-  
11 irrigated agricultural and industrial purposes by any available  
12 means to persons within and without the boundaries of the  
13 authority" for the benefit of the cities of Clovis, Portales  
14 and Texico and the town of Elida; and

15 WHEREAS, the boundaries of the eastern New Mexico water  
16 utility authority are essentially the boundaries of Curry and  
17 Roosevelt counties, and the city of Portales is a member of the  
18 authority; and

19 WHEREAS, it should be emphasized that the legislature's  
20 direction to the eastern New Mexico water utility authority is  
21 to supply water by "any available means"; and

22 WHEREAS, the statutory purposes of the eastern New Mexico  
23 water utility authority are "to create a water utility  
24 authority to develop and construct a water delivery system" and  
25 "to create an authority that will deliver water to the local

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1 governments within the boundaries of the authority but that  
2 will not compete with local governments for rights to deliver  
3 water to ultimate end-users"; and

4 WHEREAS, the Ute pipeline project, which the eastern New  
5 Mexico water utility authority has been working with the United  
6 States bureau of reclamation to develop, is anticipated to form  
7 the backbone water supply infrastructure within the boundaries  
8 of the authority; and

9 WHEREAS, the project has completed two small phases of  
10 "finished water" pipelines, including one twenty-inch line that  
11 connects the city of Portales' water storage tanks to a  
12 location adjacent to Cannon air force base, approximately  
13 fifteen miles distant from Portales; and

14 WHEREAS, the city of Portales' water storage tanks'  
15 connection to a location adjacent to Cannon air force base will  
16 remain unused and idle until the anticipated completion date of  
17 the Ute pipeline project in 2031; and

18 WHEREAS, the city of Portales has committed millions of  
19 dollars to the eastern New Mexico water utility authority, but  
20 the benefits are years away from realization; and

21 WHEREAS, the eastern New Mexico water utility authority's  
22 completed finished water 3 pipeline extends Portales' water  
23 harvesting and transmission potential to include the entire  
24 fifteen-mile path of the pipeline, including a region in Curry  
25 county atop the Ogallala aquifer paleochannel, which has an

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1 observed saturated thickness of approximately fifty feet and  
2 could prove exceptionally important to the welfare of Portales  
3 and Roosevelt county; and

4 WHEREAS, in 2017, the governor exercised her authority to  
5 declare a state of emergency due to drought conditions  
6 statewide and ordered the governor's drought task force to  
7 conduct a review and update of the New Mexico drought plan in  
8 accordance with the All Hazard Emergency Management Act and  
9 consider recommendations to allocate emergency funding for  
10 drought relief pursuant to the Disaster Location Act; and

11 WHEREAS, the city of Portales has been under stage 2 and  
12 stage 3 water restrictions that severely limit the use of  
13 potable water by its residents since 2023; and

14 WHEREAS, utility rates have increased dramatically for  
15 both residents in the city of Portales and Roosevelt county,  
16 resulting in litigation in 2023 between the city and the county  
17 over the allocation of scarce water resources; and

18 WHEREAS, the city of Portales' "2022 Water Conservation  
19 and Use Report" concluded that:

20 "shortages of water from Portales' wellfields are likely  
21 to become increasingly problematic unless... additional wells  
22 are added to the system... [and] delays in water deliveries  
23 from Ute Reservoir could occur beyond the currently projected  
24 completion date of.... In addition, shortages in the Ute  
25 project water supply are expected during times of drought, and

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1 these shortages may be increasingly severe due to climate  
2 change. The potential impacts of climate change provide an  
3 additional reason for Portales to... seek additional location  
4 groundwater supplies so that a water supply reserve would be  
5 available in times of drought"; and

6 WHEREAS, large-scale dairies such as those adjacent to  
7 Cannon air force base consume more than eighty percent of the  
8 fresh water supply in New Mexico compared to just ten percent  
9 used by municipal and private wells for drinking water; and

10 WHEREAS, the city of Portales has advised the legislative  
11 members from Roosevelt county and Curry county that it has  
12 entered into a July 2024 option and exploration agreement for  
13 drinking water with an owner of one of the large-scale dairies  
14 in Curry county, which is located atop the Ogallala aquifer  
15 paleochannel and immediately adjacent to the finished water 3  
16 pipeline, in order to investigate supplementing a substantial  
17 portion of the drinking water needs of Portales and Roosevelt  
18 county in the near term, and the legislative members encourage  
19 such voluntary conversions from agricultural to municipal uses  
20 of water to solve the water shortages of residents of eastern  
21 New Mexico; and

22 WHEREAS, the department of environment and the eastern New  
23 Mexico water utility authority have in recent years detected  
24 the presence of per- and polyfluoroalkyl substances, commonly  
25 known as PFAS, in many water resources, including the Ute

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1 reservoir, ground water wells on Cannon air force base and  
2 adjacent to Cannon air force base and Portales' Sandhill ground  
3 water wellfield. These water resources have the capacity to be  
4 successfully filtered using off-the-shelf technologies, and the  
5 department of environment has received funding from the United  
6 States environmental protection agency and other resources for  
7 the express purpose of purifying drinking water resources of  
8 per- and polyfluoroalkyl substances and should be involved in  
9 identifying opportunities to fund and enable the purification  
10 of any such water resource for the benefit of the city of  
11 Portales; and

12 WHEREAS, strong leadership from the state of New Mexico is  
13 required to coordinate and optimize the city of Portales' and  
14 Roosevelt county's interests in securing needed additional,  
15 purified ground water in order to protect the residents of the  
16 city of Portales and Roosevelt county;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
18 STATE OF NEW MEXICO that the city of Portales has over the past  
19 twenty-five years maximized its water conservation potential in  
20 an exemplary manner and that while its reuse and conservation  
21 practices should continue, its residents should likewise be  
22 afforded the full benefit of the resources of the state of New  
23 Mexico to secure their current and future drinking water needs,  
24 and particularly during the coming years before the Ute  
25 pipeline project comes to fruition; and

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1 BE IT FURTHER RESOLVED that the governor be requested to  
2 develop a comprehensive and coordinated plan for the delivery  
3 of purified drinking water resources for the city of Portales  
4 and Roosevelt county, including from remote ground water  
5 sources, including those currently identified as agricultural  
6 water resources, and using to the greatest extent possible the  
7 state's finished water 3 pipeline in Curry and Roosevelt  
8 counties and take the following actions on an emergency basis:

9 A. instruct the governor's drought task force to  
10 investigate all potential resources that may be made available  
11 to the city of Portales, the eastern New Mexico water utility  
12 authority, the department of environment and other state  
13 agencies to deliver plentiful, purified drinking water to the  
14 city of Portales and Roosevelt county, whether under the All  
15 Hazard Emergency Management Act, the Disaster Location Act or  
16 other law;

17 B. declare an emergency, as appropriate, related to  
18 the drinking water insecurity of the city of Portales and  
19 Roosevelt county;

20 C. instruct the state engineer to coordinate with  
21 the city of Portales, the eastern New Mexico water utility  
22 authority, the department of environment, the New Mexico  
23 department of agriculture and Curry and Roosevelt counties to  
24 develop and execute a holistic regional water plan to adjust  
25 the use of ground water resources, including those which are

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1 currently allocated toward agricultural irrigation and farming,  
2 for use by the city of Portales and Roosevelt county for  
3 municipal drinking water; and

4 D. instruct the board of directors of the eastern  
5 New Mexico water utility authority to exercise its authority  
6 "by any available means", to enable the city of Portales to use  
7 the finished water 3 pipeline to deliver drinking water to the  
8 city's water system from ground water resources upon the city's  
9 request and without delay and to reform and amend any relevant  
10 funding instruments that have been put in place or that shall  
11 be negotiated with the federal government, including the  
12 federal bureau of reclamation, to accommodate this purpose; and

13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the governor, the office of the state engineer,  
15 the governor's drought task force, the department of  
16 environment, the eastern New Mexico water utility authority,  
17 the department of finance and administration and the New Mexico  
18 department of agriculture.

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