

HOUSE JOINT MEMORIAL 74

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 200

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE STATE ENGINEER TO REPORT TO THE WATER AND
NATURAL RESOURCES COMMITTEE ON THE IMPACT OF AND PROBLEMS
ASSOCIATED WITH DOMESTIC WELLS IN NEW MEXICO.

WHEREAS, for the past five decades, the state engineer
has issued permits for domestic wells for domestic, livestock
and commercial purposes pursuant to Section 72-12-1 NMSA 1978
without considering the issues of impairment, public welfare
or conservation; and

WHEREAS, the number of domestic wells in the state has
been steadily increasing; and

WHEREAS, in fiscal year 1998-1999 alone the state
engineer approved five thousand seven hundred thirty-four
domestic wells; and

WHEREAS, many of these wells have been drilled in
critical stream-connected basins; and

WHEREAS, the impact of any one domestic well

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1 individually may be de minimus; and

2 WHEREAS, hundreds or thousands of domestic wells in a
3 critical basin can impact existing senior water rights held
4 by acequias, municipalities, irrigators and Indian nations,
5 tribes or pueblos; and

6 WHEREAS, these wells can also impact New Mexico's
7 interstate compact delivery obligations; and

8 WHEREAS, domestic wells in many of rural areas of the
9 state are likely not concentrated or located so as to
10 conflict with or impact other appropriators' water rights;
11 and

12 WHEREAS, a portion of these wells approved for livestock
13 purposes has allegedly been used to fill lakes for the
14 raising of fish or for the beautification of commercial
15 subdivisions; and

16 WHEREAS, a portion of these wells has been abandoned
17 without capping or plugging, creating potential safety
18 hazards and sources of water contamination;

19 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
20 STATE OF NEW MEXICO that the state engineer report to the
21 interim legislative water and natural resources committee the
22 number and general location of domestic wells applied for
23 with the office of the state engineer; an estimate of the
24 potential impact of those wells on streams and the interstate
25 compact water deliveries; examples of where domestic wells
are being used for fisheries, aesthetic and other purposes
not consistent with statute; areas of the state that domestic

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1 wells do not now impact other appropriators; proposed rules
2 relating to capping and plugging of abandoned wells; and
3 necessary statutory changes concerning problems associated
4 with domestic wells; and

5 BE IT FURTHER RESOLVED that a copy of this memorial be
6 sent to the New Mexico legislative council, the chairman of
7 the water and natural resources committee and the state
8 engineer.

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