

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Phillip A. Griego

A JOINT MEMORIAL

REQUESTING THE STATE ENGINEER TO REPORT DOMESTIC WELL  
INFORMATION TO THE INTERIM WATER AND NATURAL RESOURCES  
COMMITTEE.

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 consideration of impairment, public welfare and  
conservation; and

WHEREAS, the number of these domestic wells approved has  
been steadily increasing; and

WHEREAS, for the fiscal year 1999, 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

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1           WHEREAS, the impact of a single domestic well may be *de*  
2 *minimus*; and

3           WHEREAS, even though a single domestic well has minimal  
4 impact, hundreds or thousands of wells in a critical basin or  
5 area can impact existing senior water rights held by  
6 acequias, municipalities, irrigators and Indian pueblos or  
7 tribes; and

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

10           WHEREAS, domestic wells in many of the large, rural  
11 areas of the state are likely not concentrated or located so  
12 as to conflict with or impact other appropriations; and

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

16           WHEREAS, a portion of these wells approved for livestock  
17 purposes has been allegedly used to fill lakes for esthetic  
18 experiences within a commercial subdivision; and

19           WHEREAS, a portion of these wells has been abandoned,  
20 without capping or plugging, causing safety and potential  
21 sources of water contamination;

22           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
23 STATE OF NEW MEXICO that the state engineer be requested to  
24 report to the interim water and natural resources committee  
25 the following:

- A. the number and general location of domestic well applications on file with the office of the state

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engineer;

B. the estimated potential impact of these wells on streams and interstate compacts;

C. examples of domestic wells being used for fisheries, esthetic and other purposes not consistent with the intent of Section 72-12-1 NMSA 1978;

D. areas of the state in which domestic wells do not now impact other appropriators;

E. proposed regulations relating to capping and plugging of abandoned wells; and

F. any proposed changes to Section 72-12-1 NMSA 1978 that the state engineer may deem necessary as a result of the report to the interim committee; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the state engineer.