

1 SENATE JOINT MEMORIAL 5

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SPECIAL SESSION, 2000**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE STATE ENGINEER TO REPORT TO THE INTERIM  
12 LEGISLATIVE WATER AND NATURAL RESOURCES COMMITTEE ON THE  
13 IMPACT OF AND PROBLEMS ASSOCIATED WITH DOMESTIC WATER WELLS  
14 IN NEW MEXICO.

15  
16 WHEREAS, for the past five decades, the state engineer  
17 has issued permits for domestic water wells for domestic,  
18 livestock and commercial purposes pursuant to Section 72-12-1  
19 NMSA 1978 without considering the issues of impairment of  
20 water rights, public welfare or conservation of water; and

21  
22 WHEREAS, the number of domestic water wells in the state  
23 has been steadily increasing; and

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

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

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1           WHEREAS, even though the impact of any one domestic  
2 water well may be de minimus, hundreds or thousands of  
3 domestic water wells in a critical basin can impact existing  
4 senior water rights held by acequias, municipalities,  
5 irrigators and Indian nations, tribes or pueblos; and

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

8           WHEREAS, domestic water wells in many 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 but some rural domestic water wells approved for livestock  
12 purposes have purportedly been used to fill lakes for the  
13 raising of fish or for the beautification of commercial  
14 subdivisions; and

15           WHEREAS, some rural domestic water wells have been  
16 abandoned without capping or plugging, creating potential  
17 safety hazards and sources of water contamination;

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

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

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

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