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HOUSE BILL 293

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO WATER; IMPOSING AN APPLICATION FEE AND A DOMESTIC WELL IMPACT FEE FOR NEW DOMESTIC WELLS; CREATING THE DOMESTIC WELL IMPACT FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 12 NMSA 1978 is enacted to read:

"~~[NEW MATERIAL]~~ DOMESTIC WELL APPLICATION FEE-- DOMESTIC WELL IMPACT FEE-- AMOUNTS-- DISPOSITION. --

A. Upon application for the use of underground water for domestic purposes pursuant to Section 72-12-1 NMSA 1978, the applicant shall pay to the state engineer an application fee of two hundred dollars (\$200) for a single household well. For a shared household well, the application

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1 fee shall be one thousand dollars (\$1,000). For a shared well  
2 that will serve a subdivision of three or more lots, a domestic  
3 well impact fee shall be collected in the amount of two  
4 thousand five hundred dollars (\$2,500). Upon completion of the  
5 well and before use of the water, the permit holder shall  
6 submit to the state engineer a well log certifying the  
7 completion of the well. The domestic well impact fee shall be  
8 refunded if the well-driller's log submitted to the state  
9 engineer documents that the completed well is not a producing  
10 well.

11 B. Fees collected pursuant to this section shall be  
12 deposited in the domestic well impact fund.

13 C. For the purposes of this section, "domestic  
14 purposes" means the use of public waters for household uses and  
15 for irrigation not to exceed one acre of noncommercial trees,  
16 lawn or garden. "

17 Section 2. A new section of Chapter 72, Article 12 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] DOMESTIC WELL IMPACT FUND--CREATED--USE. --  
20 The "domestic well impact fund" is created in the state  
21 treasury. The fund shall consist of money appropriated,  
22 allocated or otherwise accrued to the fund. Money in the fund  
23 is appropriated to the state engineer for the purchase of water  
24 rights to offset the effects of domestic well pumping in  
25 critical management areas or stream corridor areas and for

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1 expenses associated with metering, measuring and administering  
2 water uses. Money in the fund may be expended upon vouchers  
3 signed by the secretary of finance and administration. Money  
4 in the fund shall not revert at the end of any fiscal year."

5 Section 3. EMERGENCY.--It is necessary for the public  
6 peace, health and safety that this act take effect immediately.