SENATE JOINT MEMORIAL 2

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2007

INTRODUCED BY

Pete Campos

A JOINT MEMORIAL

REQUESTING THE STATE ENGINEER, WHEN EVALUATING APPLICATIONS TO
EXPORT GROUND WATER OUT OF ITS BASIN OF ORIGIN, TO CONSIDER THE
AVAILABILITY OF WATER SUPPLIES WITHIN THE BASIN TO WHICH WATER
IS BEING EXPORTED.

     WHEREAS, certain governmental entities are considering or
have considered policies to mine and export ground water from
closed basins, such as the Estancia basin, which are often sole
water supply sources for communities; and

     WHEREAS, the ground water resources of these basins are
not renewable and will not be replenished because they are
being mined; and

     WHEREAS, the exportation of ground water from these
basins has the potential to shorten their productivity;
and

.169873.1

1   WHEREAS, the Estancia basin regional water plan

2   provides that the exportation of ground water is contrary

3   to the greater interest of the planning area and that it

4   must be aggressively discouraged and opposed; and

5   WHEREAS, the ground water of the Estancia basin

6   constitutes the sole potable water supply upon which the

7   communities in the basin depend; and

8   WHEREAS, the local governments of Moriarty, Estancia,

9   Mountainair, Edgewood and Torrance county and local

10   residents of the Estancia basin have joined together in

11   opposing increased mining and exportation of ground water

12   from the Estancia basin; and

13   WHEREAS, the boards of county commissioners of Torrance,

14   Bernalillo and Santa Fe counties have actively discouraged the

15   exportation of any ground water from the Estancia basin; and

16   WHEREAS, during the hearings on the regional water plan

17   and the Torrance county comprehensive ordinance, the Estancia

18   basin public consistently voiced its opposition to the

19   exportation of water from the Estancia basin, fearing that

20   exportation will both impair the existing water rights and be

21   detrimental to planning regions' public welfare; and

22   WHEREAS, the state engineer has administratively

23   designated parts of the Estancia basin as a critical

24   management area, curbing both domestic use and other uses of

25   water; and

.169873.1

1   WHEREAS, there is uncertainty regarding the maximum

2   amount of ground water that will be placed to beneficial use

3   in any given year within the Estancia basin, and all studies

4   conclude that current existing diversions from the aquifer

5   exceed the rate at which it is being recharged; and

6   WHEREAS, the continued and future economic

7   existence of the Estancia basin communities is

8   dependent on a reliable, if not entirely sustainable,

9   water supply; and

10   WHEREAS, some ground and surface water basins have

11   access to reliable, renewable sustainable water supplies

12   from renewable stream systems and have the ability to

13   acquire water rights within those systems and also have

14   sufficient ground water resources to sustain and their

15   current and projected growth needs; and

16   WHEREAS, the public welfare of the state is served by

17   requiring other basins to develop the available surface and

18   ground water resources within their own basins rather than

19   mining the nonrenewable ground water resources in the rural

20   Estancia basin and depriving fellow New Mexicans, including

21   ranchers, farmers and community governments of a future;

22   NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF

23   THE STATE OF NEW MEXICO that the exportation of mined

24   ground water from a closed ground water basin shall be

25   consistent with the public welfare of New Mexico and not

.169873.1

1   contrary to the planning objectives in a regional water

2   plan; and

3   BE IT FURTHER RESOLVED that any application to export

4   water from a mined ground water basin be supported by proof

5   of a need in the importing basin to import ground water

6   from a mined basin and proof that there are no alternative

7   available in-basin sources of water to supply the region

8   seeking to import ground water from the mined basin; and

9   BE IT FURTHER RESOLVED that a copy of this memorial be

10   transmitted to the state engineer.

11   - 4 -

.169873.1