

HOUSE JOINT MEMORIAL 65

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE LEGISLATURE OF TEXAS TO REGULATE GROUNDWATER
PUMPING IN THAT STATE ADJACENT TO LEA COUNTY, NEW MEXICO AND
DIRECTING THE NEW MEXICO INTERSTATE STREAM COMMISSION TO SEEK
AN EQUITABLE DISTRIBUTION OF THE SHARED GROUNDWATER OGALLALA
AQUIFER BETWEEN NEW MEXICO AND TEXAS.

WHEREAS, the Ogallala aquifer is the sole source of water
for municipal, agricultural, industrial and domestic uses in
most of Lea county, New Mexico; and

WHEREAS, New Mexico controls groundwater withdrawals to
protect existing water rights and provide for continued use of
the groundwater resources over time; and

WHEREAS, neither Texas nor any other local or regional
authority regulates groundwater pumping in Gaines county,
Texas, adjacent to Lea county, New Mexico; and

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1 WHEREAS, unlimited and uncontrolled groundwater pumping
2 in Texas along the New Mexico state line adjacent to Lea
3 county, New Mexico is rapidly depleting the Ogallala aquifer
4 groundwater shared by New Mexico and Texas; and

5 WHEREAS, areas of Texas adjacent to Roosevelt and Curry
6 counties, New Mexico, have voluntarily organized, as provided
7 by Texas law, and comprise the high plains underground water
8 conservation district that has effectively and materially
9 reduced the annual depletion of the Ogallala aquifer
10 underlying the district through regulation, education and
11 conservation; and

12 WHEREAS, in contrast, residents of Texas in and around
13 Gaines county are continuing to pump water from the Ogallala
14 aquifer, which pumping remains unregulated and unconstrained
15 by Texas, depleting the groundwater resources shared with Lea
16 county, New Mexico to the detriment of groundwater right
17 owners in New Mexico; and

18 WHEREAS, the New Mexico interstate stream commission has
19 met twice recently with its counterparts, the Texas natural
20 resources conservation commission and the Texas water
21 development board, to discuss issues and problems affecting
22 water resources shared by the two states, including the
23 unlimited groundwater pumping in Texas adjacent to Lea county,
24 New Mexico;

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

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1 STATE OF NEW MEXICO that the legislature of the state of Texas
2 be respectfully requested to investigate and reply to the
3 legislature of the state of New Mexico regarding the absence
4 of controls and regulation over groundwater pumping in Gaines
5 county, Texas adjacent to the New Mexico state line; and

6 BE IT FURTHER RESOLVED that the legislature of the state
7 of Texas be requested to consider requiring the same reduction
8 in annual groundwater depletion in Gaines county, Texas,
9 adjacent to the New Mexico state line as has been successfully
10 and voluntarily achieved by the high plains underground water
11 conservation district in Texas; and

12 BE IT FURTHER RESOLVED that the New Mexico interstate
13 stream commission continue to work over the next year with its
14 counterparts in Texas to reach an amicable resolution to the
15 equitable use by both states of the shared groundwater
16 resource of the Ogallala aquifer along the state border
17 between Lea county, New Mexico and Gaines county, Texas; and

18 BE IT FURTHER RESOLVED that the New Mexico interstate
19 stream commission report to the appropriate interim
20 legislative committee and to the legislature at its 2000
21 session the efforts that have been made and the progress that
22 has been achieved; and

23 BE IT FURTHER RESOLVED that copies of this memorial be
24 transmitted to the governor of Texas and the leadership of
25 both houses of the Texas legislature, the Texas natural

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1 resources conservation commission and the Texas water
2 development board and to the New Mexico interstate stream
3 commission, the New Mexico legislative council and to the
4 board of county commissioners of Lea county, New Mexico.