

A JOINT MEMORIAL

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

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

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

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

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

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

WHEREAS, domestic water wells in many rural areas of
the state are likely not concentrated or located so as to
conflict with or impact other appropriators' water rights,

but some rural domestic water wells approved for livestock purposes have purportedly been used to fill lakes for the raising of fish or for the beautification of commercial subdivisions; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state engineer report to the interim legislative water and natural resources committee the number and general location of domestic water wells applied for with the office of the state engineer; an estimate of the potential impact of those wells on declared underground water basins and the interstate compact water deliveries; examples 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 state in which domestic water wells do not now impact other appropriators; proposed rules relating to capping and plugging of abandoned domestic water wells; and necessary statutory changes concerning problems associated with domestic water wells; and

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