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FISCAL IMPACT REPORT

SPONSOR: Feldman DATE TYPED: 02/25/03 HB _____

SHORT TITLE: Appropriation of Non-potable Groundwater SB SJM 77

ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Interstate Stream Commission (ISC)
 Office of the State Engineer (OSE)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 77 resolves OSE and ISC assist the appropriate committee of the Legislature in devising legislation for the orderly appropriation of non-potable groundwater for treatment and use for domestic municipal supplies.

Significant Issues

OSE identifies the following considerations:

1. Effects of pumping non-potable groundwater must not deplete surface water associated with the basin to ensure that downstream users receive their entitled water.
2. New Mexico water law may not allow for a limitation on beneficial use to only include “domestic and municipal supplies.”
3. Existing water law allows for appropriation of non-potable water and additional legislation may not be needed.
4. The Energy, Minerals and Natural Resources Department’s Oil Conservation Division

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needs to participate in this Joint Memorial as they regulate water use and disposition associated with oil drilling operations.

TECHNICAL ISSUES

Recommend that “nonpotable” be changed to “non-potable” on page 1, line 14 and page 2, line 11.

Recommend that “ground water” be changed to “groundwater” on page 1, line 14 and page 2, lines 12 and 13.

Recommend on page 2, line 8 inserting a comma after “engineer” and striking “and” in the same line. On page 2, line 9 after the word “commission” insert “and energy, minerals and natural resource department”.

GAC/prr