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SENATE JOINT MEMORIAL 44
46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY
Phil A. Griego

A JOINT MEMORIAL
REQUESTING THE OFFICE OF THE STATE ENGINEER AND NEW MEXICO
STATE UNIVERSITY TO COOPERATE IN THE CLARIFICATION OF THE
IMPACT OF UNREGULATED SURFACE WATER IMPOUNDMENTS ON PERENNIAL
STREAMS AND AQUIFERS.

WHEREAS, New Mexico is experiencing the adverse effects of
drought and limited water supplies; and

WHEREAS, these adverse effects in the form of water
shortages hurt the quality of life of New Mexico residents and
disproportionately impact community acequias; and

WHEREAS, the harmful impacts of water shortages on
community acequias can be greatly minimized or eliminated
through diligent and persistent efforts to prevent impairment
of water rights and waste of water through oversight of
unregulated surface water impoundments where appropriate; and

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1 WHEREAS, New Mexico first identified the problem at its
2 twenty-eighth town hall meeting and recommended development of
3 legislation to address current loopholes in the permitting
4 process, including clarifying the purpose of impounding water
5 for unregulated use; and

6 WHEREAS, unregulated surface water impoundments of all
7 types are reducing the surface water supply available for
8 community acequias; and

9 WHEREAS, there is no statutory limit on the number of
10 surface water impoundments that can be built on a stream or
11 single piece of property; and

12 WHEREAS, unregulated surface water impoundments deplete
13 water through evaporation; and

14 WHEREAS, individuals acquiring lands in the headwaters of
15 streams are using exceptions in the current laws to impound
16 water without getting a permit; and

17 WHEREAS, it is extremely costly and difficult for water
18 rights owners to challenge unregulated surface water
19 impoundments; and

20 WHEREAS, there are many legally exempt surface water
21 impoundments that prevent erosion and provide flood control;
22 and

23 WHEREAS, there are federal and state funded projects
24 authorizing legally exempt surface water impoundments that have
25 appropriate oversight and do not impair water rights; and

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1 WHEREAS, there are appropriate surface water impoundments
2 supplied by community acequias with landowner water rights; and

3 WHEREAS, there are legally exempt surface water
4 impoundments on farms and ranches in New Mexico that are used
5 for livestock watering;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
7 STATE OF NEW MEXICO that the office of the state engineer and
8 New Mexico state university be requested to establish a task
9 force including the New Mexico acequia association, the New
10 Mexico cattle growers' association, the New Mexico association
11 of soil and water conservation districts, the New Mexico farm
12 and livestock bureau and the northern New Mexico stockman's
13 association to evaluate the problems resulting from unregulated
14 surface water impoundments and recommend possible legislative
15 action to the 2004 legislature; and

16 BE IT FURTHER RESOLVED that a hydrologic study be
17 conducted by New Mexico state university to evaluate possible
18 adverse impacts from unregulated surface water impoundments in
19 at least the Mora county and Lincoln county area watersheds,
20 including the impacts on perennial streams, aquifers and
21 evaporation; and

22 BE IT FURTHER RESOLVED that the level of impairment to
23 existing water rights be evaluated from several types of
24 unregulated surface water impoundments in different hydrologic
25 settings; and

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BE IT FURTHER RESOLVED that scientific data and analysis
be developed to help administer water rights permits by the
office of the state engineer related to surface water
impoundments; and

BE IT FURTHER RESOLVED that administrative and enforcement
guidelines be developed by the office of the state engineer
relating to surface water impoundments; and

BE IT FURTHER RESOLVED that copies of this joint memorial
be transmitted to the state engineer and the board of regents
of New Mexico state university.