

1 SENATE JOINT MEMORIAL 36

2 47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

3 INTRODUCED BY

4 Pete Campos

5
6
7
8
9
10 A JOINT MEMORIAL

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

15
16 WHEREAS, certain governmental entities are considering or
17 have considered policies to mine and export ground water from
18 closed basins, such as the Estancia basin, which are often sole
19 water supply sources for communities; and

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

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

.160903.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

.160903.1

underscored material = new
[bracketed material] = delete

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 be consistent
25 with the public welfare of New Mexico and not contrary to

.160903.1

underscored material = new
[~~bracketed material~~] = delete

1 the planning objectives in a regional water plan; and

2 BE IT FURTHER RESOLVED that any application to export
3 water from a mined ground water basin be supported by proof
4 of a need in the importing basin to import ground water
5 from a mined basin and proof that there are no alternative
6 available in-basin sources of water to supply the region
7 seeking to import ground water from the mined basin; and

8 BE IT FURTHER RESOLVED that a copy of this memorial be
9 transmitted to the state engineer.