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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/08

SPONSOR Beffort LAST UPDATED _____ HB _____

SHORT TITLE “State Engineer Review of Water Exports” SJM 17

ANALYST Cox

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$0.1	Recurring	General fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Joint Memorial relates to the export of ground water from the Estancia Basin. The Joint Resolution re-iterates that this ground water is a precious and non-renewable resource. The Joint Resolution requests an evaluation from the State Engineer’s Office, before such ground water exportation occurs. The Joint Resolution requests that the primary criteria for such transfers will be the public welfare of New Mexico. These contemplated transfers shall be consistent within the objectives of a regional water plan.

This Joint Memorial requests no funds.

FISCAL IMPLICATIONS

This Joint Memorial may need some additional personnel for the State Engineer’s Office to implement its requests. It may also require an additional information system for implementation.

SIGNIFICANT ISSUES

The Joint Resolution states to the following:

- Certain governmental entities are considering or have considered policies to mine and export ground water from the Estancia basin, which is the sole water supply source for Estancia basin communities; and

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- The ground water resources of the Estancia basin are not renewable and will not be replenished because they are being mined; and
- The exportation of ground water from the Estancia basin has the potential to shorten its productivity; and
- the Estancia basin regional water plan provides that the exportation of ground water is contrary to the greater interest of the planning area and that it must be aggressively discouraged and opposed; and
- The ground water of the Estancia basin constitutes the sole potable water supply upon which the communities in the basin depend; and
- The local governments of Moriarty, Willard, Estancia, Mountainair, Edgewood and Torrance county and local residents of the Estancia basin have joined together in opposing increased mining and exportation of ground water from the Estancia basin; and
- The boards of county commissioners of Torrance, Bernalillo and Santa Fe counties have actively discouraged the exportation of any ground water from the Estancia basin; and
- During the hearings on the regional water plan and the Torrance county comprehensive ordinance, the Estancia basin public consistently voiced its opposition to the exportation of water from the Estancia basin, fearing that exportation will both impair the existing water rights and be detrimental to planning regions' public welfare; and
- The State Engineer has administratively designated parts of the Estancia basin as a critical management area, curbing both domestic use and other uses of water; and
- There is uncertainty regarding the maximum amount of ground water that will be placed to beneficial use in any given year within the Estancia basin, and all studies conclude that current existing diversions from the aquifer exceed the rate at which it is being recharged; and
- The continued and future economic existence of the Estancia basin communities is dependent on a reliable, if not entirely sustainable, water supply; and
- Some ground and surface water basins have access to reliable, renewable sustainable water supplies from renewable stream systems and have the ability to acquire water rights within those systems and also have sufficient ground water resources to sustain their current and projected growth needs; and
- The public welfare of the state is served by requiring other basins to develop the available surface and ground water resources within their own basins rather than mining the nonrenewable ground water resources in the rural Estancia basin and depriving fellow New Mexicans, including ranchers, farmers and community governments, of a future;

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This Joint Memorial requests that the exportation of mined ground water from the Estancia basin shall be consistent with the public welfare of New Mexico and not contrary to the planning objectives within a regional water plan.

The Joint Resolution further requests that any application to export water from the Estancia basin be supported by proof of a need in the importing basin to import ground water from the Estancia Basin and proof that there are no alternative available in-basin sources of water to supply the region seeking to import ground water from the Estancia Basin.

A copy of this Memorial is requested to be transmitted to the state engineer.

POSSIBLE QUESTIONS

What extra personnel, if any, will be required to implement this Joint Memorial? What extra information systems, if any will be required to implement this Joint Memorial?

PRC/mt