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HOUSE BILL 19

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO WATER; PROVIDING STATE ENGINEER JURISDICTION OVER CERTAIN NONPOTABLE UNDERGROUND AQUIFERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-12-25 NMSA 1978 (being Laws 1967, Chapter 86, Section 1) is amended to read:

"72-12-25. DECLARATION OF BASIN--NONPOTABLE DEEP AQUIFERS.--~~[No past or future order of the state engineer declaring]~~

A. An underground water basin having reasonably ascertainable boundaries ~~[shall include]~~ that includes water in an aquifer, the top of which aquifer is at a depth of ~~[twenty-five]~~ two thousand five hundred feet or more below the ground surface at any location at which a well is drilled and which aquifer contains nonpotable water, is subject to state

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 engineer administration in accordance with Sections 72-12-25
2 through 72-12-28 NMSA 1978.

3 B. If the state engineer declares the type of
4 underground water basin described in Subsection A of this
5 section, all appropriations of water from that basin for:

6 (1) oil and gas exploration and production,
7 prospecting, mining, road construction, agriculture, generation
8 of electricity, use in an industrial process or geothermal use
9 shall remain subject to Sections 72-12-25 through 72-12-28 NMSA
10 1978; and

11 (2) all other uses shall be subject to
12 Sections 72-12-1 through 72-12-24 NMSA 1978.

13 C. "Nonpotable water", for the purpose of [this
14 act] Sections 72-12-25 through 72-12-28 NMSA 1978, means water
15 containing not less than one thousand parts per million of
16 dissolved solids."