

AN ACT

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

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.--

A. An undeclared underground water basin having reasonably ascertainable boundaries that consists of an aquifer, the top of which aquifer is at a depth of two thousand five hundred feet or more below the ground surface at any location at which a well is drilled and which aquifer contains only nonpotable water, is subject to state engineer administration in accordance with Sections 72-12-25 through 72-12-28 NMSA 1978.

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

(1) oil and gas exploration and production, prospecting, mining, road construction, agriculture, generation of electricity, use in an industrial process or

geothermal use shall remain subject to Sections 72-12-25 through 72-12-28 NMSA 1978; and

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

C. "Nonpotable water", for the purpose of Sections 72-12-25 through 72-12-28 NMSA 1978, means water containing not less than one thousand parts per million of dissolved solids."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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