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SENATE MEMORIAL 90

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

John Arthur Smith

A MEMORIAL

REQUESTING THE STATE ENGINEER TO CREATE A LIST OF MAJOR WATER RIGHTS CLAIMANTS IN THE UPPER, MIDDLE AND LOWER REACHES OF THE RIO GRANDE.

WHEREAS, New Mexico is experiencing severe drought, as it has periodically in the past sixty years; and

WHEREAS, many water rights claimants are concerned that there is not enough water for each water rights claimant to receive a full allocation of water; and

WHEREAS, one element of a water right that may impact whether a water rights claimant receives a full allocation is the priority date of the water right, which is the date on which the water rights claimant first placed the water right to beneficial use; and

WHEREAS, a priority call may be used in times of drought

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1 in an attempt to ensure that senior water rights claimants will
2 receive their full allocation of water by restricting use of
3 water by junior water rights claimants that have a later
4 priority date; and

5 WHEREAS, there are thousands of junior water rights
6 claimants that have rights to the use of the waters of the Rio
7 Grande, and it is possible that many of these junior water
8 rights claimants will not receive any water if the state
9 engineer has to make a priority call on the river; and

10 WHEREAS, all municipalities are junior water rights
11 claimants, and a priority call may have a significant impact on
12 these most populous areas of the state; and

13 WHEREAS, more than one-half of the population of the state
14 receives water from the Rio Grande basin; and

15 WHEREAS, in this time of severe drought, numerous bills
16 have been introduced this session regarding the administration
17 of water rights; and

18 WHEREAS, some bills call on the state engineer to allocate
19 water in strict accordance with the priority dates of water
20 rights; others attempt to limit the authority of the state
21 engineer to administer the waters of the state; and a few seem
22 to have the purpose of both requiring strict priority
23 administration and limiting the state engineer's authority; and

24 WHEREAS, changing statutes that could have a major impact
25 on how the state engineer administers water should be

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1 approached with an abundance of caution during an ongoing
2 drought; and

3 WHEREAS, before acting on legislation calling on the state
4 engineer to restrict the use of water, the legislature should
5 have some idea of who the junior water rights claimants are and
6 how they will be affected if a priority call is made;

7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
8 OF NEW MEXICO that the state engineer be requested to create a
9 list of major water rights claimants in the upper, middle and
10 lower reaches of the Rio Grande, with the most junior water
11 rights claimants listed first; and

12 BE IT FURTHER RESOLVED that the office of the state
13 engineer report its findings to the appropriate legislative
14 interim committee by November 1, 2013; and

15 BE IT FURTHER RESOLVED that a copy of this memorial be
16 transmitted to the office of the state engineer.

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