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HOUSE BILL 54

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO WATER; PROVIDING THAT REPLACEMENT WELLS WITHIN ONE HUNDRED FEET OF THE ORIGINAL WELL ARE NOT SUBJECT TO PROTEST; ALLOWING AN AGGRIEVAL AND REQUEST FOR HEARING TO BE FILED.

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

SECTION 1. Section 72-12-22 NMSA 1978 (being Laws 1959, Chapter 41, Section 1) is amended to read:

"72-12-22. REPLACEMENT WELL WITHIN ONE HUNDRED FEET.--

A. The owner of a water right may drill and use a replacement well drilled within one hundred feet of the original well prior to application to the state engineer and the publication and hearing set out in Section ~~[75-11-3 New Mexico Statutes Annotated, 1953 Compilation]~~ 72-12-3 NMSA 1978 if:

(1) the well is drilled into the same ~~[and~~

1 ~~only the same~~] underground stream, channel, artesian basin,
2 reservoir or lake as the original well; ~~and~~]

3 (2) the appropriation is of the same amount of
4 water allowed by ~~his~~] the owner's water right in the original
5 well; ~~and~~]

6 (3) an emergency situation exists in which the
7 delay caused by application, publication and hearing would
8 result in crop loss or other serious economic loss; and

9 (4) ~~he~~] the owner files an application or
10 notifies the office of the state engineer ~~office~~] of these
11 facts and the location of the proposed replacement well by
12 registered letter, prior to drilling; provided that ~~he~~] the
13 owner shall file application for a permit within ~~30~~] thirty
14 days after drilling begins.

15 B. Applications for replacement wells within one
16 hundred feet of the original well are not subject to protest.
17 If the applicant is aggrieved by the state engineer action on
18 the application, an aggrieval and request for hearing may be
19 filed pursuant to Section 72-7-1 NMSA 1978.

20 ~~[B.]~~ C. The owners of other water rights, who claim
21 to be injured by the drilling of a replacement well under these
22 circumstances, may not enjoin the drilling of such a well or
23 the use of the water from the well, but are limited to an
24 action at law to recover damages ~~[and to their right to protest~~
25 ~~the granting of a permit]."~~