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HOUSE JOINT MEMORIAL 45

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

G. X. McSHERRY

A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE STATE ENGINEER TO INVOLVE WATER  
USERS IN THE DEVELOPMENT OF WATER CONSERVATION LEGISLATION FOR  
THE CONSIDERATION OF THE FORTY-FOURTH LEGISLATURE.

WHEREAS, water is an essential but finite resource; and

WHEREAS, New Mexico is the third driest state and is  
subject to periodic droughts, which substantially reduce the  
available water supply; and

WHEREAS, virtually all of New Mexico's renewable water  
resources are fully appropriated; and

WHEREAS, growth, development and changing public needs  
are increasing water demands and reducing available supplies;  
and

WHEREAS, the unauthorized use of water to which another  
person is entitled or the willful waste of surface or ground

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1 water is unlawful; and

2 WHEREAS, New Mexico law provides that the state engineer  
3 may not approve an application to appropriate water or change  
4 the purpose or place of use of an existing appropriation if  
5 the application is contrary to the conservation of water  
6 within the state; and

7 WHEREAS, many water right owners perceive that they must  
8 use all their existing water rights to protect them against  
9 forfeiture, which constitutes a disincentive for conservation;  
10 and

11 WHEREAS, transfer of conserved water to new uses must not  
12 increase the total consumptive use of New Mexico's fully  
13 appropriated stream systems and ground water aquifers; and

14 WHEREAS, New Mexico has a major interest in the  
15 conservation of water and needs to explore the removal of  
16 disincentives for water conservation and the creation of  
17 incentives; and

18 WHEREAS, existing water rights are private property  
19 rights that must be protected; and

20 WHEREAS, water users in New Mexico have widely varying  
21 perspectives and concerns regarding water conservation; and

22 WHEREAS, numerous water conservation approaches and  
23 concepts, some of which overlap, some of which are in conflict  
24 and some of which would increase consumptive water use to the  
25 injury of existing water right owners and the state, have been

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1 submitted as legislative bills for the consideration of the  
2 legislature; and

3 WHEREAS, the state engineer has drafted water  
4 conservation legislation that would affect New Mexico water  
5 users; and

6 WHEREAS, the state engineer has announced that his office  
7 will conduct discussions over the next year with New Mexico  
8 water users to see that their perspectives and concerns  
9 regarding water conservation are given full consideration for  
10 possible inclusion in water conservation legislation;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
12 STATE OF NEW MEXICO that the office of the state engineer form  
13 an advisory committee representing the diverse water uses and  
14 perspectives regarding water conservation in New Mexico to  
15 develop water conservation legislation, giving full  
16 consideration to the recommendations of the advisory  
17 committee; and

18 BE IT FURTHER RESOLVED that the office of the state  
19 engineer prepare a single consolidated conservation bill,  
20 rather than numerous and overlapping or conflicting or  
21 technically harmful bills, and present the bill by August 1998  
22 to the appropriate legislative interim committee with  
23 jurisdiction over water issues; and

24 BE IT FURTHER RESOLVED that a copy of this memorial be  
25 transmitted to the state engineer.

1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 12, 1998  
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8 Mr. Speaker:  
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10 Your AGRICULTURE AND WATER RESOURCES COMMITTEE,  
11 to whom has been referred  
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13 HOUSE JOINT MEMORIAL 45  
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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS.

17 Respectfully submitted,  
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22 G. X. McSherry, Chairman  
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1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998

3 HJ045

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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6 (Chief Clerk)

(Chief Clerk)

7  
8 Date \_\_\_\_\_

9  
10 The roll call vote was 6 For 0 Against

11 Yes: 6

12 Excused: Garnenez, Porter, Stell

13 Absent: None

14  
15 C: Reports\HJ045AG1

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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February 17, 1998

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Mr. President:

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11

Your CONSERVATION COMMITTEE, to whom has been referred

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HOUSE JOINT MEMORIAL 45

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

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1 HJ045

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Date \_\_\_\_\_

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The roll call vote was 6 For 1 Against

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Yes: 6

12

No: Davis

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Excused: Eisenstadt, Kysar, Payne

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Absent: None

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