

A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE STATE ENGINEER AND NEW MEXICO STATE
UNIVERSITY TO COOPERATE IN THE CLARIFICATION OF THE IMPACT OF
UNREGULATED SURFACE WATER IMPOUNDMENTS ON PERENNIAL STREAMS AND
AQUIFERS.

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WHEREAS, New Mexico is experiencing the adverse effects of drought and limited water supplies; and

WHEREAS, these adverse effects in the form of water shortages hurt the quality of life of New Mexico residents and disproportionately impact community acequias; and

WHEREAS, the harmful impacts of water shortages on community acequias can be greatly minimized or eliminated through diligent and persistent efforts to prevent impairment of water rights and waste of water through oversight of unregulated surface water impoundments where appropriate; and

WHEREAS, New Mexico first identified the problem at its twenty-eighth town hall meeting and recommended development of legislation to address current loopholes in the permitting process, including clarifying the purpose of impounding water for unregulated use; and

WHEREAS, unregulated surface water impoundments of all types are reducing the surface water supply available for community acequias; and

WHEREAS, there is no statutory limit on the number of surface water impoundments that can be built on a stream or single piece of property; and

WHEREAS, unregulated surface water impoundments deplete water through

evaporation; and

WHEREAS, individuals acquiring lands in the headwaters of streams are using exceptions in the current laws to impound water without getting a permit; and

WHEREAS, it is extremely costly and difficult for water rights owners to challenge unregulated surface water impoundments; and

WHEREAS, there are many legally exempt surface water impoundments that prevent erosion and provide flood control; and

WHEREAS, there are federal and state funded projects authorizing legally exempt surface water impoundments that have appropriate oversight and do not impair water rights; and

WHEREAS, there are appropriate surface water impoundments supplied by community acequias with landowner water rights; and

WHEREAS, there are legally exempt surface water impoundments on farms and ranches in New Mexico that are used for livestock watering;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the office of the state engineer and New Mexico state university be requested to establish a task force including the New Mexico acequia association, the New Mexico cattle growers' association, the New Mexico association of soil and water conservation districts, the New Mexico farm and livestock bureau and the northern New Mexico stockman's association to evaluate the problems resulting from unregulated surface water impoundments and recommend possible legislative action to the 2004 legislature; and

BE IT FURTHER RESOLVED that a hydrologic study be conducted by New Mexico state university to evaluate possible adverse impacts from unregulated surface

water impoundments in at least the Mora county and Lincoln county area watersheds,
including the impacts on perennial streams, aquifers and evaporation; and

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BE IT FURTHER RESOLVED that the level of impairment to existing water
rights be evaluated from several types of unregulated surface water impoundments in
different hydrologic settings; and

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BE IT FURTHER RESOLVED that scientific data and analysis be developed to
help administer water rights permits by the office of the state engineer related to
surface water impoundments; and

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BE IT FURTHER RESOLVED that administrative and enforcement guidelines
be developed by the office of the state engineer relating to surface water
impoundments; and

BE IT FURTHER RESOLVED that copies of this joint memorial be transmitted to
the state engineer and the board of regents of New Mexico state university.