

1 SENATE JOINT MEMORIAL 17

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Sue Wilson Beffort

5
6
7
8
9
10 A JOINT MEMORIAL

11 REQUESTING THE STATE ENGINEER, WHEN EVALUATING APPLICATIONS TO
12 EXPORT GROUND WATER OUT OF THE ESTANCIA BASIN, TO CONSIDER THE
13 AVAILABILITY OF WATER SUPPLIES WITHIN THE BASIN TO WHICH WATER
14 IS BEING EXPORTED.

15
16 WHEREAS, certain governmental entities are considering or
17 have considered policies to mine and export ground water from
18 the Estancia basin, which is the sole water supply source for
19 Estancia basin communities; and

20 WHEREAS, the ground water resources of the Estancia basin
21 are not renewable and will not be replenished because they are
22 being mined; and

23 WHEREAS, the exportation of ground water from the
24 Estancia basin has the potential to shorten its productivity;
25 and

.171508.1

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 WHEREAS, the Estancia basin regional water plan
2 provides that the exportation of ground water is contrary
3 to the greater interest of the planning area and that it
4 must be aggressively discouraged and opposed; and

5 WHEREAS, the ground water of the Estancia basin
6 constitutes the sole potable water supply upon which the
7 communities in the basin depend; and

8 WHEREAS, the local governments of Moriarty, Willard,
9 Estancia, Mountainair, Edgewood and Torrance county and
10 local residents of the Estancia basin have joined together
11 in opposing increased mining and exportation of ground
12 water from the Estancia basin; and

13 WHEREAS, the boards of county commissioners of Torrance,
14 Bernalillo and Santa Fe counties have actively discouraged the
15 exportation of any ground water from the Estancia basin; and

16 WHEREAS, during the hearings on the regional water plan
17 and the Torrance county comprehensive ordinance, the Estancia
18 basin public consistently voiced its opposition to the
19 exportation of water from the Estancia basin, fearing that
20 exportation will both impair the existing water rights and be
21 detrimental to planning regions' public welfare; and

22 WHEREAS, the state engineer has administratively
23 designated parts of the Estancia basin as a critical
24 management area, curbing both domestic use and other uses of
25 water; and

.171508.1

underscoring material = new
[bracketed material] = delete

1 WHEREAS, there is uncertainty regarding the maximum
2 amount of ground water that will be placed to beneficial use
3 in any given year within the Estancia basin, and all studies
4 conclude that current existing diversions from the aquifer
5 exceed the rate at which it is being recharged; and

6 WHEREAS, the continued and future economic existence
7 of the Estancia basin communities is dependent on a
8 reliable, if not entirely sustainable, water supply; and

9 WHEREAS, some ground and surface water basins have
10 access to reliable, renewable sustainable water supplies
11 from renewable stream systems and have the ability to
12 acquire water rights within those systems and also have
13 sufficient ground water resources to sustain their current
14 and projected growth needs; and

15 WHEREAS, the public welfare of the state is served by
16 requiring other basins to develop the available surface and
17 ground water resources within their own basins rather than
18 mining the nonrenewable ground water resources in the rural
19 Estancia basin and depriving fellow New Mexicans, including
20 ranchers, farmers and community governments, of a future;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF
22 THE STATE OF NEW MEXICO that the exportation of mined ground
23 water from the Estancia basin shall be consistent with the
24 public welfare of New Mexico and not contrary to the
25 planning objectives within a regional water plan; and

.171508.1

underscored material = new
~~[bracketed material]~~ = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BE IT FURTHER RESOLVED that any application to export water from the Estancia basin be supported by proof of a need in the importing basin to import ground water from the Estancia basin and proof that there are no alternative available in-basin sources of water to supply the region seeking to import ground water from the Estancia basin; and

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