

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE CLOSURE OF)
THE HOT SPRINGS UNDERGROUND)
WATER BASIN TO NEW)
APPROPRIATIONS FILED UNDER)
SECTION 72-12-3 NMSA 1978)

Order No. 198

ORDER

WHEREAS, pursuant to NMSA 1978, Section 72-2-1, the State Engineer has general supervision of waters of the state and of the measurement, appropriation, distribution thereof and such other duties as required; and

WHEREAS, pursuant to NMSA 1978, Section 72-2-8, the State Engineer may issue orders necessary to implement his decisions and to aid him in the accomplishment of his duties; and

WHEREAS, the State Engineer by Order dated April 15, 1935, declared and defined the boundaries of the Hot Springs Underground Water Basin; and

WHEREAS, the State Engineer by Special Order dated July 1, 1937, closed the Hot Springs Underground Water Basin to new appropriations of underground mineral water (geothermal confined); and

WHEREAS, the State Engineer by Special Order dated August 26, 1947, reopened a portion of the underground mineral water for new appropriations in the Hot Springs Underground Water Basin; and

WHEREAS, the State Engineer by Special Order dated August 26, 1947, closed the Hot Springs Underground Water Basin to new appropriations of underground fresh (cold) artesian water; and

WHEREAS, the State Engineer by Special Order dated July 17, 1950, reopened the remaining portion of the underground mineral water of the Hot Springs Underground Water Basin to new appropriations; and

WHEREAS, the State Engineer by Special Order dated June 8, 1967, reopened the Hot Springs Underground Water Basin for new appropriations of underground fresh (cold) artesian water; and

WHEREAS, the State Engineer by Special Order dated September 17, 1982, extended the boundaries of the Hot Springs Underground Water Basin; and

WHEREAS, for the purposes of this Order, the Hot Springs Underground Water Basin consists of underground mineral water (geothermal confined), underground fresh (cold) artesian water (non-geothermal artesian), and unconfined aquifers; and

WHEREAS, the Office of the State Engineer Hydrology Bureau recently completed a hydrologic analysis of the amount of water appropriated in the Hot Springs Underground Water Basin compared with the estimated amount of water recharging the aquifers and depletion to the apparently perennial flowing portions of Palomas Creek and the Rio Grande; and

WHEREAS, the hydrologic analysis determined that the amount of groundwater that could potentially be appropriated from the Hot Springs Underground Water Basin through water right declarations, permits and licenses could exceed the estimated recharge to the Hot Springs Underground Water Basin; and

WHEREAS, the hydrologic analysis demonstrates that additional new appropriations in the Hot Springs Underground Water Basin will affect the perennially saturated portions of the Palomas Creek or the Rio Grande, both of which are considered fully appropriated; and

WHEREAS, the hydrologic analysis recommends that the Hot Springs Underground Water Basin be closed to new appropriations under NMSA 1978 Section 72-12-3; and

WHEREAS, the State Engineer now finds that the Hot Springs Underground Water Basin as shown on Attachment 1 to this Order should be closed to the filing of applications for new appropriations of groundwater under Section 72-12-3 NMSA 1978, as described below.

WHEREAS, these recitals are a material part of this Order; and,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

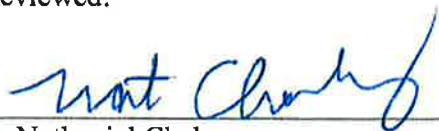
1. The Hot Springs Underground Water Basin as shown in Attachment 1 to this Order is closed for an indefinite period of time to the filing of applications under Section 72-12-3 NMSA 1978 for new appropriations of the underground waters thereof, and any such application submitted for filing shall be rejected.
2. State Engineer Order No. 196, in the Matter of the Closure of the Hot Springs Underground Water Basin, is hereby withdrawn and replaced by this Order.

Witness my hand and official seal of my office, this 5th day of July, 2023.



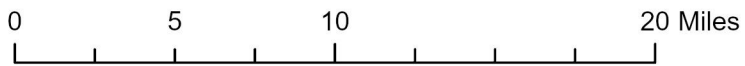
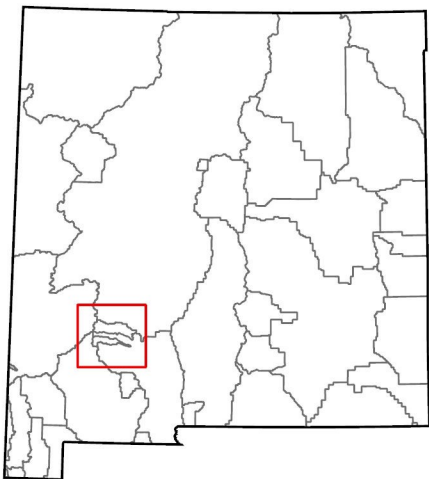
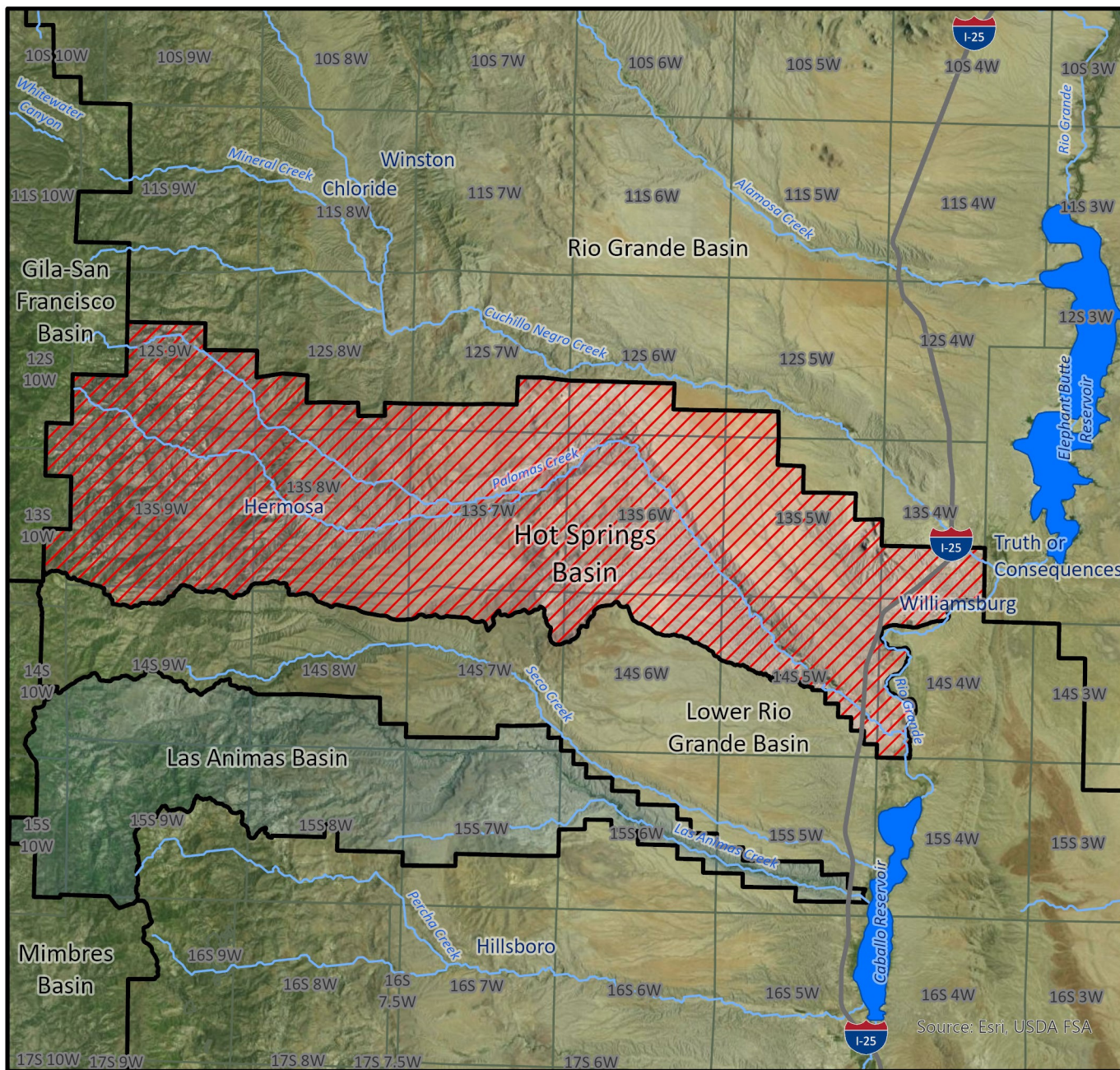
MIKE A. HAMMAN, P.E.

Reviewed:



A. Nathaniel Chakeres
General Counsel





-  Main Roads
-  Rivers/Streams
-  Groundwater Basins
-  Township & Range
-  Area of Closure
-  Lakes

