



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

BEFORE THE NEW MEXICO STATE ENGINEER

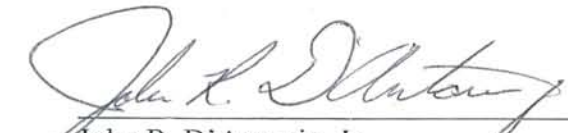
IN THE MATTER OF THE EXTENSION OF
THE LORDSBURG, NUTT-HOCKETT,
ANIMAS, AND PLAYAS UNDERGROUND
WATER BASINS

STATE ENGINEER ORDER 164

WHEREAS, the water of underground streams, channels, artesian basins, reservoirs or lakes having reasonable ascertainable boundaries are public waters, belong to the public, and are subject to appropriation for beneficial use.

NOW THEREFORE, I, John R. D'Antonio, Jr., State Engineer of the State of New Mexico, do hereby extend the Lordsburg, Nutt-Hockett, Animas, and Playas Underground Water Basins, subject to New Mexico statutes and the rules and regulations of the State Engineer. I hereby order that the attached regulations, which are incorporated herein by reference, are adopted as emergency regulations to be codified as 19.27.66 NMAC and authorize publication and notice in accordance with Section 72-2-8 NMSA 1978.

WITNESS my hand and official seal this 23rd day of September, 2005.



John R. D'Antonio, Jr.
State Engineer

Reviewed:



Uday Joshi
Special Assistant Attorney General

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 27 UNDERGROUND WATER
PART 66 EXTENSION OF THE LORDSBURG, NUTT-HOCKETT, ANIMAS, AND PLAYAS
UNDERGROUND WATER BASINS

19.27.66.1 ISSUING AGENCY: Office of the State Engineer.
[19.27.66.1 NMAC - N/E, 9/23/2005]

19.27.66.2 SCOPE: The appropriation and use of underground water within the extended areas of the Lordsburg underground water basin, the extended areas of the Nutt-Hockett underground water basin, the extended areas of the Animas underground water basin, and the extended area of the Playas underground water basin, areas declared by the state engineer to have reasonably ascertainable boundaries.
[19.27.66.2 NMAC - N/E, 9/23/2005]

19.27.66.3 STATUTORY AUTHORITY: Chapter 72, Article 12, NMSA 1978. Section 72-1-1 NMSA 1978 provides that all natural waters flowing in streams and water courses belong to the public and are subject to appropriation for beneficial use. Section 72-2-1 NMSA 1978 gives the state engineer general supervision of waters of the state and of the measurement, appropriation and distribution thereof and such other duties as required. Section 72-2-8 NMSA 1978 gives the state engineer authority to adopt regulations and codes to implement and enforce any provision of any law administered by him and also provides the state engineer with authority to issue orders necessary to implement his decisions and to aid him in the accomplishment of his duties. Section 72-2-9 NMSA 1978 gives the state engineer authority over and supervision of the apportionment of water in this state according to the licenses issued by him and his predecessors and the adjudications of the courts.
[19.27.66.3 NMAC - N/E, 9/23/2005]

19.27.66.4 DURATION: Permanent.
[19.27.66.4 NMAC - N/E, 9/23/2005]

19.27.66.5 EFFECTIVE DATE: September 23, 2005, unless a later date is cited at the end of a section.
[19.27.66.5 NMAC - N/E, 9/23/2005]

19.27.66.6 OBJECTIVE: To establish administrative control over the appropriation and use of underground water within the extended areas of the Lordsburg underground water basin, the extended areas of the Nutt-Hockett underground water basin, the extended areas of the Animas underground water basin, and the extended area of the Playas underground water basin, areas declared by the state engineer to have reasonably ascertainable boundaries.
[19.27.66.6 NMAC - N/E, 9/23/2005]

19.27.66.7 DEFINITIONS: [Reserved]

19.27.66.8 BOUNDARY DESCRIPTION OF THE EXTENDED AREAS OF THE LORDSBURG UNDERGROUND WATER BASIN: The following three areas are being added to the Lordsburg underground water basin.

A. Northeastern extension: Beginning at the southeast corner of section 32, township 26 south, range 13 west, NMPM; thence west along township lines to the southwest corner of section 31, township 26 south, range 16 west, NMPM; thence north along range line to the northwest corner of section 6, township 26 south, range 16 west, NMPM; thence east along township line to the southwest corner of section 31, township 25 south, range 15 west, NMPM; thence north along range lines to the northwest corner of section 6, township 23 south, range 15 west, NMPM; thence west along township line to the southwest corner of section 31, township 22 south, range 16 west, NMPM; thence north along range line to the northwest corner of section 19, township 22 south, range 16 west, NMPM; thence west along section lines to the southwest corner of section 18, township 22 south, range 17 west, NMPM; thence north along range line to the northwest corner of section 6, township 22 south, range 17 west, NMPM; thence west along township lines to the southwest corner of section 31, township 21 south, range 19 west, NMPM; thence north along range line to the northwest corner of section 6, township 21 south, range 19 west, NMPM; thence west along township lines to the southwest corner of section 31, township 20 south, range 19 west, NMPM; thence north along range line to the northwest corner of section 19, township 20 south, range 19 west, NMPM; thence east along section line to the northeast corner of section 19, township 20 south, range 19 west,

northern boundary of said section 18, thence west along section line to the southwest corner of section 7, township 25 south, range 18 west, NMPM; thence north along range line to the northwest corner of said section 7, thence east along section line to the mid-point of the northern boundary of said section 7, thence due north to the center of section 31, township 24 south, range 18 west, NMPM; thence due east to the center of section 32, township 24 south, range 18 west, NMPM; thence due north to the mid-point of the northern boundary of said section 32, thence east along section lines to the northeast corner of section 33, township 24 south, range 18 west, NMPM; thence south along section line to the southeast corner of said section 33, thence east along township line to the northeast corner of section 1, township 25 south, range 18 west, NMPM; thence south along range line to the southeast corner of section 13, township 25 south, range 18 west, NMPM; thence east along section lines to the northeast corner of section 24, township 25 south, range 17 west, NMPM; thence south along range line to the southeast corner of section 36, township 25 south, range 17 west, NMPM, being the point of origin.

C. Western extension: Beginning at the southeast corner of section 21, township 24 south, range 18 west, NMPM; thence west along section line to the mid-point of the southern boundary of said section 21, thence due north to the center point of said section 21, thence west to the mid-point of the western boundary of said section 21, thence north along section lines to the mid-point of the western boundary of section 9, township 24 south, range 18 west, NMPM; thence due west to the center point of section 8, township 24 south, range 18 west, NMPM; thence due north to the center point of section 5, township 24 south, range 18 west, NMPM; thence due west to the mid-point of the western boundary of said section 5, thence north along section line to the northwest corner of said section 5, thence west along township lines to the southwest corner of section 36, township 23 south, range 19 west, NMPM; thence north along section line to the mid-point of the western boundary of said section 36, thence due west to the center point of section 35, township 24 south, range 19 west, NMPM; thence due north to the mid-point of the northern boundary of section 26, township 24 south, range 19 west, NMPM; thence east along section line to the northeast corner of said section 26, thence north along section line to the northwest corner of section 24, township 24 south, range 19 west, NMPM; thence east along section line to the mid-point of the northern boundary of said section 24, thence north to the mid-point of the northern boundary of section 12, township 24 south, range 19 west, NMPM; thence west along section line to the southwest corner of section 1, township 24 south, range 19 west, NMPM; thence north along section line to the northwest corner of said section 1, thence east along township line to the northeast corner of said section 1, thence south along range line to the southeast corner of said section 1, thence east along sections lines to the northeast corner of section 8, township 24 south, range 18 west, NMPM; thence south along section lines to the southeast corner of section 17, township 24 south, range 18 west, NMPM; thence east along section line to the northeast corner of section 21, township 24 south, range 18 west, NMPM; thence south along section line to the southeast corner of section 21, township 24 south, range 18 west, NMPM, being the point of origin.

[19.27.66.8 NMAC - N/E, 9/23/2005]

19.27.66.9 BOUNDARY DESCRIPTION OF THE EXTENDED AREAS OF THE NUTT-HOCKETT UNDERGROUND WATER BASIN: The following two areas are being added to the Nutt-Hockett underground water basin.

A. Main extension (south, east, and west): Beginning at the southeast corner of section 35, township 22 south, range 5 west, NMPM; thence west along township lines to the southwest corner of section 36, township 22 south, range 6 west, NMPM; thence north along section lines to the northwest corner of section 12, township 22 south, range 6 west, NMPM; thence west along section line to the southwest corner of section 2, township 22 south, range 6 west, NMPM; thence north along section lines to the northwest corner of section 23, township 21 south, range 6 west, NMPM; thence west along section line to the southwest corner of section 15, township 21 south, range 6 west, NMPM; thence north along section lines to the northwest corner of section 3, township 21 south, range 6 west, NMPM; thence east along section lines to the northeast corner of section 2, township 21 south, range 6 west, NMPM; thence south along section lines to the southeast corner of section 14, township 21 south, range 6 west, NMPM; thence east along section line to the northeast corner of section 24, township 21 south, range 6 west, NMPM; thence south along section lines to the southeast corner of section 36, township 21 south, range 6 west, NMPM; thence east along section line to the northeast corner of section 6, township 22 south, range 5 west, NMPM; thence south along section lines to the southeast corner of section 18, township 22 south, range 5 west, NMPM; thence east along section lines to the northeast corner of section 23, township 22 south, range 5 west, NMPM; thence north along section line to the northwest corner of section 13, township 22 south, range 5 west, NMPM; thence east along section line to the northeast corner of section 13, township 22 south, range 5 west, NMPM; thence north along section lines to the northwest corner of section 31, township 20 south, range 4 west, NMPM; thence east along section line to the northeast corner of section 31,

township 20 south, range 4 west, NMPM; thence north along section line to the northwest corner of section 29, township 20 south, range 4 west, NMPM; thence east along section line to the northeast corner of section 29, township 20 south, range 4 west, NMPM; thence north along section lines to the northwest corner of section 21, township 20 south, range 4 west, NMPM; thence east along section line to the northeast corner of section 21, township 20 south, range 4 west, NMPM; thence north along section line to a point on the east section line of section 15, township 20 south, range 4 west, NMPM; thence south easterly along the drainage divide between the Nutt-Hockett basin and the Rio Grande stream system to its intersection with the northern boundary of section 22, township 21 south, range 3 west, NMPM; thence west along section lines to the southwest corner of section 23, township 21 south, range 4 west, NMPM; thence south along section lines to the northeast corner of section 3, township 22 south, range 4 west, NMPM; thence east along section lines to the northwest corner of section 4, township 22 south, range 4 west, NMPM; thence south along section lines to the southeast corner of section 8, township 22 south, range 4 west, NMPM; thence west along section line to the southwest corner of section 8, township 22 south, range 4 west, NMPM; thence south along section line to the southeast corner of section 18, township 22 south, range 4 west, NMPM; thence west along section line to the southwest corner of section 18, township 22 south, range 4 west, NMPM; thence south along section lines to the southeast corner of section 25, township 22 south, range 5 west, NMPM; thence west along section line to the southwest corner of section 25, township 22 south, range 5 west, NMPM; thence south along section line to the southeast corner of section 35, township 22 south, range 5 west, NMPM, being the point of origin.

B. Northwestern extension of underground basin: Beginning at the southeast corner of section 12, township 20 south, range 6 west, NMPM; thence west along section lines to the southwest corner of section 11, township 20 south, range 6 west, NMPM; thence south along section lines to the southeast corner of section 27, township 20 south, range 6 west, NMPM; thence west along section line to the southwest corner of section 27, township 20 south, range 6 west, NMPM; thence north along section lines to the northwest corner of section 22, township 20 south, range 6 west, NMPM; thence east along section line approximately one half mile to the middle of the southern boundary line of section 15, township 20 south, range 6 west, NMPM; thence due north one mile to the intersection with the northern boundary of section 15, township 20 south, range 6 west, NMPM; thence east along section line to the southwest corner of section 11, township 20 south, range 6 west, NMPM; thence north along section lines to the northwest corner of section 23, township 19 south, range 6 west, NMPM; thence east along section lines to the northeast corner of section 19, township 19 south, range 5 west, NMPM; thence south along section lines to the southeast corner of section 6, township 20 south, range 5 west, NMPM; thence west along section line to the southwest corner of section 6, township 20 south, range 5 west, NMPM; thence south along section line to the southeast corner of section 12, township 20 south, range 6 west, NMPM, being the point of origin. [19.27.66.9 NMAC - N/E, 9/23/2005]

19.27.66.10 BOUNDARY DESCRIPTION OF THE EXTENDED AREA OF THE PLAYAS UNDERGROUND WATER BASIN: Beginning at the southeast corner of section 20, township 34 south, range 17 west, NMPM, a point on the border between the United States of America and Mexico; thence west along said border a distance of approximately 10.5 miles to the intersection of the of the international border with the of drainage divide between the Playas valley basin and the Animas river stream system; thence northerly along the drainage divide between the Playas valley basin and the Animas river stream system to its intersection with the northern boundary of section 6, township 28 south, range 18 west, NMPM; thence east along township line to the northeast corner of section 3, township 28 south, range 18 west, NMPM; thence south along section lines to the southeast corner of section 34, township 28 south, range 18 west, NMPM; thence east along township line to the northeast corner of section 3, township 29 south, range 18 west, NMPM; thence south along section lines to the southeast corner of section 10, township 29 south, range 18 west, NMPM; thence east along section line to the northeast corner of section 14, township 29 south, range 18 west, NMPM; thence south along section lines to the southeast corner of section 35, township 29 south, range 18 west, NMPM; thence east along township line to the northeast corner of section 1, township 30 south, range 18 west, NMPM; thence south along range lines to the southeast corner of section 24, township 33 south, range 18 west, NMPM; thence east along section lines to the northeast corner of section 29, township 33 south, range 17 west, NMPM; thence south along section lines to the southeast corner of section 20, township 34 south, range 17 west, NMPM, a point on the border between the United States of America and Mexico, being the point of origin. [19.27.66.10 NMAC - N/E, 9/23/2005]

19.27.66.11 BOUNDARY DESCRIPTION OF THE EXTENDED AREAS OF THE ANIMAS

UNDERGROUND WATER BASIN: The following three areas are being added to the Animas underground water basin.

A. Upper Animas extension: Beginning at the intersection of the southern boundary of section 33, township 32 south, range 19 west, NMPM, with the drainage divide between the Playas valley basin and the Animas river stream system; thence west along township line to the southwest corner of section 32, township 32 south, range 19 west, NMPM; thence north along section line one-half mile to the mid-point of the western boundary of said section 32, thence west to the mid-point of the western boundary of section 36, township 32 south, range 20 west, NMPM; thence south along section line to the southwest corner of section 36, township 32 south, range 20 west, NMPM; thence west along township line to the southwest corner of section 32, township 32 south, range 20 west, NMPM; thence north along section line one-half mile to the mid-point of the western boundary of said section 32, thence due west to the mid-point of the eastern boundary of section 35, township 32 south, range 21 west, NMPM; thence south along section lines to the mid-point of the eastern boundary of section 11, township 33 south, range 21 west, NMPM; thence due west to the mid-point of the western boundary of said section, thence north along section line to the northwest corner of said section, thence west along section line to the southwest corner of section 3, township 33 south, range 21 west, NMPM; thence north along section line one-half mile to the mid-point of the western boundary of section 3, township 33 south, range 21 west, NMPM; thence due west to the mid-point of the western boundary of section 4, township 33 south, range 21 west, NMPM; thence north along section line to the northwest corner of said section 4, thence west along township line one-half mile to the mid-point of the southern boundary of section 32, township 32 south, range 21 west, NMPM; thence due north to the midpoint of the northern boundary of said section 32, then west along section lines and projected section lines to the intersection with the state line between the states of Arizona and New Mexico, thence north along said state line to its intersection with the southwest corner of section 35, township 31 south, range 22 west, NMPM; thence east along township line to the northeast corner of section 4, township 32 south, range 21 west, NMPM; thence north along section lines to the northwest corner of section 22, township 31 south, range 21 west, NMPM; thence west along section line to the southwest corner of section 16, township 31 south, range 21 west, NMPM; thence north along section lines to the northwest corner of section 28, township 30 south, range 21 west, NMPM; thence east along section line to the northeast corner of said section 28, then north along section line to the northwest corner of section 22, township 30 south, range 21 west, NMPM; thence east along section line to the northeast corner of said section 22, thence north along section lines to the northwest corner of section 26, township 29 south, range 21 west, NMPM; thence west along section line to the southwest corner of section 22, township 29 south, range 21 west, NMPM; thence north along section lines to the northwest corner of section 3, township 29 south, range 21 west, NMPM; thence east along township line to the southwest corner of section 36, township 28 south, range 21 west, NMPM; thence north along section lines to the northwest corner of section 24, township 28 south, range 21 west, NMPM; thence east along section lines to the northeast corner of section 19, township 28 south, range 20 west, NMPM; thence north along section lines to the northwest corner of section 8, township 28 south, range 20 west, NMPM; thence east along section line to the northeast corner of said section 8, then north along section line to the northwest corner of section 4, township 28 south, range 20 west, NMPM; thence east along township line to the northeast corner of section 3, township 28 south, range 20 west, NMPM; thence south along section lines to the southeast corner of section 34, township 28 south, range 20 west, NMPM; thence east along township line to the northeast corner of section 3, township 29 south, range 20 west, NMPM; thence south along section lines to the southeast corner of section 34, township 30 south, range 20 west, NMPM; thence east along township line to the northeast corner of section 1, township 31 south, range 19 west, NMPM; thence north along range line to the northwest corner of section 6, township 29 south, range 18 west, NMPM; thence west along range line to the southwest corner of section 31, township 28 south, range 18 west, NMPM; thence north along township line to the northwest corner of section 6, township 28 south, range 18 west, NMPM; thence east approximately one-half mile along township line to the intersection of the township line with the drainage divide between the Playas valley basin and the Animas river stream system, thence southerly along the drainage divide between the Playas valley basin and the Animas river stream system to its intersection with the southern boundary of section 33, township 32 south, range 19 west, NMPM, being the point of origin.

B. Lower Animas extension: Beginning at the southeast corner of section 32, township 25 south, range 18 west, NMPM; thence west along township line to the southwest corner of section 33, township 25 south, range 19 west, NMPM; thence north along section lines to the northwest corner of section 4, township 24 south, range 19 west, NMPM; thence west along township line to the southwest corner of section 31, township 23 south, range 20 west, NMPM; thence south along range line to the southeast corner of section 36, township 25 south, range 21 west, NMPM; thence west along township line to the northeast corner of section 2, township 26 south, range 21

18, township 25 south, range 18 west, NMPM; thence due south to the center point of said section 18, thence due east to the mid-point of the eastern boundary of said section 18, thence south along section lines to the southeast corner of section 19, township 25 south, range 18 west, NMPM; thence east along section line to the mid-point of the northern boundary of section 29, township 25 south, range 18 west, NMPM; thence due south to the center point of said section 29, thence due east to the mid-point of the eastern boundary of said section 29, thence south along section lines to the southeast corner of section 32, township 25 south, range 18 west, NMPM, being the point of origin.

C. Lower Animas extension (additional section): The Animas underground water basin is extended to include section 1 of township 27 south, range 21 west, NMPM.
[19.27.66.11 NMAC - N/E, 9/23/2005]

HISTORY OF 19.27.66 NMAC: [RESERVED]