



For immediate release:

July 24, 2008

For more information, contact:

Karin Stangl, Planning and Communication Director
(505) 699-4923 cell

New Mexico State Engineer Appeals Domestic Well Decision

(SANTA FE, New Mexico) –New Mexico State Engineer John D'Antonio today filed his appeal of the recent district court decision holding the Domestic Well Statute is unconstitutional. The decision issued by Judge J. C. Robinson of the Sixth Judicial District Court in Silver City held that the Domestic Well Statute is an impermissible exception to the state doctrine of prior appropriation, and that the State Engineer should be required to administer applications for domestic well permits in the same manner as all other applications to appropriate water.

Under the law, the statutes enacted by the legislature are given the presumption of constitutionality, therefore, the State Engineer concluded that he must appeal the decision to the New Mexico Court of Appeals for further review to ensure that every legal basis in support of the presumption is fully deliberated. The appeal stays enforcement of the decision, therefore, the State Engineer will continue to accept and act on domestic well applications.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

The nine-member Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

#