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Water User Fined by the Court for Illegally Using a Domestic Well for Commercial Use

(LAS CRUCES, New Mexico) — Doña Ana County District Court Judge Jerald Valentine imposed a \$2,000 fine on local water user for illegally irrigating a large pecan orchard for commercial use by diverting water from a domestic well.

Floyd Johnson, of Las Cruces, was named in a court order to stop illegal diversions of water on his property and to have his well disabled with the assistance of local law enforcement officials to prevent further groundwater diversions until he complies with the State Engineer's compliance order. Johnson was cited previously and did not appear before the Court on August 24, 2010 as scheduled.

"He was given ample time to either transfer a valid water right into the well or find another source of water for his orchard," said Attorney for the State Engineer Daniel Rubin. "Our goal is to work with people to bring them into compliance. He not only refused to work with us, but ignored our compliance orders and disabled his meter."

"This is the exception rather than the rule," said State Engineer John D'Antonio. "It was important to stop this one bad actor from stealing water. Our goal is to protect senior water right holders in the area."

In addition, the Court ordered Mr. Johnson to meter his well, consistent with the State Engineer's metering program. The metering program is part of the Active Water Resource Management initiative, which was launched by the State Engineer in January of 2004. The metering program helps the Office of the State Engineer to manage and administer waters of the Lower Rio Grande stream system by putting in place the tools to effectively manage our state's variable water supply.

"Most well owners have been very conscientious in reporting their meter readings," said D'Antonio. "Our Water Masters have been out in the field, checking meters and collecting meter readings themselves as necessary. The information provides an improved picture of water supply and groundwater pumping in the Lower Rio Grande."

(MORE)

The State Engineer has been red-tagging wells and sending letters to well owners for years, to remind them of metering requirements and explaining the steps they need to take.

Meters are now required on all wells in the Lower Rio Grande, except for single-family domestic wells and small livestock wells. There are now a total of 2,494 metered wells in the Lower Rio Grande Water Master District. Well owners have been cooperative and supportive of the metering requirements, and it is estimated that 90 percent of the larger, active wells are now in compliance. Water Masters are continuing to take the essential steps to achieve 100 percent compliance. Well owners are also required to provide meter readings to the State Engineer's Office. Reporting compliance for 2009 was 88 percent. This data was augmented by meter readings obtained during Water Masters field visits.

The New Mexico 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.

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