

**STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER**

**IN THE MATTER OF THE TEMPORARY  
CLOSURE OF PORTIONS OF THE LEA COUNTY,  
CAPITAN, AND CARLSBAD UNDERGROUND  
WATER BASINS TO NEW APPROPRIATIONS  
FILED UNDER SECTION 72-12-3, NMSA 1978**

**Order No. 190**

**ORDER**

**WHEREAS**, the State Engineer by Special Order dated October 16, 1947, declared and defined the boundaries of the Carlsbad Underground Water Basin, and extended the basin by Special Order on October 21, 1952, March 19, 1958, May 7, 1964, October 2, 1964, June 4, 1975, and February 8, 1993; and

**WHEREAS**, the State Engineer by Special Order dated September 28, 1965, declared and defined the boundaries of the Capitan Underground Water Basin; and

**WHEREAS**, the State Engineer by Special Order dated August 21, 1931, declared and defined the boundaries of the Lea County Underground Water Basin, extended the basin by Special Order on October 1, 1952 and September 23, 2005, and closed the High Plains Aquifer (consisting of the water bearing deposits of the Ogallala Formation and hydrologically connected geologic formations) within the basin to new appropriations by Order on September 14, 2009; and

**WHEREAS**, the State Engineer by Special Order dated November 24, 1961, declared and defined the boundaries of the Jal Underground Water Basin, corrected the boundaries of the basin on December 1, 1961, and closed the Jal basin to new appropriations by Order on January 1, 2013; and

**WHEREAS**, the State Engineer has not declared any non-potable deep aquifers pursuant to NMSA 1978, Section 72-12-25; and

**WHEREAS**, the Hydrology Bureau of the Office of the State Engineer (Hydrology Bureau) has determined that time is required to assess the potential impacts of pending applications on water levels in the eastern portions of the Carlsbad and Capitan Underground Water Basins and the southern portion of the Lea County Underground Water Basin to better understand the degree of hydraulic connectivity between the aquifer formations within these basins; and

**WHEREAS**, the Hydrology Bureau has received and reviewed data detailing the large number of applications in the eastern portions of the Capitan and Carlsbad Underground Water Basins and the southern portion of the Lea County Underground Water Basin, and the amounts of appropriation requested by these pending applications total more than 23,000 acre-feet per annum, in addition to existing NMSA 1978 Section 72-12-3 permits totaling approximately 46,000 acre-feet per annum; and

**WHEREAS**, the Hydrology Bureau has determined that numerous wells in the eastern portions of the Carlsbad and Capitan Underground Water Basins and the southern portion of the Lea County Underground Water Basin may not be able to sustain the current permitted and pending diversions for forty years; and

**WHEREAS**, the Hydrology Bureau recommends that the eastern portions of the Carlsbad and Capitan Underground Water Basins and the southern portion of the Lea County Underground Water Basin be temporarily closed to new appropriations under NMSA 1978 Section 72-12-3; and

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

**WHEREAS**, the State Engineer now finds that the eastern portions of the Capitan Underground Water Basin and Carlsbad Underground Water Basin and the southern portion of the Lea County Underground Water Basin as shown on Attachment 1 to this Order should be closed for an indefinite period of time to the filing of applications for new appropriations of groundwater under Section 72-12-3 NMSA 1978, as described below.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The Carlsbad Underground Water Basin east of and including Range 32 East as shown on Attachment 1 is closed by this Order for an indefinite period of time to new appropriations of water under NMSA 1978, Section 72-12-3.
2. The Capitan Underground Water Basin east of and including Range 32 East as shown on Attachment 1 is closed by this Order for an indefinite period of time to new appropriations of water under NMSA 1978, Section 72-12-3.
3. The Lea County Underground Water Basin south of and including Township 18 South as shown on Attachment 1 is closed by this Order for an indefinite period of time to new appropriations of water under NMSA 1978, Section 72-12-3.
4. Applications for new appropriations submitted for filing under NMSA 1978, Section 72-12-3 after the date of this Order in the closed portions of the basins described above shall be rejected.

5. This Order closing portions of the Carlsbad, Capitan, and Lea County Underground Water Basins as described above does not apply to undeclared non-potable deep aquifers as described in NMSA 1978, Section 72-12-25 through 72-12-28.

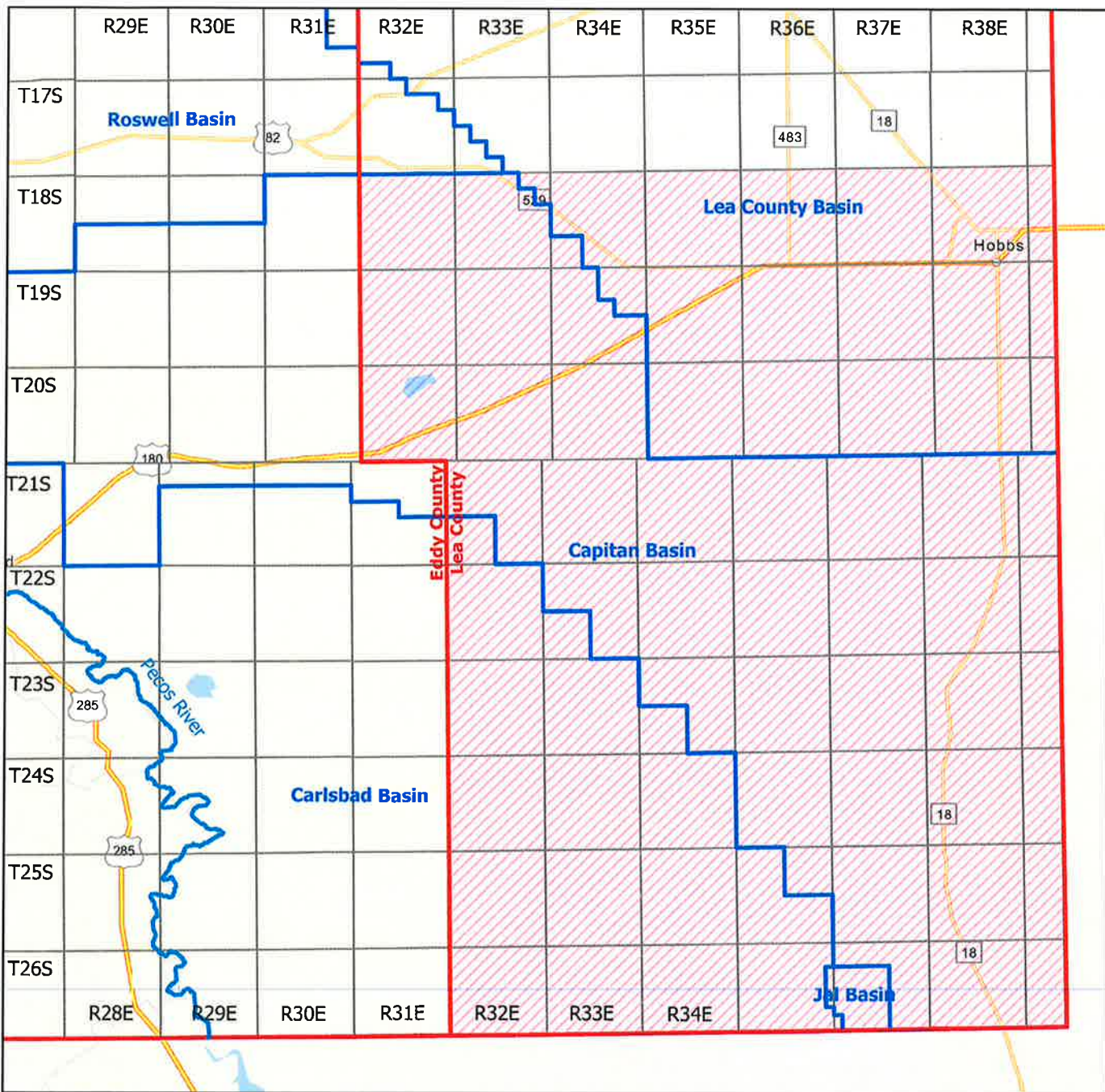
Witness my hand and official seal of my office, this 22<sup>nd</sup> day of March, 2021.

  
JOHN R. D'ANTONIO JR., P.E.  
State Engineer

Reviewed:

  
Gregory C. Ridgley  
General Counsel





### Attachment 1

