

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 25 ADMINISTRATION AND USE OF WATER-GENERAL PROVISIONS
PART 9 PROHIBITIONS ON USE OF SURFACE WATER AND GROUND WATER IN DESIGNATED AREAS

19.25.9.1 ISSUING AGENCY: Office of the State Engineer.
[19.25.9.1 NMAC - N, 07/31/03]

19.25.9.2 SCOPE: This rule applies to all geographic areas within the jurisdiction of the state engineer. This rule shall not be construed to limit or otherwise alter the jurisdiction, power, or authority of the state engineer.
[19.25.9.2 NMAC - N, 07/31/03]

19.25.9.3 STATUTORY AUTHORITY: Section 72-2-1 NMSA 1978 grants the state engineer the general supervision of waters of the state. Section 72-2-8 NMSA 1978 grants the state engineer the authority to adopt regulations and codes, and to issue orders that are necessary to accomplish its duties.
[19.25.9.3 NMAC - N, 07/31/03]

19.25.9.4 DURATION: Permanent; until later amended, repealed or replaced.
[19.25.9.4 NMAC - N, 07/31/03]

19.25.9.5 EFFECTIVE DATE: July 31, 2003, unless a later date is cited in the history note at the end of a section.
[19.25.9.5 NMAC - N, 07/31/03]

19.25.9.6 OBJECTIVE: The objective of this Part is to place restrictions on wells and transfers of either surface water or ground water within the boundaries of certain areas as determined by the state engineer in the interest of safety and the protection of life and property within the state of New Mexico.
[19.25.9.6 NMAC - N, 07/31/03]

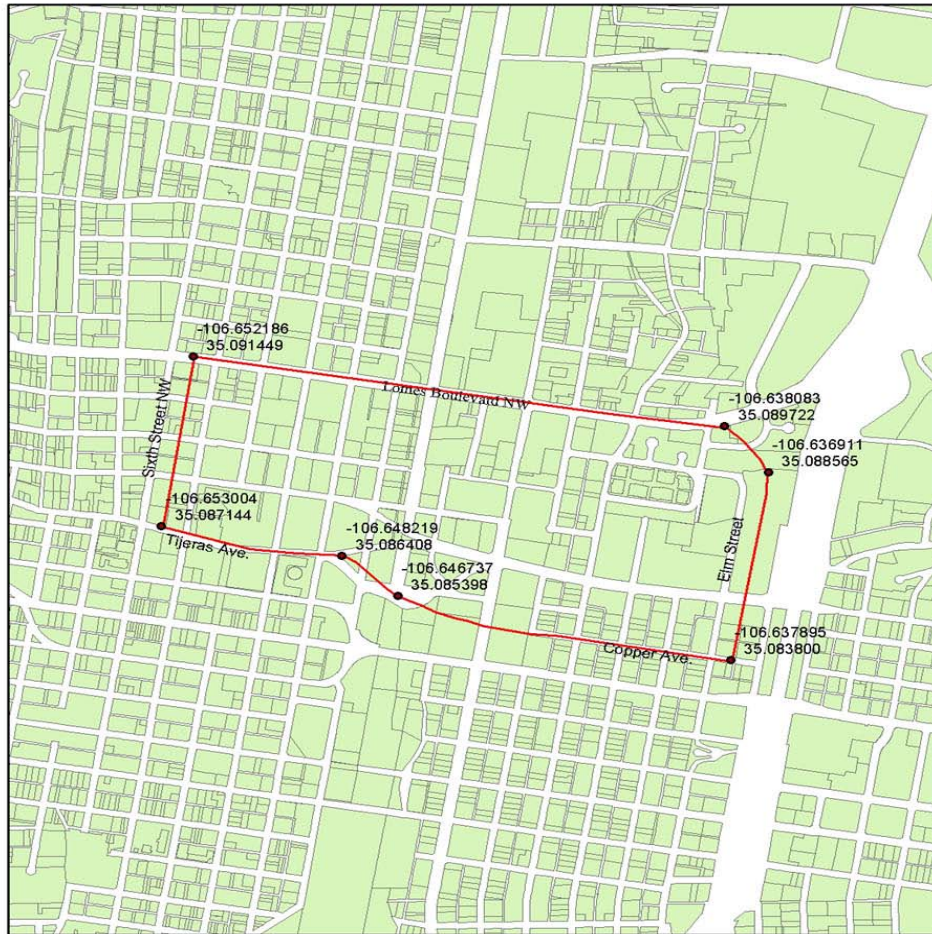
19.25.9.7 DEFINITIONS: Unless otherwise defined below, terms used in this rule have the same meanings as set forth in Chapter 72 NMSA 1978. Unless defined below or in a specific section, all other words used in these regulations shall be given their customary and accepted meanings: "Superfund" means federal and state laws designed to clean up sites where past, improper disposal of hazardous substances caused soil, surface water and ground water contamination.
[19.25.9.7 NMAC - N, 07/31/03]

19.25.9.8 PROHIBITED ACTIVITIES: It shall be unlawful for any person or persons to drill new wells, or transfer either surface water or ground water to existing wells in any areas designated by the state engineer as restricted from such activities.
[19.25.8 NMAC - N, 07/31/03]

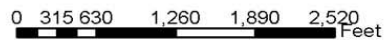
19.25.9.9 AREAS SUBJECT TO PROHIBITIONS: By order of the office of the state engineer, it is prohibited to drill new wells, appropriate new surface water or ground water, or transfer either surface water or ground water to existing wells within the following geographic areas: **FRUIT AVENUE PLUME SUPERFUND SITE.** The state engineer hereby prohibits any drilling of new wells or transfer of either surface water or ground water to existing wells within the boundaries in Albuquerque, New Mexico identified as the Fruit Avenue Plume Superfund Site within which the ground water is contaminated with tetrachloroethene (PCE), trichloroethene (TCE), cis-1, 2-dichloroethene and trans-1, 2-dichloroethene. Both PCE and TCE levels are above drinking water standards, and this prohibition is necessary to protect the public welfare. The Fruit Avenue Plume area is approximately bounded by Fruit Avenue to the north, Elm Street to the east, Tijeras/Martin Luther King Avenue to the south, and 4th Street to the west. The precise delineations of the area are as follows:

State Plane Nad-27 feet

Latitude	Longitude	X	Y
35.087144	-106.653004	379,437	1,487,207
35.091449	-106.652186	379,688	1,488,772
35.089722	-106.638083	383,904	1,488,127
35.088565	-106.636911	384,253	1,487,705
35.083800	-106.637895	383,952	1,485,972
35.085398	-106.646737	381,309	1,486,564
35.086408	-106.648219	380,867	1,486,933



Fruit Avenue Plume Superfund Site



[19.25.9.9 NMAC - N, 07/31/03]

19.25.9.10 PENALTIES: Violation of this Part is a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred and fifty dollars (\$250.00), for each offense; and each day of continued violation shall constitute a separate offense; or by imprisonment in the county jail not to exceed one year or both for each and every violation pursuant to Section 72-12-11 NMSA 1978.
[19.25.9.10 NMAC - N, 07/31/03]

HISTORY OF 19.25.9 NMAC: [RESERVED]