

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

IN THE MATTER OF THE INTERIM)
CLOSURE OF THE ZUNI SALT LAKE)
AND ZUNI SALT LAKE SANCTUARY)
TO NEW APPROPRIATIONS FILED)
UNDER § 72-12-3 NMSA 1978 AND)
ADDITIONAL LIMITATIONS)
FOR NEW APPROPRIATIONS FILED UNDER)
§ 72-12-1.1, 1.2 NMSA 1978)

Order No. 199

ORDER

WHEREAS, pursuant to NMSA 1978, §72-2-1, the State Engineer has general supervision of the waters of the State and of the measurement, appropriation, and distribution thereof and such other duties as required; and

WHEREAS, pursuant to NMSA 1978, §72-2-8, the State Engineer may issue orders necessary to implement his decisions and to aid in the accomplishment of his duties; and

WHEREAS, the State Engineer declared and defined the boundaries of the Gallup Underground Water Basin on March 4, 1980, and March 14, 1994; and

WHEREAS, the Zuni Salt Lake, a hypersaline lake located in southwest New Mexico within the Gallup Underground Water Basin, is a site of great cultural and religious importance to the people of the Zuni Tribe and many other indigenous peoples throughout New Mexico and Arizona, including Acoma Pueblo, the Hopi Tribe, Laguna Pueblo, the Navajo Nation, and the White Mountain Apache Tribe; and

WHEREAS, for centuries, people from the Zuni Tribe and other southwestern Tribes and indigenous peoples have made pilgrimages to the Zuni Salt Lake to request spiritual guidance and rain, make offerings, and collect salt for ceremonial, ritual, and domestic use; and

WHEREAS, the Zuni Salt Lake and surrounding lands, with its pilgrimage trails and associated cultural resources, has been respected and treated by these indigenous peoples as a Sanctuary, recognizing and respecting the sanctity of the Salt Mother since time immemorial; and

WHEREAS, since 1970, the Zuni Salt Lake has been registered under the New Mexico Cultural Properties Act as a New Mexico cultural property; and

WHEREAS, in 1985, the United States Congress placed the Zuni Salt Lake into trust for the Zuni Tribe so that long-standing religious and cultural practices could be sustained in perpetuity; and

WHEREAS, in 1999, the Zuni Salt Lake and surrounding BLM, State, tribal trust, and private lands (referred to as the “Sanctuary”) were determined eligible for listing on the National Register of Historic Places as a Traditional Cultural Property because of their historical and cultural significance; and

WHEREAS, in 2003, the Zuni Salt Lake was identified by the National Trust for Historic Preservation as one of the most endangered historical sites in America; and

WHEREAS, in 2010 the United States Bureau of Land Management (“BLM”) in the Resource Management Plan issued by its Socorro Field Office designated certain of its land holdings within the Zuni Salt Lake Sanctuary as an Area of Critical Environmental Concern (“ACEC”) pursuant to 43 CFR 1610.7-2 in recognition of the cultural importance and ecologically sensitive nature of the Sanctuary; and

WHEREAS, on November 10, 2010, New Mexico Governor Bill Richardson issued Executive Order 2010-047, recognizing that “the sacred Zuni Salt Lake is an irreplaceable ecological and cultural treasure of New Mexico that should be protected” and that the “Salt Lake and its Sanctuary is threatened by proposed development . . . in the vicinity of the sacred site.” Pursuant to Governor Richardson’s Order the State Engineer was directed to designate a team to work with the Zuni Tribe and the United States for the purpose of ensuring the continuing survival and integrity of the Zuni Salt Lake in perpetuity and to engage in collaborative efforts to protect the Zuni Salt Lake; and

WHEREAS, the Zuni Salt Lake is naturally maintained by surface water and ground water from various sources, each contributing to the quantity and quality of waters in its unique and delicate hydrologic balance, which can easily be upset by water depletions, diversions, impoundments, withdrawals, and other such activities in surrounding areas; and


WHEREAS, because of the unique historical and cultural significance of the Zuni Salt Lake and the Sanctuary, and the sensitive hydrology that maintains the Lake, protection of the area is a matter of critical public concern to the State of New Mexico, and adverse impacts to the Zuni Salt Lake and Sanctuary from diversions of groundwater or depletions of surface water would therefore be detrimental to the public welfare of the State.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Zuni Salt Lake and the Zuni Salt Lake Sanctuary described as the Zuni Salt Lake Closure Area on the attached map labeled Figure 1 (Attachment A) is hereby closed to new appropriations of groundwater or surface water under NMSA 1978, § 72-12-3, § 72-12-25, and § 72-5-1 with the exception of appropriations for new livestock and domestic wells, subject to paragraphs 3 and 4 below. Applications for new appropriations submitted for filing under NMSA 1978, § 72-12-3, § 72-12-25, or § 72-5-1 after the date of this Order in the Closure Area shall be rejected. This prohibition shall apply to applications for all consumptive and non-consumptive uses, including dewatering for mining-related activities.

2. The State Engineer shall not grant a permit for a new appropriation under § 72-12-3, 72-12-25-28, or 72-5-1, or for a proposed change of purpose of use or place of use of an existing surface water or groundwater right outside of the Zuni Salt Lake Closure Area if that application will cause new or additional adverse impacts to the Zuni Salt Lake. Zero surface water depletions shall be allowed, and any reduction in surface flows shall be considered adverse impact.
3. New appropriations of water for any domestic use well located within the Zuni Salt Lake Closure Area permitted pursuant to NMSA 1978, § 72-12-1.1 shall be limited to diversions of 0.5 AFY;
4. New appropriations of water for livestock wells within the Zuni Salt Lake Closure Area permitted under NMSA 1978, § 72-12-1.2 and 19.27.1.9 NMAC shall be limited to diversions of 0.5 AFY;
5. All owners of new livestock and domestic wells which divert, pump, or otherwise draw water from within the Zuni Salt Lake Closure Area shall install meters which conform with the standards set out by the State Engineer to measure the quantity of water diverted from such wells. Owners of such wells shall be required to submit meter readings to the State Engineer twice per year, by June 30 and December 31, respectively;
6. Applications to move the place of use or point of diversion from existing points of diversion and places of use outside the Zuni Salt Lake Closure Area to locations within the Zuni Salt Lake Closure Area under NMSA 1978, § 72-12-7 or § 72-5-24 shall be rejected.
7. Applications for new surface water impoundments of any size within the Zuni Salt Lake Closure Area, except for stock ponds captured from surface runoff of less than 10 acre-feet per annum ("AFA") for livestock use from non-perennial streams as set forth in NMSA 1978, § 72-9-3, shall be rejected.

Witness my hand and official seal of my office, this 5th day of July, 2023.

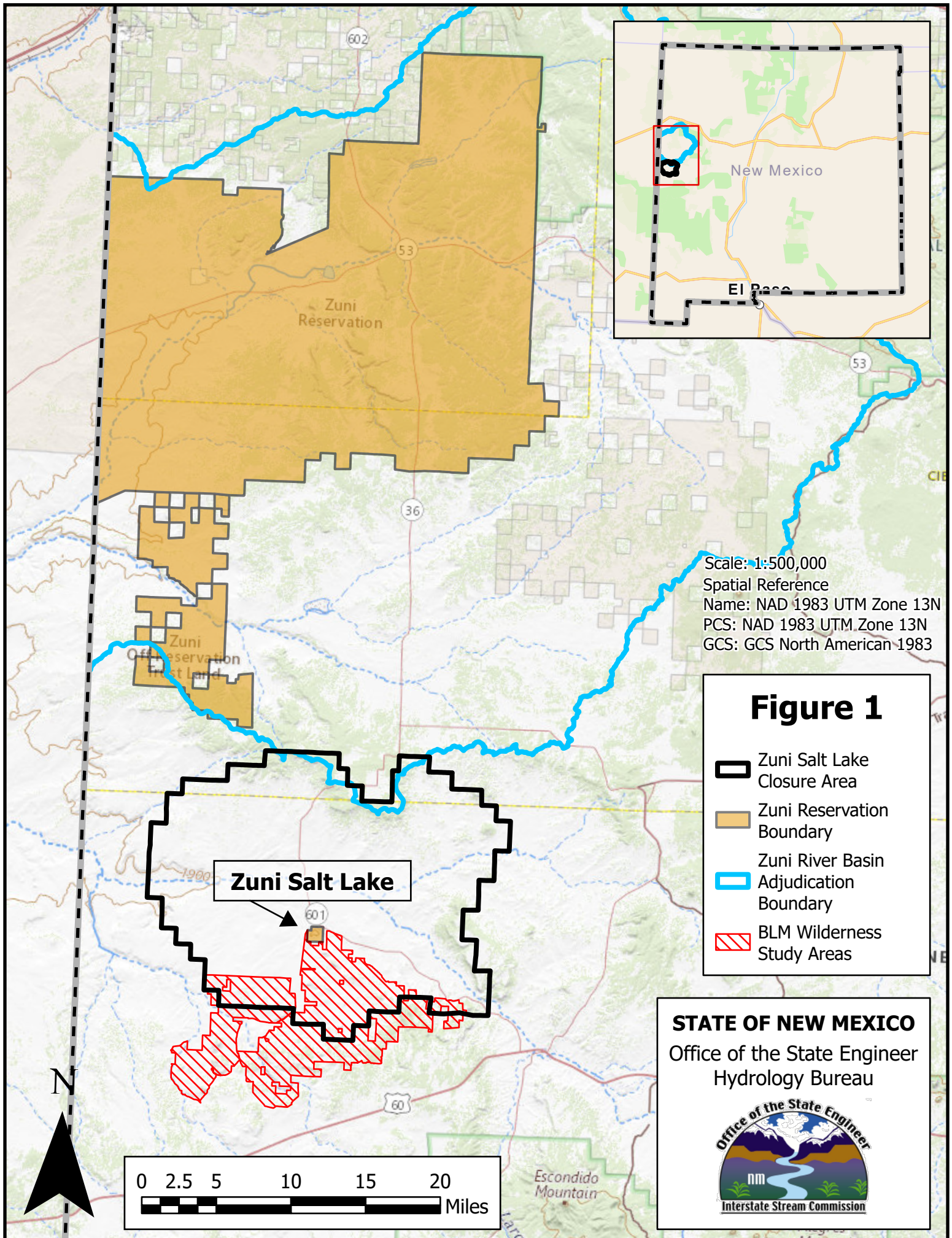


MIKE A. HAMMAN, P.E.
State Engineer

Reviewed:







Nathaniel Chakeres
General Counsel



Scale: 1:500,000
 Spatial Reference
 Name: NAD 1983 UTM Zone 13N
 PCS: NAD 1983 UTM Zone 13N
 GCS: GCS North American 1983

Figure 1

-  Zuni Salt Lake Closure Area
-  Zuni Reservation Boundary
-  Zuni River Basin Adjudication Boundary
-  BLM Wilderness Study Areas

STATE OF NEW MEXICO
 Office of the State Engineer
 Hydrology Bureau

