



State of New Mexico
Office of the State Engineer
Interstate Stream Commission

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OSE cracks down on illegal water well sales
Field investigations lead to noncompliance warnings

ROSWELL – New Mexico’s Office of the State Engineer (OSE) issued noncompliance warnings to the owners of 20 water wells in the Carlsbad and Capitan Basins after field investigations revealed water may have been diverted for commercial sales without a valid water right permit.

The well-owners have been ordered to cease the unpermitted water diversions and contact the OSE District 2 office to rectify the situation. If the unauthorized diversions continue, the OSE will pursue legal recourse by seeking a compliance order against the responsible party.

“Now more than ever, protecting New Mexico’s water resources from illegal use is essential to securing a strong water future,” said State Engineer **Elizabeth Anderson**.

Current enforcement penalties date from 1907, limiting OSE’s ability to deter water use. During the 2025 legislative session, the OSE supported a bill to strengthen penalties and disincentivize the theft and sale of water by increasing monetary penalties for illegal water diversions. That bill did not make it through the last hurdle on the Senate floor during the last days of the session. The OSE hopes to garner additional legislative backing to prevent illegal water use in upcoming legislative sessions.

Public can report suspected violations: If members of the public see or suspect illegal water use (which may look like wells being used for commercial water sales without a meter, temporary pumps installed in livestock wells, and/or pumps installed on streams without meters), they can notify the OSE district office anonymously, which will follow up on the report.

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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.

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 investigating, conserving and protecting the waters of the State, in addition to water planning.

<https://www.ose.state.nm.us>