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HOUSE BILL 94

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Nathan "Nate" Cote

AN ACT

RELATING TO WATER; AMENDING SECTION 72-1-9 NMSA 1978 (BEING LAWS 1985, CHAPTER 198, SECTION 1, AS AMENDED) TO PROVIDE FOR A WATER USE PLANNING PERIOD FOR ENTITIES SERVING ANY CUSTOMERS WITHIN MUNICIPALITIES OR COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) is amended to read:

"72-1-9. MUNICIPAL, COUNTY, MEMBER-OWNED COMMUNITY WATER SYSTEMS, SCHOOL DISTRICT AND STATE UNIVERSITY WATER DEVELOPMENT PLANS--PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES.--

A. It is recognized by the state that it promotes the public welfare and the conservation of water within the state for municipalities, counties, school districts, state

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1 universities, member-owned community water systems, special  
2 water users' associations and public utilities supplying water  
3 to customers within municipalities or counties to plan for the  
4 reasonable development and use of water resources. The state  
5 further recognizes the state engineer's administrative policy  
6 of not allowing municipalities, member-owned community water  
7 systems, counties and state universities to acquire and hold  
8 unused water rights in an amount greater than their reasonable  
9 needs within forty years.

10 B. Municipalities, counties, school districts,  
11 state universities, member-owned community water systems,  
12 special water users' associations and public utilities  
13 supplying water to customers within municipalities or  
14 counties shall be allowed a water use planning period not to  
15 exceed forty years, and water rights for municipalities,  
16 counties, school districts, state universities, member-owned  
17 community water systems, special water users' associations  
18 and public utilities supplying water to ~~[such]~~ customers  
19 within municipalities or counties shall be based upon a water  
20 development plan the implementation of which shall not exceed  
21 a forty-year period from the date of the application for an  
22 appropriation or a change of place or purpose of use pursuant  
23 to a water development plan or for preservation of a  
24 municipal, county, school district, member-owned community  
25 water system or state university water supply for reasonably

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1 projected additional needs within forty years."

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