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SENATE BILL 309

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

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO WATER; PROVIDING PROCEDURES FOR THE LEASE OF WATER RIGHTS TO MAINTAIN OR AUGMENT STREAMFLOW.

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

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967, Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 6 NMSA 1978 may be cited as the "Water-Use Leasing Act"."

SECTION 2. A new section of the Water-Use Leasing Act is enacted to read:

"[NEW MATERIAL] LEASE OF WATER FOR STREAMFLOW--APPROVAL PROCESS.--

A. The state engineer shall approve a lessee's lease of water rights to maintain or augment streamflow if all other conditions required by the Water-Use Leasing Act are met

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 and:

2 (1) the use is to maintain or enhance fish or
3 wildlife resources and the owner agrees to lease the water
4 rights for that purpose;

5 (2) the application:

6 (a) describes the location of use;

7 (b) describes the manner in which the
8 applicant or the applicant's designee will measure use or
9 demonstrate the owner's forbearance of the amount of leased
10 water; and

11 (c) describes how the use will maintain
12 or enhance fish or wildlife resources; and

13 (3) the applicant is required to submit an
14 annual monitoring report to the state engineer.

15 B. The provisions of this section do not apply to
16 water rights leased pursuant to Section 72-14-3.3 NMSA 1978."

17 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is July 1, 2013.

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