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SENATE BILL 479

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

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO WATER; REQUIRING SUBDIVIDERS TO PROVE ADEQUATE
WATER SUPPLIES ON LAND FROM WHICH WATER RIGHTS HAVE BEEN
SEVERED BEFORE FINAL PLAT APPROVAL OF A PROPOSED SUBDIVISION;
DECLARING AN EMERGENCY.

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

SECTION 1. A new section of Chapter 3, Article 20 NMSA
1978 is enacted to read:

"[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER
SUPPLY ON LANDS FROM WHICH RIGHTS HAVE BEEN SEVERED.--Before
approving the final plat for a subdivision of land from which
the water rights attached to the land have been severed, the
appropriate approval authority shall require that the
subdivider acquire sufficient water rights through a permit
issued pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA

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1 1978, or if the subdivision is located within a declared
2 underground water basin, provide a copy of a permit obtained
3 from the state engineer issued pursuant to those sections, or
4 to Section 72-12-3 or 72-12-7 NMSA 1978, for subdivision water
5 use. In acting on the permit application, the state engineer
6 shall determine whether the amount of water permitted is
7 sufficient in quantity to fulfill the maximum annual water
8 requirements of the subdivision, including water for indoor and
9 outdoor domestic uses. A final plat shall not be approved
10 unless the state engineer has so issued a permit for the
11 subdivision water use. The state engineer shall not approve an
12 application based on the use of water from any permit issued
13 pursuant to Section 72-12-1.1 NMSA 1978."

14 SECTION 2. A new section of the New Mexico Subdivision
15 Act is enacted to read:

16 "[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER
17 SUPPLY ON LANDS FROM WHICH RIGHTS HAVE BEEN SEVERED.--Before
18 approving the final plat for a subdivision of land from which
19 the water rights attached to the land have been severed, the
20 board of county commissioners shall require that the subdivider
21 acquire sufficient water rights through a permit issued
22 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if
23 the subdivision is located within a declared underground water
24 basin, provide a copy of a permit obtained from the state
25 engineer issued pursuant to those sections, or to Section

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1 72-12-3 or 72-12-7 NMSA 1978, for subdivision water use. In
2 acting on the permit application, the state engineer shall
3 determine whether the amount of water permitted is sufficient
4 in quantity to fulfill the maximum annual water requirements of
5 the subdivision, including water for indoor and outdoor
6 domestic uses. The board of county commissioners shall not
7 approve the final plat unless the state engineer has so issued
8 a permit for the subdivision water use. The state engineer
9 shall not approve an application based on the use of water from
10 any permit issued pursuant to Section 72-12-1.1 NMSA 1978."

11 SECTION 3. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect immediately.