SENATE BILL 245

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGE IN LOCATION OR USE OF A WATER RIGHT FROM A DOMESTIC WELL TO A MUTUAL DOMESTIC WATER CONSUMERS' ASSOCIATION.

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

Section 1. Section 72-12-7 NMSA 1978 (being Laws 1931, Chapter 131, Section 7, as amended) is amended to read:

"72-12-7. CHANGE OF LOCATION OF WELL--CHANGE IN USE ON APPLICATION--TEMPORARY CHANGE.--

A. The owner of a water right may change the location of his well or change the use of the water, but only upon application to the state engineer and upon showing that the change will not impair existing rights, [and] will not be contrary to the conservation of water within the state and will not be detrimental to the public welfare of the state.

. 134374. 1

>	et	17
new	delet	18
=	=	19
nteria	rial	20
mat	m te	21
red	ed_	22
<u>iderscore</u>	eket	23
ındeı	bra	24
		25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

The	application may be granted only after such advertisement
and	hearing as are prescribed in the case of original
appl	lications.

B. Pursuant to this section, an owner of a water right or a well permit may change the location of his well or change the use or location of the use of the water and transfer the water to a mutual domestic water consumers' association if:

(1) the owner resides in an unincorporated rural area that is within the service area identified in the forty-year plan of a mutual domestic water consumers' associ ati on;

- (2) the owner enters into an agreement to build no more than one single-family dwelling and guesthouse on this property;
- (3) the department of environment finds there are no legal or health restrictions to the change or transfer;
- (4) the mutual domestic water consumers' association has the capacity to supply water to the holder;
- (5) the mutual domestic water consumers' association accepts a water right of only seven-tenths acrefeet per year, non-transferrable to another party unless that party assumes responsibility for providing domestic water to the original owner; and
- (6) the owner is estopped from drilling . 134374. 1

another well pursuant to Chapter 72, Article 12 NMSA 1978 on the originating property.

[B.-] <u>C.</u> When the owner of a water right applies for a temporary change of not to exceed one year for not more than three acre-feet of water to a different location or to a different use, or both, the state engineer shall make an investigation and, if the change does not permanently impair any vested rights of others, he shall enter an order authorizing the change. If he finds that the change sought might impair vested rights, he shall order advertisement and hearing as in other cases.

[C.] D. If objections or protests have been filed within the time prescribed in the notice or if the state engineer is of the opinion that the permit should not be issued, the state engineer may deny the application or, before he acts on the application, may order that a hearing be held. He shall notify the applicant of his action by certified mail sent to the address shown in the application."

- 3 -