

1 AN ACT  
2 RELATING TO WATER; PROVIDING AUTHORITY FOR STATE ENGINEER  
3 PRIORITY ADMINISTRATION AND EXPEDITED WATER MARKETING AND  
4 LEASING.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. A new section of Chapter 72 NMSA 1978 is  
8 enacted to read:

9 "PRIORITY ADMINISTRATION-- EXPEDITED WATER MARKETING AND  
10 LEASING-- STATE ENGINEER. --

11 A. The legislature recognizes that the  
12 adjudication process is slow, the need for water  
13 administration is urgent, compliance with interstate  
14 compacts is imperative and the state engineer has authority  
15 to administer water allocations in accordance with the water  
16 right priorities recorded with or declared or otherwise  
17 available to the state engineer.

18 B. The state engineer shall adopt rules for  
19 priority administration to ensure that authority is  
20 exercised:

21 (1) so as not to interfere with a future or  
22 pending adjudication;

23 (2) so as to create no impairment of water  
24 rights, other than what is required to enforce priorities;

25 and

1 (3) so as to create no increased  
2 depletions.

3 C. The state engineer shall adopt rules based on  
4 the appropriate hydrologic models to promote expedited  
5 marketing and leasing of water in those areas affected by  
6 priority administration. The rules shall be consistent with  
7 the rights, remedies and criteria established by law for  
8 proceedings for water use leasing and for changes in point  
9 of diversion, place of use and purpose of use of water  
10 rights. The rules shall not apply to acequias or community  
11 ditches or to water rights served by an acequia or community  
12 ditch.

13 D. Nothing in this section shall affect the  
14 partial final decree and settlement agreement as may be  
15 entered in the Carlsbad irrigation district project offer  
16 phase of *State of New Mexico ex rel. State Engineer v.*  
17 *Lewis,*  
18 *et al.*, Nos. 20294 and 22600 (N.M. 5th Jud. Dist.)."