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SENATE BILL 551

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO WATER; PROVIDING AUTHORITY FOR STATE ENGINEER
PRIORITY ADMINISTRATION AND EXPEDITED WATER MARKETING AND
LEASING.

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

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

" NEW MATERIAL PRIORITY ADMINISTRATION-- EXPEDITED WATER
MARKETING AND LEASING-- STATE ENGINEER. --

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

underscored material = new
[bracketed material] = delete

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

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

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

(3) so as to create no increased depletions.

C. The state engineer shall adopt rules based on the appropriate hydrologic models to promote expedited marketing and leasing of water in those areas affected by priority administration.

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