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HOUSE BILL 344

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

W. C. "Dub" Williams

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE NMSA 1978 TO
PROVIDE FOR NOTIFICATION BY CERTIFIED MAIL OF CONTIGUOUS
LANDOWNERS OF AN APPLICATION FOR A PERMIT TO APPROPRIATE WATERS
OF THE STATE.

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

Section 1. Section 72-5-4 NMSA 1978 (being Laws 1907,
Chapter 49, Section 26, as amended) is amended to read:

"72-5-4. NOTICE--PUBLICATION.--

A. Upon the filing of an application that complies
with the provisions of this article and the rules established
thereunder, accompanied by the proper fees, the state engineer
shall instruct the applicant to publish notice thereof, in a
form and in a newspaper prescribed by the state engineer, in
some newspaper that is published and distributed in each county

underscored material = new
[bracketed material] = delete

1 affected by the diversion and in each county where the water
2 will be or has been put to beneficial use, or if there is no
3 such newspaper, then in some newspaper of general circulation
4 in the stream system, once a week for three consecutive weeks.
5 The notice shall give all essential facts as to the proposed
6 appropriation; among them, the places of appropriation and of
7 use, amount of water, the purpose for which it is to be used,
8 name and address of applicant and the time when the application
9 shall be taken up by the state engineer for consideration.
10 Proof of publication as required shall be filed with the state
11 engineer within sixty days of his instructions to make
12 publication. In case of failure to file satisfactory proof of
13 publication in accordance with the rules within the time
14 required, the application shall be treated as an original
15 application filed on the date of receipt of proofs of
16 publication in proper form.

17 B. In addition, a copy of the publication of notice
18 shall be mailed by the applicant to each owner of land being
19 contiguous to the place of diversion and to the place of use.
20 The notice shall be by certified mail. Thereafter, the
21 applicant shall certify that all contiguous landowners have
22 been provided a notice by certified mail. The state engineer
23 shall take no action on the application until the applicant
24 files the certification with the state engineer."