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HOUSE BILL 346

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Don Tripp

AN ACT

RELATING TO WATER; PROVIDING FOR A DIRECT APPEAL TO THE  
DISTRICT COURT FROM A STATE ENGINEER DECISION.

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

Section 1. Section 72-2-16 NMSA 1978 (being Laws 1965,  
Chapter 285, Section 4, as amended) is amended to read:

"72-2-16. HEARINGS REQUIRED BEFORE APPEAL.--~~[The state  
engineer may order that a hearing be held before he enters a  
decision, acts or refuses to act. If without holding a  
hearing] If the state engineer enters a decision, acts or  
refuses to act, any person aggrieved by the decision, act or  
refusal to act is entitled to a hearing if a request for a  
hearing is made in writing within thirty days after receipt by  
certified mail of notice of the decision, act or refusal to  
act. Hearings shall be held before the state engineer or his~~

underscoring material = new  
[bracketed material] = delete

1 appointed examiner. A record shall be made of all hearings.  
2 ~~[No]~~ If the state engineer's decision, act or refusal to act  
3 adversely affects the validity, quantity or priority date of a  
4 water right, the person aggrieved may choose to request a  
5 hearing before the state engineer or directly appeal to a  
6 district court pursuant to Section 72-7-1 NMSA 1978. If the  
7 state engineer's decision, act or refusal to act does not  
8 adversely affect the validity, quantity or priority date of a  
9 water right, an appeal shall not be taken to the district court  
10 until the state engineer has held a hearing and entered his  
11 decision in the hearing."

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