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HOUSE BILL 443

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO WATER; AMENDING A SECTION OF CHAPTER 72 NMSA 1978
TO CLARIFY A WATER ALLOWANCE UPON CONSERVATION OF WATER.

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

Section 1. Section 72-5-18 NMSA 1978 (being Laws 1907,
Chapter 49, Section 43, as amended) is amended to read:

"72-5-18. WATER ALLOWANCE.--

A. In the issuance of permits to appropriate water
for irrigation or in the adjudication of the rights to the use
of water for that purpose, the amount allowed shall be based
upon beneficial use and in accordance with good agricultural
practices and the amount allowed shall not exceed such amount.
The state engineer shall permit the amount allowed to be
diverted at a rate that is consistent with good agricultural
practices and that will result in the most effective use of

.165583.1

underscored material = new
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1 available water in order to prevent waste.

2 B. Improved irrigation methods or agricultural
3 practices resulting in the conservation of water, which is a
4 beneficial use, shall not affect an owner's water rights or
5 quantity of appurtenant acreage.

6 C. Any water rights owner who demonstrates that
7 improved irrigation or agricultural practices have resulted in
8 the conservation of water shall be able to make a change in the
9 point of diversion or place or purpose of use of the quantity
10 of conserved water, provided:

11 (1) conservation of water shall not result in
12 impairment or diminishment of other water rights;

13 (2) conservation shall not result in increased
14 net depletions; and

15 (3) priority and quality of right shall be
16 assessed under the same standards as apply to transfers.