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SENATE BILL 900

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

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO WATER; EXEMPTING THE STATE TRANSPORTATION
COMMISSION AND ITS CONTRACTORS FROM NOTICE AND HEARING
REQUIREMENTS FOR THE TEMPORARY CHANGE OF LOCATION, METHOD OF
USE OR POINT OF DIVERSION OF WATER RIGHTS.

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

Section 1. Section 72-5-34 NMSA 1978 (being Laws 1959,
Chapter 191, Section 1, as amended) is amended to read:

"72-5-34. STATE TRANSPORTATION COMMISSION--CHANGE OF
WATER USE--APPLICATION [~~NOTICE AND HEARING~~].--Whenever the
state transportation commission or one of its contractors makes
application to the state engineer for a temporary change, not
to exceed two years, of location of use, a change of method of
use or a change of point of diversion [~~advance withdrawals or~~
~~withdrawals of accrued unused waters of any water right~~],

.166098.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 whether such water right be for surface, subsurface, artesian
2 or underground waters and whether or not either the location of
3 the changed use or the location of the point of diversion or
4 both be within or without the boundaries of any declared
5 underground water basin or irrigation or conservancy district,
6 ~~[and whatever the manner of acquisition of such water right]~~
7 and ~~[such]~~ the water right is to be used for the construction,
8 reconstruction, maintenance or repair of public roads, streets,
9 highways and airports, the state engineer may authorize such
10 temporary change of location of use, change of method of use or
11 change of point of diversion ~~[advance withdrawals or~~
12 ~~withdrawals of accrued unused water after]~~ without publication
13 and hearing ~~[as provided in Section 72-12-3 NMSA 1978]~~, when in
14 the opinion of the state engineer ~~[such]~~ the temporary change
15 of location of use, method of use or point of diversion
16 ~~[advance withdrawals or withdrawals of accrued unused water]~~
17 will not be detrimental to the other holders of valid water
18 rights."

19 Section 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2007.

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