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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 available water in order to prevent
waste.

B. Improved irrigation methods or changes in
agriculture practices resulting in conservation of water
shall not diminish beneficial use or otherwise affect an
owner's water rights or quantity of appurtenant acreage.

C. Any water rights owner who demonstrates that
improved irrigation or changes in agricultural practices have
resulted in the conservation of water shall be able to make

1 an application to the state engineer for a change in the
2 point of diversion or place or purpose of use of the quantity
3 of conserved water, provided that:

4 (1) conservation of water shall not result
5 in impairment or diminishment of other water rights; and

6 (2) priority and quality of right shall be
7 assessed under the same standards as apply to transfers."

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