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AN ACT
RELATING TO WATER; AMENDING AND ENACTING SECTIONS OF CHAPTER
72, ARTICLE 1 NMSA 1978 TO PROVIDE FOR AN ALTERNATIVE METHOD
OF ACQUIRING WATER RIGHTS TO SATISFY THE PECOS RIVER
SETTLEMENT; DECLARING AN EMERGENCY.

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

Section 1. A new section of Chapter 72, Article 1 NMSA
1978 is enacted to read:

"PECOS RIVER--PURCHASE OF ADDITIONAL WATER RIGHTS.--

A. In addition to the land with appurtenant water
rights or rights to the delivery of water acquired pursuant
to the provisions of Section 72-1-2.4 NMSA 1978, the
interstate stream commission may expend funds for the
purchase of water rights or rights to the delivery of water
without acquiring the surface of the land to which the water
rights or rights to the delivery of water are appurtenant.
No such expenditure shall be made unless the commission has
entered into contracts with the governing bodies of the
Carlsbad irrigation district, the Pecos valley artesian
conservancy district and the Fort Sumner irrigation district
that specify the actions the parties agree will be taken or
avoided to ensure that the expenditures will be effective
toward permanent compliance with New Mexico's obligations
under the Pecos River Compact pursuant to Section 72-15-19

1 NMSA 1978 and the amended decree.

2 B. Expenditures for the purchase of water rights
3 or rights to the delivery of water pursuant to this section
4 shall be made only from willing sellers in accordance with
5 the following criteria:

6 (1) the water rights or rights to the
7 delivery of water are located within the Carlsbad irrigation
8 district, the Roswell artesian basin, the Pecos valley
9 artesian conservancy district or between the Acme gauge to
10 and including the Fort Sumner irrigation district;

11 (2) the transactions through which the
12 commission purchases the water rights or rights to the
13 delivery of water are conducted in compliance with procedures
14 set forth in Subsections F and G of Section 72-1-2.4 NMSA
15 1978, except that the resulting contracts shall not require
16 the commission to purchase the land to which the water rights
17 or rights to the delivery of water are appurtenant; and

18 (3) land from which water rights or the
19 rights to the delivery of water are severed shall be subject
20 to deed restrictions to ensure that no new water development
21 or use, including the drilling of domestic wells pursuant to
22 Sections 72-12-1.1, 72-12-1.2 and 72-12-1.3 NMSA 1978, occurs
23 on the land without transfer of valid, existing water rights
24 and that notice of such deed restrictions shall be recorded
25 in the real property records of the county in which the land

1 is located and provided to the state engineer; provided that
2 the commission shall not be responsible for the establishment
3 of cover vegetation or the ongoing maintenance of the land.

4 C. Water rights or rights to the delivery of water
5 purchased by the commission pursuant to this section shall be
6 included in the calculation of the ratio mandated by Section
7 72-1-2.4 NMSA 1978.

8 D. If the interstate stream commission determines
9 that ownership of all or any part of the surface of land
10 acquired by the commission pursuant to Section 72-1-2.4 NMSA
11 1978 is not necessary or desirable, the commission may offer
12 the land for sale, in accordance with state law. The land
13 may be offered for sale by sending a written offer to sell,
14 by certified mail, to the party from whom the commission
15 purchased the land at the party's last known address. The
16 offer shall remain open for at least sixty days from the date
17 of mailing. The offer shall include a notice that, if the
18 offer is not accepted by the prior owner within the time
19 stated pursuant to this section, the offer will be deemed
20 rejected and automatically withdrawn and the land may be made
21 available for purchase by third parties in accordance with
22 state law. Land sold pursuant to this section shall be
23 subject to deed restrictions to ensure that no new water
24 development or use, including the drilling of domestic wells
25 pursuant to Sections 72-12-1.1, 72-12-1.2 and 72-12-1.3 NMSA

1 1978, occurs on the land without transfer of valid, existing
2 water rights and that notice of such deed restrictions shall
3 be recorded in the real property records of the county in
4 which the land is located and provided to the state engineer.
5 The revenue from the sale shall be deposited into the Pecos
6 river basin land management fund.

7 E. If the interstate stream commission determines
8 that the total water rights and the rights to the delivery of
9 water purchased pursuant to Chapter 72, Article 1 NMSA 1978
10 are in excess of those rights permanently needed for
11 New Mexico's obligations under the Pecos River Compact, the
12 commission shall offer the excess water rights for sale in
13 the manner set forth in Section 72-1-2.4 NMSA 1978."

14 Section 2. Section 72-1-2.5 NMSA 1978 (being Laws 2006,
15 Chapter 77, Section 1) is amended to read:

16 "72-1-2.5. PECOS RIVER BASIN LAND MANAGEMENT FUND.--The
17 "Pecos river basin land management fund" is created in the
18 state treasury. The fund shall consist of appropriations,
19 grants, donations or bequests to the fund, income from land
20 and water rights purchased pursuant to Chapter 72, Article 1
21 NMSA 1978, revenue from land sold pursuant to Chapter 72,
22 Article 1 NMSA 1978 and income from investment of the fund or
23 money otherwise accruing to the fund. Money in the fund
24 shall be invested pursuant to Chapter 6, Article 10 NMSA
25 1978. The interstate stream commission shall adopt rules for

1 managing the land, for depositing revenues from the land and
2 to administer the fund, and money in the fund is appropriated
3 to the commission to manage the land purchases pursuant to
4 Section 72-1-2.4 NMSA 1978 and to manage augmentation well
5 fields in the lower Pecos river basin. Money in the fund
6 shall not revert to any other fund at the end of a fiscal
7 year. Money in the fund shall be disbursed on warrants
8 signed by the secretary of finance and administration
9 pursuant to vouchers signed by the director of the interstate
10 stream commission or the director's authorized
11 representative."

12 Section 3. EMERGENCY.--It is necessary for the public
13 peace, health and safety that this act take effect
14 immediately. _____

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