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HOUSE BILL 578

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGE IN POINT OF DIVERSION  
OR PLACE OR PURPOSE OF USE OF AN ADJUDICATED WATER RIGHT FOR  
USE WITHOUT DIVERSION.

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

**SECTION 1.** A new section of Chapter 72, Article 5 NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ USE OF EXISTING WATER RIGHTS WITHOUT  
DIVERSION.--The state engineer may approve an application for a  
change in point of diversion, purpose or place of use of a  
water right to allow the use of an adjudicated water right for  
recreational, fish or wildlife or other ecological purposes  
without diversion if such a change can be made without  
detriment to existing water rights and is not contrary to  
conservation of water within the state and not detrimental to

.185371.1

underscoring material = new  
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1 the public welfare of the state. In addition to any other  
2 reasonable terms and conditions as the state engineer may  
3 prescribe, the state engineer may condition the approval of any  
4 application provided for under this section on the use of  
5 gauges or devices to measure flows within the permitted area.  
6 Publication of notice of application, opportunity for the  
7 filing of objections or protests and a hearing on the  
8 application shall be provided as required by Sections 72-5-4  
9 and 72-5-5 NMSA 1978."

10 SECTION 2. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2011.