

FIFTIETH LEGISLATURE  
SECOND SESSION, 2012

HB 201/a

February 11, 2012

Mr. President:

Your **CONSERVATION COMMITTEE**, to whom has been referred

**HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE**  
**SUBSTITUTE FOR HOUSE BILL 201, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, line 5, strike "Construction" and insert in lieu thereof "Conservation".

2. On page 2, line 10, after "source", insert "; provided that the division shall provide to the state engineer all information available to the division regarding the proposed diversion and reinjection and shall request the opinion of the state engineer as to whether existing ground water rights sharing the same ground water source may be impaired. If the state engineer determines that the information provided is sufficient to render an opinion, and it is the opinion of the state engineer that any existing ground water rights may be impaired, then the division, upon receipt of the opinion of the state engineer, shall require the owner or operator to submit to the division a plan of replacement with regard to any existing ground water rights that are likely to be impaired. In response to a request for an opinion under this subsection, the determination by the state engineer as to whether the information provided is sufficient to render an opinion or the issuance by the state engineer of an opinion shall not constitute a decision, act or refusal to act under Section 72-2-16 NMSA 1978."

3. On page 2, line 13, strike the ending quotation mark and between lines 13 and 14, insert the following new subsection to read:

"D. As used in this section, "plan of replacement" means a detailed plan for the replacement of water, which may include:

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- (1) the furnishing of a substitute water supply;
- (2) the modification of existing water supply facilities;
- (3) the drilling of replacement wells;
- (4) the assumption of additional operating costs;
- (5) the procurement of documentation establishing a waiver of protection by owners of affected water rights;
- (6) artificial recharge; or
- (7) any other means to avoid impairment of water rights."".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

\_\_\_\_\_  
Bernadette M. Sanchez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 1 Against

Yes: 7

No: Harden

Excused: None

Absent: None

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