

HOUSE BILL 248

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Jimmie C. Hall

AN ACT

RELATING TO PUBLIC LANDS; PROVIDING FOR RIGHTS OF WAY TO ALLOW FOR ACCESS TO THE USE OF WATER RIGHTS BY CATTLE ON FEDERAL LANDS.

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

SECTION 1. Section 19-3-13 NMSA 1978 (being Laws 1889, Chapter 61, Section 1, as amended) is amended to read:

"19-3-13. RIGHT OF POSSESSION WITH CATTLE--CONDITIONS.--

~~[Section 1.]~~

A. Any person, company or corporation that may appropriate and stock a range upon the public domain of the United States, or otherwise, with cattle, shall be deemed to be in possession thereof; provided that ~~[such]~~ the person, company or corporation shall lawfully possess or occupy or be the lawful owner or possessor of sufficient living, permanent water

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underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 upon ~~[such]~~ the range for the proper maintenance of ~~[such]~~ the
2 cattle.

3 B. A person, company or corporation that is deemed
4 to be in possession of a range upon the public domain pursuant
5 to Subsection A of this section shall be deemed to possess
6 rights of way for reasonable access, as determined by locally
7 accepted customs and practices, for the beneficial use of
8 livestock to water rights owned by the person, company or
9 corporation on the range upon the public domain.

10 C. As used in this section:

11 (1) "living, permanent water" means water from
12 wells, seeps, streams, springs and stock ponds; and

13 (2) "public domain" means federal land that
14 was subject to settlement prior to 1976."