

1 SENATE BILL 479

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Peter Wirth

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10 AN ACT

11 RELATING TO WATER; REQUIRING SUBDIVIDERS TO PROVE ADEQUATE  
12 WATER SUPPLIES ON LAND FROM WHICH WATER RIGHTS HAVE BEEN  
13 SEVERED BEFORE FINAL PLAT APPROVAL OF A PROPOSED SUBDIVISION;  
14 DECLARING AN EMERGENCY.

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

17 SECTION 1. A new section of Chapter 3, Article 20 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER  
20 SUPPLY ON LANDS FROM WHICH RIGHTS HAVE BEEN SEVERED.--Before  
21 approving the final plat for a subdivision of land from which  
22 the water rights attached to the land have been severed, the  
23 appropriate approval authority shall require that the  
24 subdivider acquire sufficient water rights through a permit  
25 issued pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA

.191966.2

underscored material = new  
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1 1978, or if the subdivision is located within a declared  
2 underground water basin, provide a copy of a permit obtained  
3 from the state engineer issued pursuant to those sections, or  
4 to Section 72-12-3 or 72-12-7 NMSA 1978, for subdivision water  
5 use. In acting on the permit application, the state engineer  
6 shall determine whether the amount of water permitted is  
7 sufficient in quantity to fulfill the maximum annual water  
8 requirements of the subdivision, including water for indoor and  
9 outdoor domestic uses. A final plat shall not be approved  
10 unless the state engineer has so issued a permit for the  
11 subdivision water use. The state engineer shall not approve an  
12 application based on the use of water from any permit issued  
13 pursuant to Section 72-12-1.1 NMSA 1978."

14 SECTION 2. A new section of the New Mexico Subdivision  
15 Act is enacted to read:

16 "[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER  
17 SUPPLY ON LANDS FROM WHICH RIGHTS HAVE BEEN SEVERED.--Before  
18 approving the final plat for a subdivision of land from which  
19 the water rights attached to the land have been severed, the  
20 board of county commissioners shall require that the subdivider  
21 acquire sufficient water rights through a permit issued  
22 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if  
23 the subdivision is located within a declared underground water  
24 basin, provide a copy of a permit obtained from the state  
25 engineer issued pursuant to those sections, or to Section

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

1 72-12-3 or 72-12-7 NMSA 1978, for subdivision water use. In  
2 acting on the permit application, the state engineer shall  
3 determine whether the amount of water permitted is sufficient  
4 in quantity to fulfill the maximum annual water requirements of  
5 the subdivision, including water for indoor and outdoor  
6 domestic uses. The board of county commissioners shall not  
7 approve the final plat unless the state engineer has so issued  
8 a permit for the subdivision water use. The state engineer  
9 shall not approve an application based on the use of water from  
10 any permit issued pursuant to Section 72-12-1.1 NMSA 1978."

11 SECTION 3. EMERGENCY.--It is necessary for the public  
12 peace, health and safety that this act take effect immediately.