

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 479

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

AN ACT

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

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

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

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

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[bracketed material] = delete

1 72-5-24, 72-12-3 or 72-12-7 NMSA 1978 for subdivision water
2 use. In acting on the permit application, the state engineer
3 shall determine whether the amount of water permitted is
4 sufficient in quantity to fulfill the maximum annual water
5 requirements of the subdivision, including water for indoor and
6 outdoor domestic uses. A final plat shall not be approved
7 unless the state engineer has so issued a permit for the
8 subdivision water use. The appropriate approval authority
9 shall not approve a final plat based on the use of water from
10 any permit issued pursuant to Section 72-12-1.1 NMSA 1978."

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

13 "[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER
14 SUPPLY ON LANDS FROM WHICH IRRIGATION WATER RIGHTS HAVE BEEN
15 SEVERED.--Before approving the final plat for a subdivision of
16 land from which irrigation water rights appurtenant to the land
17 have been severed, the board of county commissioners shall
18 require that the subdivider acquire sufficient water rights
19 through a permit issued pursuant to Section 72-5-1, 72-5-23,
20 72-5-24, 72-12-3 or 72-12-7 NMSA 1978 for subdivision water
21 use. In acting on the permit application, the state engineer
22 shall determine whether the amount of water permitted is
23 sufficient in quantity to fulfill the maximum annual water
24 requirements of the subdivision, including water for indoor and
25 outdoor domestic uses. The board of county commissioners shall

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1 not approve the final plat unless the state engineer has so
2 issued a permit for the subdivision water use. The board of
3 county commissioners shall not approve a final plat based on
4 the use of water from any permit issued pursuant to Section
5 72-12-1.1 NMSA 1978."

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

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