

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
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 provide proof of a service
commitment from a water provider and an opinion from the state

.193826.1

underscored material = new
[bracketed material] = delete

1 engineer that the subdivider can fulfill the requirements of
2 Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978 or
3 acquire sufficient water rights through a permit issued
4 pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3 or
5 72-12-7 NMSA 1978 for subdivision water use. In acting on the
6 permit application, the state engineer shall determine whether
7 the amount of water permitted is sufficient in quantity to
8 fulfill the maximum annual water requirements of the
9 subdivision, including water for indoor and outdoor domestic
10 uses. A final plat shall not be approved unless the state
11 engineer has so issued a permit for the subdivision water use
12 or the subdivider has provided proof of a service commitment
13 from a water provider and the state engineer has provided an
14 opinion that the subdivider can fulfill the requirements of
15 Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978.
16 The appropriate approval authority shall not approve the final
17 plat based on the use of water from any permit issued pursuant
18 to Section 72-12-1.1 NMSA 1978."

19 **SECTION 2.** A new section of the New Mexico Subdivision
20 Act is enacted to read:

21 "[NEW MATERIAL] PLAT APPROVAL--PROOF OF ADEQUATE WATER
22 SUPPLY ON LANDS FROM WHICH IRRIGATION WATER RIGHTS HAVE BEEN
23 SEVERED.--Before approving the final plat for a subdivision of
24 land from which irrigation water rights appurtenant to the land
25 have been severed, the board of county commissioners shall

.193826.1

1 require that the subdivider provide proof of a service
2 commitment from a water provider and an opinion from the state
3 engineer that the subdivider can fulfill the requirements of
4 Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978 or
5 acquire sufficient water rights through a permit issued
6 pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3 or
7 72-12-7 NMSA 1978 for subdivision water use. In acting on the
8 permit application, the state engineer shall determine whether
9 the amount of water permitted is sufficient in quantity to
10 fulfill the maximum annual water requirements of the
11 subdivision, including water for indoor and outdoor domestic
12 uses. The board of county commissioners shall not approve the
13 final plat unless the state engineer has so issued a permit for
14 the subdivision water use or the subdivider has provided proof
15 of a service commitment from a water provider and the state
16 engineer has provided an opinion that the subdivider can
17 fulfill the requirements of Paragraph (1) of Subsection F of
18 Section 47-6-11 NMSA 1978. The board of county commissioners
19 shall not approve the final plat based on the use of water from
20 any permit issued pursuant to Section 72-12-1.1 NMSA 1978."

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