

1 SENATE BILL 480

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

3 INTRODUCED BY

4 Peter Wirth

5
6
7
8
9
10 AN ACT

11 RELATING TO WATER; REQUIRING SUBDIVIDERS OF LAND TO POSSESS A
12 PERMIT FOR A SUFFICIENT AMOUNT OF WATER TO MEET THE NEEDS OF A
13 PROPOSED SUBDIVISION BEFORE FINAL PLAT APPROVAL; DECLARING AN
14 EMERGENCY.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 47-6-11.2 NMSA 1978 (being Laws 1995,
18 Chapter 212, Section 13) is amended to read:

19 "47-6-11.2. WATER PERMIT REQUIRED FOR FINAL PLAT
20 APPROVAL.--~~[A. Until July 1, 1997]~~ Before approving the final
21 plat for a subdivision containing ~~[twenty]~~ ten or more parcels,
22 any one of which is two acres or less in size, the board of
23 county commissioners shall require that the subdivider provide
24 a copy of a permit obtained from the state engineer, issued
25 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if

.192730.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

14 ~~[B. On or after July 1, 1997, before approving the~~
15 ~~final plat for a subdivision containing twenty or more parcels,~~
16 ~~any one of which is two acres or less in size, the board of~~
17 ~~county commissioners may require that the subdivider provide a~~
18 ~~copy of a permit obtained from the state engineer, issued~~
19 ~~pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if~~
20 ~~the subdivision is located within a declared underground water~~
21 ~~basin, provide a copy of a permit obtained from the state~~
22 ~~engineer issued pursuant to those sections or to Section~~
23 ~~72-12-3 or 72-12-7 NMSA 1978 for the subdivision water use. In~~
24 ~~acting on the permit application, the state engineer shall~~
25 ~~determine whether the amount of water permitted is sufficient~~

.192730.1

1 ~~in quantity to fulfill the maximum annual water requirements of~~
2 ~~the subdivision, including water for indoor and outdoor~~
3 ~~domestic uses. The board of county commissioners may elect not~~
4 ~~to approve the final plat if the state engineer has not issued~~
5 ~~a permit for the subdivision water use.]"~~

6 SECTION 2. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect immediately.

8 - 3 -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25