

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 480

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

AN ACT

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

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

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

"47-6-11.2. WATER PERMIT REQUIRED FOR FINAL PLAT APPROVAL.--~~[A. Until July 1, 1997]~~ Before approving the final plat for a subdivision containing ~~[twenty]~~ ten or more parcels, any one of which is two acres or less in size, the board of county commissioners shall require that the subdivider provide a copy of a permit obtained from the state engineer, issued pursuant to Section 72-5-1, 72-5-23 ~~[or]~~, 72-5-24, ~~[NMSA 1978,~~ .193329.2

underscored material = new  
[bracketed material] = delete

1 ~~or if the subdivision is located within a declared underground~~  
2 ~~water 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 board of county  
12 commissioners shall not approve a final plat based on the use  
13 of water from any permit issued pursuant to Section 72-12-1.1  
14 NMSA 1978.

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

.193329.2

~~determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The board of county commissioners may elect not to approve the final plat if the state engineer has not issued a permit for the subdivision water use.]"~~

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

underscoring material = new  
[bracketed material] = delete