

1 SENATE BILL 563

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

3 INTRODUCED BY

4 Sue Wilson Beffort

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10 AN ACT

11 RELATING TO WATER; ALLOWING FOR THE PROHIBITION OF THE EXPORT
12 OF WATER OUT OF A GROUND WATER BASIN THAT IS CLASSIFIED AS A
13 CRITICAL MANAGEMENT AREA UNDER CERTAIN CONDITIONS.

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

16 SECTION 1. A new section of Chapter 72, Article 12 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] PROHIBITED OUT-OF-BASIN TRANSFERS--
19 PROCEDURES.--

20 A. The state engineer shall not approve an
21 application for a change of place of use of a ground water
22 right to a location outside the basin in which the ground water
23 is located if:

24 (1) the move from location is in a basin that
25 has been declared to be a critical management area; and

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(2) the board of county commissioners of the county out of which the ground water right is proposed to be transferred adopts a resolution declaring that it is not in the public interest for the application for the change of place of use to be approved.

B. If changed conditions result in the removal of the critical management area designation in the basin in which an application has been rejected pursuant to Subsection A of this section, the provisions of Subsection A of this section shall not apply to subsequent ground water applications in that basin."