

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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:

"PLAT APPROVAL--PROOF OF ADEQUATE WATER SUPPLY ON LANDS FROM WHICH IRRIGATION WATER RIGHTS HAVE BEEN SEVERED.--

A. 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 engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978 or acquire sufficient water rights through a permit issued pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978 for subdivision water use. In acting on the permit application, the state engineer shall 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

1 and outdoor domestic uses. A final plat shall not be
2 approved unless the state engineer has so issued a permit for
3 the subdivision water use or the subdivider has provided
4 proof of a service commitment from a water provider and the
5 state engineer has provided an opinion that the subdivider
6 can fulfill the requirements of Paragraph (1) of Subsection F
7 of Section 47-6-11 NMSA 1978. The appropriate approval
8 authority shall not approve the final plat based on the use
9 of water from any permit issued pursuant to Section 72-12-1.1
10 NMSA 1978.

11 B. The provisions of this section shall only apply
12 to land from which irrigation water rights that are
13 appurtenant to that land are severed after the effective date
14 of this section."

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

17 "PLAT APPROVAL--PROOF OF ADEQUATE WATER SUPPLY ON LANDS
18 FROM WHICH IRRIGATION WATER RIGHTS HAVE BEEN SEVERED.--

19 A. Before approving the final plat for a
20 subdivision of land from which irrigation water rights
21 appurtenant to the land have been severed, the board of
22 county commissioners shall require that the subdivider
23 provide proof of a service commitment from a water provider
24 and an opinion from the state engineer that the subdivider
25 can fulfill the requirements of Paragraph (1) of Subsection F

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

19 B. The provisions of this section shall only apply
20 to land from which irrigation water rights that are
21 appurtenant to that land are severed after the effective date
22 of this section."

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25