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HOUSE BILL 222

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO WATER; PROVIDING FOR PUEBLO LEASE OF ADJUDICATED  
WATER RIGHTS FOR A TERM AUTHORIZED BY FEDERAL STATUTE APPROVING  
A SETTLEMENT AGREEMENT.

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

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967,  
Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 6  
NMSA 1978 may be cited as the "Water-Use Leasing Act"."

SECTION 2. Section 72-6-3 NMSA 1978 (being Laws 1967,  
Chapter 100, Section 3, as amended) is amended to read:

"72-6-3. OWNER MAY LEASE USE OF WATER.--

A. An owner may lease to any person all or any part  
of the water use due ~~[him]~~ the owner under ~~[his]~~ the owner's  
water right, and the owner's water right shall not be affected

underscoring material = new  
[bracketed material] = delete

underscored material = new  
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1 by the lease of the use. The use to which the owner is  
2 entitled under ~~[his]~~ the owner's right shall, during the  
3 exercise of the lease, be reduced by the amount of water so  
4 leased. Upon termination of the lease, the water use and  
5 location of use subject to the lease shall revert to the  
6 owner's original use and location of use.

7 B. The lease may be effective for immediate use of  
8 water or may be effective for future use of the water covered  
9 by the lease; however, the lease shall not be effective to  
10 cumulate water from year to year or to substantially enlarge  
11 the use of the water in such manner that it would injure other  
12 water users. The lease shall not toll any forfeiture of water  
13 rights for nonuse, and the owner shall not, by reason of the  
14 lease, escape the forfeiture for nonuse prescribed by law;  
15 provided, however, that the state engineer shall notify both  
16 the owner and the lessee of declaration of nonuser as provided  
17 in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any  
18 renewal term of a lease of water use shall not exceed ten  
19 years, except as provided in ~~[Subsection G]~~ Subsections C and D  
20 of this section.

21 C. A water use may be leased for forty years by  
22 municipalities, counties, state universities, special water  
23 users' associations, public utilities supplying water to  
24 municipalities or counties and member-owned community water  
25 systems as lessee and shall be entitled to the protection of

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underscoring material = new  
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1 the forty-year water use planning period as provided in Section  
2 72-1-9 NMSA 1978. A water use deriving from an acequia or  
3 community ditch organized pursuant to Chapter 73, Article 2 or  
4 3 NMSA 1978, whether owned by a water right owner under the  
5 acequia or community ditch or by the acequia or community  
6 ditch, may be leased for a term not to exceed ten years.

7 D. A water use due under an adjudicated water right  
8 secured to a pueblo pursuant to the settlement agreements  
9 approved in Title 5 and Title 6 of the federal Claims  
10 Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or  
11 in the partial final judgments and decrees entered pursuant to  
12 those settlement agreements, may be leased for a term,  
13 including all renewals, not to exceed the term specifically  
14 authorized in that act; provided that this subsection shall not  
15 apply to any water use due under any state-law based water  
16 rights acquired by a pueblo or by the United States on behalf  
17 of a pueblo."