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HOUSE BILL 221

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

G. X. McSHERRY

FOR THE WATER, UTILITIES AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE NMSA 1978 TO
PROVIDE FOR A FORTY-YEAR WATER USE PLANNING PERIOD.

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

Section 1. Section 72-1-9 NMSA 1978 (being Laws 1985,
Chapter 198, Section 1, as amended by Laws 1990, Chapter 11,
Section 1 and also by Laws 1990, Chapter 40, Section 1) is
amended to read:

"72-1-9. MUNICIPAL, COUNTY, NONPROFIT COMMUNITY WATER
SYSTEM AND STATE UNIVERSITY WATER DEVELOPMENT PLANS--
PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER
SUPPLIES. --

A. It is recognized by the state of New Mexico
that it promotes the public welfare and the conservation of
water within the state for municipalities, counties, nonprofit

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1 community water systems, state universities and public
2 utilities supplying water to municipalities or counties to
3 plan for the reasonable development and use of water
4 resources. The state further recognizes the state engineer's
5 administrative policy of not allowing municipalities, counties
6 and state universities to acquire and hold unused water rights
7 in an amount greater than their reasonable needs within forty
8 years [~~and recognizes that this administrative policy was~~
9 ~~incorporated into law by Chapter 2 of Laws 1983~~].

10 B. Municipalities, counties, nonprofit community
11 water systems, state universities and public utilities
12 supplying water to municipalities or counties shall be allowed
13 a water use planning period not to exceed forty years [~~and~~].
14 Water rights for municipalities, counties, nonprofit community
15 water systems, state universities and public utilities
16 supplying water to such municipalities or counties shall be
17 based upon a water development plan the implementation of
18 which shall not exceed a forty-year period from the date of
19 the application for an appropriation or a change of place or
20 purpose of use pursuant to a water development plan or for
21 preservation of a municipal, county, nonprofit community water
22 system or state university water supply for reasonably
23 projected additional needs within forty years.

24 C. As used in this section, "nonprofit community
25 water system" means a nonprofit water system serving at least

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fifteen water taps or twenty-five persons. "

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3 FORTY-THIRD LEGISLATURE
4 SECOND SESSION, 1998
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8 February 9, 1998
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11 Mr. Speaker:
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13 Your RULES AND ORDER OF BUSINESS COMMITTEE, to
14 whom has been referred
15

16 HOUSE BILL 221
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19 has had it under consideration and finds same to be GERMANE
20 in accordance with constitutional provisions.
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22 Respectfully submitted,
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R. David Pederson, Chairman

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Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Nicely, Olguin, Rodella, Ryan, Sanchez, Taylor, J.G.,
Williams, S.M

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 12, 1998
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8 Mr. Speaker:
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10 Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
11 to whom has been referred
12

13 HOUSE BILL 221
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to
17 the GOVERNMENT AND URBAN AFFAIRS COMMITTEE.

18 Respectfully submitted,
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22 _____
23 G. X. McSherry, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HAGC\HB 221

Page 7

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 5 For 0 Against

11 Yes: 5

12 Excused: Abeyta, Garnenez, Porter, Stell

13 Absent: None

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1 **FORTY-THIRD LEGISLATURE**
2 **SECOND SESSION, 1998**

3
4 **February 17, 1998**

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7 **Mr. Speaker:**

8
9 **Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to**
10 **whom has been referred**

11 **HOUSE BILL 221**

12
13 **has had it under consideration and reports same with**
14 **recommendation that it DO PASS.**

15
16 **Respectfully submitted,**

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20 _____
21 **Lynda M. Lovejoy, Chair man**

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Hobbs, Saavedra

Absent: None

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Underscored material = new
[bracketed material] = delete