

AN ACT

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

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, MEMBER-OWNED COMMUNITY WATER SYSTEMS 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, member-owned community water systems, state universities and public utilities supplying water to municipalities or counties to plan for the reasonable development and use of water resources. The state further recognizes the state engineer's administrative policy of not allowing municipalities, counties, member-owned community water systems, and state universities to acquire and hold unused water rights in an amount greater than their reasonable needs within forty years.

B. Municipalities, counties, member-owned community water systems, state universities and public utilities supplying water to municipalities or counties shall be allowed a water use planning period not to exceed

forty years. Water rights for municipalities, counties, member-owned community water systems, state universities and public utilities supplying water to such municipalities or counties shall be based upon a water development plan the implementation of which shall not exceed a forty-year period from the date of the application for an appropriation or a change of place or purpose of use pursuant to a water development plan or for preservation of a municipal, county, member-owned community water system or state university water supply for reasonably projected additional needs within forty years.

C. As used in this section, "member-owned community water system" means a water system serving at least fifteen water taps or twenty-five persons."

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

---

=