

AN ACT

RELATING TO WATER; AMENDING SECTION 72-4-15 NMSA 1978 (BEING LAWS 1907, CHAPTER 49, SECTION 20, AS AMENDED) TO PROVIDE FOR ALTERNATIVE DISPUTE RESOLUTION IN WATER RIGHTS ADJUDICATIONS.

H
B

2
0
4
P
a
g
e

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

1

Section 1. Section 72-4-15 NMSA 1978 (being Laws 1907, Chapter 49, Section 20, as amended) is amended to read:

"72-4-15. WATER RIGHTS--SUIT TO ADJUDICATE--ALTERNATIVE DISPUTE RESOLUTION.--

A. Upon the completion of the hydrographic survey of any stream system, the state engineer shall deliver a copy of so much of the survey as may be necessary for the determination of all rights to the use of the waters of the system, together with all other data in his possession necessary for the determination, to the attorney general of the state who shall, at the request of the state engineer, enter suit on behalf of the state for the determination of all rights to the use of the water in order that the amount of unappropriated water subject to disposition by the state under the terms of this chapter may become known, and shall diligently prosecute the suit to a final adjudication. If suit for the adjudication of such rights has been begun by private parties, the attorney general shall not be required to bring suit; provided, however, that the attorney general shall intervene in any suit for the adjudication of rights to the use of water, on behalf of the state, if notified by the state engineer that in his opinion the public interest requires such action.

B. Following an initial offer of settlement, if a water rights claimant

disputes the settlement offer and requests alternative dispute resolution, the attorney general or the office of the state engineer shall engage in alternative dispute resolution processes pursuant to the Governmental Alternative Dispute Resolution Act with the claimant. Technical experts or witnesses may also participate in the alternative dispute resolution process."