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SENATE BILL 1118

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; REQUIRING ENTITIES THAT ARE ALLOWED TO  
ACQUIRE AND HOLD UNUSED WATER RIGHTS FOR UP TO FORTY YEARS TO  
SUBMIT WATER MANAGEMENT PLANS TO THE STATE ENGINEER.

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) is amended to read:

"72-1-9. MUNICIPAL, COUNTY, MEMBER-OWNED COMMUNITY WATER  
SYSTEMS, SCHOOL DISTRICT AND STATE UNIVERSITY WATER  
DEVELOPMENT PLANS--PRESERVATION OF MUNICIPAL, COUNTY AND STATE  
UNIVERSITY WATER SUPPLIES. --

A. It is recognized by the state that it promotes  
the public welfare and the conservation of water within the  
state for municipalities, counties, school districts, state  
universities, member-owned community water systems, special

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1 water users' associations and public utilities supplying water  
2 to municipalities or counties to plan for the reasonable  
3 development and use of water resources. The state further  
4 recognizes the state engineer's administrative policy of not  
5 allowing municipalities, member-owned community water systems,  
6 counties and state universities to acquire and hold unused  
7 water rights in an amount greater than their reasonable needs  
8 within forty years.

9 B. Municipalities, counties, school districts,  
10 state universities, member-owned community water systems,  
11 special water users' associations and public utilities  
12 supplying water to municipalities or counties shall be  
13 allowed a water use planning period not to exceed forty  
14 years, and water rights for municipalities, counties, school  
15 districts, state universities, member-owned community water  
16 systems, special water users' associations and public  
17 utilities supplying water to such municipalities or counties  
18 shall be based upon a water development plan the  
19 implementation of which shall not exceed a forty-year period  
20 from the date of the application for an appropriation or a  
21 change of place or purpose of use pursuant to a water  
22 development plan or for preservation of a municipal, county,  
23 school district, member-owned community water system or  
24 state university water supply for reasonably projected  
25 additional needs within forty years; provided that the

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1 municipality, county, school district, state university,  
2 member-owned community water system, special water users'  
3 association or public utility supplying water to  
4 municipalities or counties submits to the state engineer a  
5 water management plan that conforms to the criteria in  
6 Subsection C of this section.

7 C. A water management plan submitted to the  
8 state engineer pursuant to Subsection B of this section  
9 shall contain a description of specific and practical means  
10 by which the water supply of the entity may be reconciled  
11 with the present and future water demands of the entity,  
12 shall be updated every three years and shall include at  
13 least the following components:

14 (1) an assessment of existing water demand  
15 that includes:

16 (a) surface water diversions by  
17 category of use, including residential, commercial,  
18 industrial, private institutional, governmental, irrigated  
19 agriculture, livestock, mining and power production;

20 (b) ground water depletions by  
21 category of use, including residential, commercial,  
22 industrial, private institutional, governmental, irrigated  
23 agriculture, livestock, mining and power production; and

24 (c) system depletions, including  
25 losses due to evaporation and conveyance losses;

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1                   (2) an assessment of existing water supply  
2 that includes:

3                   (a) point of diversion, purpose of  
4 use, place of use and priority of the entity's water rights;  
5 and

6                   (b) quantity of water reused;

7                   (3) an assessment of existing return flows  
8 approved by the state engineer;

9                   (4) an assessment of future water demands  
10 over the forty-year planning period that accounts for  
11 anticipated system losses and is based on:

12                   (a) projected future population, land  
13 use and commercial and industrial needs; and

14                   (b) projected water demands by  
15 category of use, including residential, commercial,  
16 industrial, private institutional, governmental, irrigated  
17 agriculture, livestock, mining and power production;

18                   (5) an assessment of future water supply  
19 needs over the forty-year planning period that includes:

20                   (a) the general location, purpose of  
21 use and priority of water rights of planned acquisitions;  
22 and

23                   (b) plans for water reuse, if any;

24                   (6) a description of proposed management  
25 alternatives for balancing demand and supply over the forty-

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1 year planning period, which may include:  
2 (a) water conservation measures,  
3 including an assessment of the amounts of water saved for  
4 each measure, the difficulty and timing of implementation of  
5 each measure and any effect on return flows or aquifer  
6 recharge;  
7 (b) changes to existing works or  
8 replacement of existing facilities;  
9 (c) the general location, purpose of  
10 use and priority of water rights of planned acquisitions;  
11 (d) reductions in systems losses;  
12 (e) land use changes; and  
13 (f) emergency contingency plans;  
14 (7) each proposed alternative included in  
15 Paragraph (6) of this subsection shall include an evaluation  
16 of the following:  
17 (a) technical feasibility;  
18 (b) political feasibility;  
19 (c) social and cultural impacts;  
20 (d) financial feasibility;  
21 (e) implementation schedule; and  
22 (f) physical, hydrological and  
23 environmental impacts; and  
24 (8) an evaluation of the consistency of the  
25 water management plan with the regional water plan.

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D. Water management plans shall be made public and adopted by the appropriate governing body.

E. By July 1, 2008, the state engineer shall promulgate rules pursuant to Section 72-2-8 NMSA 1978 for submission of data for water management plans, including standard measurement criteria for each category of water demand and supply.

F. After January 1, 2009, the state engineer shall not approve the acquisition of water rights to be held pursuant to the provisions of this section unless the state engineer has first approved the applicant entity's water management plan."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007.