

**FIFTIETH LEGISLATURE  
FIRST SESSION, 2011**

February 21, 2011

Mr. Speaker:

Your **AGRICULTURE AND WATER RESOURCES COMMITTEE**, to whom has been referred

**HOUSE BILL 402**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 21, after the period, strike the remainder of the line, strike line 22 in its entirety and strike line 23 through the period and insert in lieu thereof:

"The beneficial use by a lessee pursuant to Chapter 72, Article 6 NMSA 1978 of any part of the water use due under the owner's water right shall constitute beneficial use of that part of the owner's water right. In a fully appropriated system where a state engineer permit has authorized a change in the place or purpose of use of an adjudicated water right but water has not been placed to beneficial use at the new place of use, the permittee may lease all or any part of the water use authorized by the permit, but only that amount of water placed to beneficial use under the lease shall be accepted as satisfying the beneficial use requirement of the permit necessary to establish a water right."

2. On page 2, line 13, remove the brackets and line through "nonuser" and strike "nonuse".

3. On pages 3 and 4, strike Section 2 in its entirety.,

and thence referred to the **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**.

Respectfully submitted,

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James Roger Madalena, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against  
Yes: 9  
No: 0  
Excused: Cervantes  
Absent: None

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