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HOUSE BILL 36

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DAVID M PARSONS

FOR THE INTEGRATED WATER AND RESOURCE PLANNING COMMITTEE

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE NMSA TO EXTEND
AUTHORITY OF THE STATE ENGINEER TO REGULATE CERTAIN DAMS.

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

Section 1. Section 72-5-32 NMSA 1978 (being Laws 1941,
Chapter 126, Section 25, as amended) is amended to read:

"72-5-32. CONSTRUCTION OF DAMS EXCEEDING TEN FEET IN
HEIGHT. -- Any person, association or corporation, public or
private, the state [~~of New Mexico~~] or the United States [~~of
America~~] hereafter intending to construct a dam [~~to impound the
public waters of the state for any purpose which dam~~] that
exceeds ten feet in height above the lowest natural ground
surface elevation or impounds more than ten acre-feet of water
shall [~~comply with the provisions of Laws 1941, Chapter 126, as
amended, applicable to the appropriation and utilization of~~

Underscored material = new
[bracketed material] = delete

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1 ~~water]~~ submit detailed plans to the state engineer for approval
2 before construction. If the state engineer finds that the dam
3 is safe, he shall approve the plans; provided that this section
4 shall not [~~be construed to~~] apply to stock dams whose maximum
5 storage capacity does not exceed ten acre-feet [~~Publication of~~
6 ~~notice pursuant to Section 72-5-4 NMSA 1978 shall not be~~
7 ~~required for applications to construct dams which do not impound~~
8 ~~or divert water for beneficial use. If the state engineer~~
9 ~~finds, upon consideration of an application to construct a dam~~
10 ~~which does not impound or divert water for beneficial use, that~~
11 ~~the dam is safe and that construction and operation thereof will~~
12 ~~not result in willful waste of water, he shall endorse his~~
13 ~~approval on the application which shall thereupon become a~~
14 ~~permit to construct a dam; provided that no application or~~
15 ~~permit shall be required to construct] or any dam constructed
16 for the sole purpose of sediment and flood control under the
17 supervision of [~~the officers of~~] the United States army corps of
18 engineers. "~~

- 2 -

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 4, 1997

Mr. Speaker:

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

HOUSE BILL 36

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

1. On page 1, line 20, after "dam" insert:

"shall meet the requirements of filing applications for
appropriations and use of water pursuant to Section 72-5-1, 72-5-
22, 72-5-23 or 72-5-24 NMSA 1978. Any person, association or
corporation, public or private, the state or the United States
intending to construct a dam".

2. On page 1, line 22, strike "above" insert in lieu thereof
"from".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/HB 36

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3. On page 1, line 23, after "elevation" insert "to the crest of the dam".

4. On page 2, line 1, after "submit" insert "on a form prescribed by the state engineer".

5. On page 2, line 2, after "dam" insert "design"., and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/HB 36

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The roll call vote was 8 For 0 Against

Yes: 8

Excused: Wright

Absent: None

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[bracketed material] = delete

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 15, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
HOUSE BILL 36, as amended
has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

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[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Carpenter, King, Rios, Sanchez, Stewart

Absent: None

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Underscored material = new
~~[bracketed material] = delete~~

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

HB 36/a

3
4 March 5, 1997

5
6 Mr. President:

7
8 Your CONSERVATION COMMITTEE, to whom has been referred

9 HOUSE BILL 36, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 2, line 4, after "dams" insert "or erosion control
15 structures",

16
17 and thence referred to the PUBLIC AFFAIRS COMMITTEE.

18
19 Respectfully submitted,

20
21
22 _____
23 Michael S. Sanchez, Chairman

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25 Adopted _____ Not Adopted _____

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Page 9

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: None

Excused: Eisenstadt

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 17, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 36, as amended

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Ingle, Vernon, Rodarte, Robinson

Absent: 0

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