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SENATE BILL 941

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

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO SUBDIVISIONS; CHANGING WATER PERMIT PROCEDURES;
AMENDING A SECTION OF THE NEW MEXICO SUBDIVISION ACT.

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

Section 1. Section 47-6-11.2 NMSA 1978 (being Laws 1995,
Chapter 212, Section 13) is amended to read:

"47-6-11.2. WATER PERMIT REQUIRED FOR FINAL PLAT
APPROVAL. -- [A. ~~Until July 1, 1997, before approving the final
plat for a subdivision containing twenty or more parcels, any
one of which is two acres or less in size, the board of county
commissioners shall require that the subdivider provide a copy
of a permit obtained from the state engineer, issued pursuant to
Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if the
subdivision is located within a declared underground water
basin, provide a copy of a permit obtained from the state~~

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1 ~~engineer issued pursuant to those sections or to Section 72-12-3~~
2 ~~or 72-12-7 NMSA 1978 for the subdivision water use. In acting~~
3 ~~on the permit application, the state engineer shall determine~~
4 ~~whether the amount of water permitted is sufficient in quantity~~
5 ~~to fulfill the maximum annual water requirements of the~~
6 ~~subdivision, including water for indoor and outdoor domestic~~
7 ~~uses. The board of county commissioners shall not approve the~~
8 ~~final plat unless the state engineer has so issued a permit for~~
9 ~~the subdivision water use.~~

10 B. ~~On or after July 1, 1997]~~ Before approving the
11 final plat for a subdivision containing twenty or more parcels,
12 any one of which is two acres or less in size, the board of
13 county commissioners may require that the subdivider provide a
14 copy of a permit obtained from the state engineer, issued
15 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if
16 the subdivision is located within a declared underground water
17 basin, provide a copy of a permit obtained from the state
18 engineer issued pursuant to those sections or to Section 72-12-3
19 or 72-12-7 NMSA 1978 for the subdivision water use. In acting
20 on the permit application, the state engineer shall determine
21 whether the amount of water permitted is sufficient [in
22 quantity] to fulfill the [maximum annual] county's water
23 requirements. [~~of the subdivision, including water for indoor~~
24 ~~and outdoor domestic uses. The board of county commissioners~~
25 ~~may elect not to approve the final plat if the state engineer~~

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1 ~~has not issued a permit for the subdivision water use]~~ The
2 state engineer shall have one hundred twenty days to act upon
3 the water permit. If after one hundred twenty days the state
4 engineer has not acted upon the water permit, the board of
5 county commissioners may approve the final plat."

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