

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 1196

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

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO WATER; REGULATING WATER DIVERSION FOR DEVELOPMENT  
AND OTHER WATER USE ON LANDS FROM WHICH WATER RIGHTS HAVE BEEN  
SEVERED; AMENDING A CERTAIN SECTION OF THE NMSA 1978.

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

Section 1. Section 72-5-23 NMSA 1978 (being Laws 1907,  
Chapter 49, Section 44, as amended) is amended to read:

"72-5-23. WATER APPURTENANT TO LAND--CHANGE OF PLACE OF  
USE. --

A. All water used in this state for irrigation  
purposes, except as otherwise provided in this article, shall be  
considered appurtenant to the land upon which it is used, and  
the right to use it upon the land shall never be severed from  
the land without the consent of the owner of the land, but, by  
and with the consent of the owner of the land, all or any part

Underscored material = new  
[bracketed material] = delete

1 of the right may be severed from the land, simultaneously  
2 transferred and become appurtenant to other land, or may be  
3 transferred for other purposes, without losing priority of right  
4 theretofore established, if such changes can be made without  
5 detriment to existing water rights and are not contrary to  
6 conservation of water within the state and not detrimental to  
7 the public welfare of the state, on the approval of an  
8 application of the owner by the state engineer. Publication of  
9 notice of application, opportunity for the filing of objections  
10 or protests and a hearing on the application shall be provided  
11 as required by Sections 72-5-4 and 72-5-5 NMSA 1978.

12 B. After the effective date of this 1997 act, land  
13 from which water rights have been severed, simultaneously  
14 transferred and become appurtenant to other land or transferred  
15 for other purposes, may not be used for development or other  
16 purposes, unless and until sufficient water for the purpose to  
17 which the land is being used, is appropriated for use on the  
18 land or transferred to the land as approved by the state  
19 engineer in accordance with law and related regulations. For  
20 purposes of this section, "development" means any subdivision  
21 within the planning or platting authority of any municipality or  
22 county in the state, or both, but does not include a single  
23 domestic well used for a single family's dwellings."

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5 March 15, 1997  
6

7 Mr. President:  
8

9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred  
10

11 SENATE BILL 1196  
12

13 has had it under consideration and reports same WITHOUT  
14 RECOMMENDATION, and thence referred to the CONSERVATION  
15 COMMITTEE.  
16

17 Respectfully submitted,  
18

19 \_\_\_\_\_  
20  
21  
22 Shannon Robinson, Chairman  
23

24  
25 Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

FORTY- SECOND LEGI SLATURE  
SECOND SESSI ON

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

KEYBOARD(TYPE SLUGS)

Page 4

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Smith, Vernon, Garcia

Absent: None

S1196PA1