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SENATE BILL 385

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Fernando R. Macias

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; PROVIDING FOR MUNICIPAL WATER USERS'
ASSOCIATIONS' CONTRACTS WITH IRRIGATION DISTRICTS; DECLARING
AN EMERGENCY.

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

Section 1. A new section of Chapter 73, Article 10 NMSA
1978 is enacted to read:

"[NEW MATERIAL] MUNICIPAL WATER USERS' ASSOCIATIONS--
CONTRACTUAL AUTHORITY WITH IRRIGATION DISTRICTS.--

A. Municipalities, counties, state universities,
member-owned community water systems and public utilities
supplying water to municipalities or counties, which supply
water to lands within the boundaries of irrigation districts
organized pursuant to Chapter 73, Articles 10 and 11 NMSA
1978; and the interstate stream commission may establish
municipal water users' associations within the boundaries of

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1 irrigation districts organized pursuant to Chapter 73,
2 Articles 10 and 11 NMSA 1978.

3 B. Municipal water users' associations may lease
4 the use of annual allotments of project water from owners of
5 tracts of land within the irrigation district boundaries.

6 C. An irrigation district organized pursuant to
7 Chapter 73, Articles 10 and 11 NMSA 1978 may contract with a
8 municipal water users' association to:

- 9 (1) consolidate assessments to district
10 members participating in an association;
- 11 (2) assess an association for the total
12 assessed acreage of district members participating in the
13 association;
- 14 (3) coordinate the delivery of project water
15 for all assessed acreage participating in the association;
16 and
- 17 (4) place the association as the record
18 owner on the irrigation district's tax statement for the
19 duration of the participation by district members in an
20 association.

21 D. An irrigation district organized pursuant to
22 Chapter 73, Articles 10 and 11 NMSA 1978 may:

- 23 (1) make assessments and levies on land
24 within a municipal water users' association;
- 25 (2) impose reasonable administrative fees on
a municipal water users' association; and
- (3) adopt rules to carry out the provisions

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1 of this section."

2 Section 2. Section 72-1-9 NMSA 1978 (being Laws 1985,
3 Chapter 198, Section 1, as amended) is amended to read:

4 "72-1-9. MUNICIPAL, COUNTY, MEMBER-OWNED COMMUNITY
5 WATER SYSTEMS AND STATE UNIVERSITY WATER DEVELOPMENT PLANS--
6 PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER
7 SUPPLIES.--

8 A. It is recognized by the state of New Mexico
9 that it promotes the public welfare and the conservation of
10 water within the state for municipalities, counties, state
11 universities, member-owned community water systems, municipal
12 water users' associations and public utilities supplying
13 water to municipalities or counties to plan for the
14 reasonable development and use of water resources. The state
15 further recognizes the state engineer's administrative policy
16 of not allowing municipalities, member-owned community water
17 systems, counties and state universities to acquire and hold,
18 unused, water rights in an amount greater than their
19 reasonable needs within forty years.

20 B. Municipalities, counties, state universities,
21 member-owned community water systems, municipal water users'
22 associations and public utilities supplying water to
23 municipalities or counties shall be allowed a water use
24 planning period not to exceed forty years, and water rights
25 for municipalities, counties, state universities, member-
owned community water systems, municipal water users'
associations and public utilities supplying water to such

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1 municipalities or counties shall be based upon a water
2 development plan the implementation of which shall not exceed
3 a forty-year period from the date of the application for an
4 appropriation or a change of place or purpose of use pursuant
5 to a water development plan or for preservation of a
6 municipal, county, member-owned community water system or
7 state university water supply for reasonably projected
8 additional needs within forty years."

9 Section 3. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect
11 immediately.