

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 245

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGE IN LOCATION OR USE OF
A WATER RIGHT FROM A DOMESTIC WELL TO A MUTUAL DOMESTIC WATER
CONSUMERS' ASSOCIATION.

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

Section 1. Section 72-12-7 NMSA 1978 (being Laws 1931,
Chapter 131, Section 7, as amended) is amended to read:

"72-12-7. CHANGE OF LOCATION OF WELL--CHANGE IN USE ON
APPLICATION--TEMPORARY CHANGE. --

A. The owner of a water right may change the
location of his well or change the use of the water, but only
upon application to the state engineer and upon showing that
the change will not impair existing rights, [and] will not be
contrary to the conservation of water within the state and
will not be detrimental to the public welfare of the state.

underscored material = new
[bracketed material] = delete

1 The application may be granted only after such advertisement
2 and hearing as are prescribed in the case of original
3 applications.

4 B. Pursuant to this section, an owner of a water
5 right or a well permit may change the location of his well or
6 change the use or location of the use of the water and
7 transfer the water to a mutual domestic water consumers'
8 association if:

9 (1) the owner resides in an unincorporated
10 rural area that is within the service area identified in the
11 forty-year plan of a mutual domestic water consumers'
12 association;

13 (2) the owner enters into an agreement to
14 build no more than one single-family dwelling and guesthouse
15 on this property;

16 (3) the department of environment finds there
17 are no legal or health restrictions to the change or transfer;

18 (4) the mutual domestic water consumers'
19 association has the capacity to supply water to the holder;

20 (5) the mutual domestic water consumers'
21 association accepts a water right of only seven-tenths acre-
22 feet per year, non-transferrable to another party unless that
23 party assumes responsibility for providing domestic water to
24 the original owner; and

25 (6) the owner is estopped from drilling

