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SENATE BILL 462

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

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO WATER; CLARIFYING OFFENSES TO DIVERSION OF WATER;
AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 72-8-1 NMSA 1978 (being Laws 1907,
Chapter 49, Section 47, as amended) is amended to read:

"72-8-1. OFFENSES. -- [~~Sec. 53.~~] Any person, association
or corporation interfering with or injuring or destroying any
dam, headgate, weir, benchmark or other appliance for the
diversion, carriage, storage, apportionment or measurement of
water or for any hydrographic surveys interfering with the
exercise of a water right or who shall interfere with any
person [~~or persons~~] engaged in the discharge of duties
connected therewith shall be guilty of a misdemeanor and shall
also be liable for the injury or damage resulting from such

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 unlawful act. The state engineer or any authorized assistant
2 shall have power to arrest any person offending against the
3 provisions of this section and deliver him to the nearest
4 peace officer of the county. It shall be the duty of the
5 person making the arrest to make complaint at once before the
6 court having jurisdiction [~~thereof~~]. The state engineer, the
7 water masters and their authorized assistants and agents may
8 enter upon private property for the performance of their
9 respective duties, doing no unnecessary injury thereto. "

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