

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 561

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

AN ACT

RELATING TO WATER; PROVIDING FOR MEDIATION OF WATER RIGHTS  
DETERMINATIONS.

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

Section 1. WATER RIGHTS PROCEEDINGS-- TECHNICAL  
INFORMATION-- GOOD FAITH NEGOTIATIONS AND MEDIATION. --

A. In judicial proceedings for the determination of  
the water rights of individual members within an irrigation or  
conservancy district or acequia, the state engineer shall  
participate with the district or acequia to acquire and develop  
technical information that could assist in determining the  
water rights of individual claimants, including the comparison  
of hydrographic surveys with the tax assessment and water  
delivery records of the district or acequia. The state

1 engineer shall engage in reasonable good faith negotiations  
2 with individual claimants, so far as they can be ascertained.

3 B. Persons with technical expertise or witnesses  
4 that can assist the negotiations may also participate in the  
5 negotiations, provided that nothing in this section shall be  
6 construed to grant standing to the governing body of the  
7 irrigation or conservancy district or acequia or any other  
8 negotiation participant, except the state engineer and the  
9 subfile claimant, to take part in the hearing of the individual  
10 subfile, except as otherwise provided by law.

11 C. Nothing in this section shall prevent the state  
12 engineer from engaging in mediation with individual water  
13 rights claimants during or at the conclusion of informal  
14 negotiations. If mediation occurs, persons with technical  
15 expertise or witnesses that can assist the mediation may also  
16 participate in the mediation.