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HOUSE BILL 417

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Joe M Stell

AN ACT

**RELATING TO WATER; REAUTHORIZING, CHANGING THE PURPOSE OF AND
EXTENDING THE EXPENDITURE PERIOD FOR CERTAIN APPROPRIATIONS
FROM THE NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND TO
PURCHASE WATER RIGHTS IN THE PECOS RIVER BASIN FOR COMPLIANCE
WITH THE PECOS RIVER COMPACT.**

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

**Section 1. PECOS RIVER WATER RIGHTS--REAUTHORIZATION--
PURPOSE AND EXPENDITURE PERIOD.--**

**A. The reauthorization and extension of the period
of time for expending the appropriations in this section are
contingent upon the following conditions:**

**(1) water rights shall be purchased from
willing sellers in an equal percentage, within a two-point
range, of the total irrigated acreage in each of the following**

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1 areas of the Pecos river:

2 (a) from Santa Rosa to Macho draw;

3 (b) from Macho draw to McMillan delta;

4 and

5 (c) from McMillan delta to the Texas

6 state line;

7 (2) the state's offer for settlement of the
8 Carlsbad irrigation district water rights adjudication shall
9 be based upon the full project water or assessment rolls of
10 twenty-five thousand fifty-five acres; and

11 (3) purchases of water rights shall include
12 the appurtenant land.

13 B. The period of time for expending the following
14 appropriations from the New Mexico irrigation works
15 construction fund to the interstate stream commission may be
16 extended through fiscal year 2005 for the purpose of retiring
17 water rights along the Pecos river basin and taking other
18 appropriate actions that would effectively aid New Mexico in
19 compliance with the United States supreme court amended decree
20 in *Texas v. New Mexico*, 96 L. Ed. 2nd 105 (1987):

21 (1) Laws 1998, Chapter 81, Section 2 for
22 retiring water rights along the Pecos river basin and taking
23 other appropriate actions that would effectively aid New
24 Mexico in compliance with the United States supreme court
25 amended decree in *Texas v. New Mexico*, 96 L. Ed. 2nd 105

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1 (1987);

2 (2) Laws 1998, Chapter 81, Section 3 for the
3 purchase of water rights along the Pecos river basin;

4 (3) Laws 1999 (1st S.S.), Chapter 2, Section
5 84 for the purchase of water rights along the Pecos river;

6 (4) Laws 1998, Chapter 81, Section 4 for
7 preparing a long-term strategy for the state's compliance with
8 the Pecos River Compact and other matters; and

9 (5) Laws 2000 (2nd S.S.), Chapter 23, Section
10 95.

11 C. Any unexpended or unencumbered balance
12 remaining at the end of fiscal year 2005 shall revert to the
13 New Mexico irrigation works construction fund.

14 D. The interstate stream commission shall, before
15 any purchase of water rights is made using the money
16 appropriated, obtain professionally prepared market or
17 economic valuations or appraisals. The valuations or
18 appraisals along with other relevant considerations shall be
19 the basis for any purchase.