

AN ACT

RELATING TO WATER; PROVIDING FOR DIRECT APPEAL TO THE DISTRICT COURT OF A DECISION BY THE STATE ENGINEER.

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

Section 1. Section 72-2-16 NMSA 1978 (being Laws 1965, Chapter 285, Section 4, as amended) is amended to read:

"72-2-16. HEARINGS UPON APPEAL.--A person aggrieved by the state engineer's decision, act or refusal to act may appeal to a district court pursuant to Section 72-7-1 NMSA 1978 or may request a hearing before the state engineer. The request for a hearing shall be made in writing within thirty days after receipt by certified mail of notice of the decision, act or refusal to act. Hearings shall be held before the state engineer or his appointed examiner. A record shall be made of all hearings. If a person requests a hearing before the state engineer, no appeal shall be taken to the district court until the state engineer has held a hearing and entered his decision in the hearingHB 263