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SENATE BILL 470

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

James G. Townsend

AN ACT

RELATING TO STOCK WATER; PROVIDING THAT ONLY STOCKMEN OR STOCK OWNERS DESIRING TO IMPOUND ANY OF THE SURFACE WATERS OF THE STATE FOR WATERING OF LIVESTOCK SHALL APPLY TO THE STATE ENGINEER.

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

SECTION 1. Section 72-9-3 NMSA 1978 (being Laws 1907, Chapter 49, Section 74, as amended) is amended to read:

"72-9-3. STOCK WATER.--

A. ~~[Any]~~ Only stockmen or stock owners desiring to impound any of the surface waters of the state for watering of livestock shall apply to the state engineer on a form prescribed by the state engineer. If the capacity of the proposed impoundment is ten acre-feet or less, the applicant shall meet the requirements of this section. If the capacity

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1 of the proposed impoundment exceeds ten acre-feet, the
2 applicant shall meet the requirements of filing applications
3 for the appropriation and use of water pursuant to Section
4 72-5-1, 72-5-22, 72-5-23 or 72-5-24 NMSA 1978.

5 B. Upon the filing of an application pursuant to
6 this section, if the state engineer finds that the capacity of
7 the proposed impoundment is ten acre-feet or less, will not be
8 on a perennial stream and will be used for watering of
9 livestock as defined in Subsection D of this section, the state
10 engineer shall issue a permit to the applicant to impound and
11 use the waters applied for; provided that as part of an
12 application for an impoundment on state or federal land, the
13 applicant submits proof that the applicant is legally entitled
14 to place livestock on the state or federal land where the water
15 is to be impounded and has been granted access to the site and
16 has permission to occupy the portion of the state or federal
17 land as is necessary for the impoundment.

18 C. This section shall only apply to impoundments
19 constructed for the watering of livestock after the effective
20 date of this 2004 act.

21 D. As used in this section, "livestock" means
22 "livestock" as defined in Section 77-2-1.1 NMSA 1978, and this
23 section applies only to the impoundment of surface water for
24 the purpose of watering livestock. Watering of livestock does
25 not include an impoundment of surface or ground water in any

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1 amount for fishing, fish propagation, recreation or aesthetic
2 purposes, which shall require a permit pursuant to Section
3 72-5-1 NMSA 1978. In determining whether an impoundment will
4 be used for the watering of livestock, the state engineer may
5 consider the maximum amount of water required per livestock
6 unit and shall take into account regional and climatic
7 conditions that affect consumption."

8 SECTION 2. APPLICABILITY.--The provisions of this act
9 apply to the impounding of the surface waters of the state for
10 watering of livestock beginning on or after July 1, 2025.

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