

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, the state engineer shall participate with the district 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. The state engineer shall engage in reasonable good faith negotiations with individual claimants, so far as they can be ascertained.

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

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