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HOUSE BILL 237

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

INTRODUCED BY

Richard D. Vigil

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; PROVIDING FOR NOTIFICATION OF ACEQUIAS UPON APPLICATION FOR CHANGE IN PLACE OF DIVERSION OR PLACE OR PURPOSE OF USE OF ACEQUIA WATER.

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

Section 1. Section 73-2-63 NMSA 1978 (being Laws 1912, Chapter 26, Section 1, as amended) is amended to read:

"73-2-63. COMMUNITY DITCHES--POINT OF DIVERSION--HOW CHANGED--PROVISO--NOTIFICATION OF TRANSFERS.--

[~~SEC. 118.~~] A. It shall not be necessary for the officers of public community acequias established and in operation prior to March 19, 1907 to make any application to, or obtain any permit from, the state engineer [~~or the board of water commissioners~~] in order to change the place of diversion; provided that by such change no increase in the

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 amount of water appropriated shall be made beyond the amount
2 to which the acequia was [~~formally~~] formerly entitled.

3 B. An owner of a water right in an acequia or
4 community ditch who has applied for a change in point of
5 diversion or place or purpose of use shall notify the
6 mayordomo or superintendent of the acequia or community ditch
7 association. The notification shall be by certified mail or
8 delivered in person and include a copy of the application to
9 the state engineer. Evidence of the notification shall be
10 submitted to the state engineer prior to publication of the
11 application. "