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HOUSE BILL 645

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

INTRODUCED BY

John A. Heaton

AN ACT

**RELATING TO WATER; PROVIDING FOR MEDIATION AND ARBITRATION OF
WATER RIGHTS DETERMINATIONS.**

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

**Section 1. A new section of Chapter 72, Article 4 NMSA
1978 is enacted to read:**

**"[NEW MATERIAL] MEDIATION AND ARBITRATION OF WATER
RIGHTS. --**

**A. In any action for the determination of a right
to use the waters of any stream system pursuant to the
provisions of Chapter 72, Article 4 NMSA 1978, the state
engineer and the attorney general shall enter into diligent
and good faith mediation with all those whose claim to the use
of such waters of record and all other claimants, so far as
they can be ascertained, with reasonable diligence prior to**

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1 any offers of judgment or suit being filed by the state
2 engineer or the attorney general. If mediation fails to
3 produce an agreement within one year of initiating mediation,
4 the state engineer and attorney general shall enter into
5 binding arbitration.

6 B. A mediation process involving water rights
7 within an irrigation district, conservancy district or acequia
8 shall involve the governing board of the district or acequia
9 and all hydrographic surveys, maps, legal descriptions and
10 other information relevant to the water rights claims shall be
11 made available to the claimants.

12 C. No offers of judgment shall be made without
13 full participation by the irrigation or conservancy district
14 or acequia and the reconciliation of hydrographic surveys and
15 tax assessment records of the district or acequia.

16 D. No individual offers of judgment shall be
17 finalized until all landowner members or parciantes have been
18 joined and participated in mediation. "