

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 645

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

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 or acequia, the state engineer shall
participate with the district or acequia 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 or acequia. The state
engineer shall engage in reasonable good faith negotiations

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1 with individual claimants, so far as they can be ascertained.

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

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

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