

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 245

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

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGE IN LOCATION OR USE OF
A WATER RIGHT FROM A DOMESTIC WELL TO A MUTUAL DOMESTIC WATER
CONSUMER ASSOCIATION.

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

Section 1. A new section of Chapter 72, Article 12 NMSA
1978 is enacted to read:

"[NEW MATERIAL] APPLICATIONS--TRANSFER OF DOMESTIC WELL
PERMIT--MUTUAL DOMESTIC WATER CONSUMER ASSOCIATION. --

A. Any member of an existing mutual domestic water
consumer association who is neither the holder of a permit
issued pursuant to Section 72-12-1 NMSA 1978 nor the owner of
a well permitted pursuant to that section may apply for a
permit pursuant to Section 72-12-1 NMSA 1978 for domestic
purposes of use. A permit shall be issued pursuant to this

. 137391. 1

underscored material = new
[bracketed material] = delete

1 subsection only under the following conditions:

2 (1) the mutual domestic water consumer
3 association shall be organized pursuant to the Sanitary
4 Projects Act;

5 (2) the permit shall provide that the point
6 of diversion for the permit is that of the well of the mutual
7 domestic water consumer association;

8 (3) the permit shall provide the place of use
9 as being within the service area of the mutual domestic water
10 consumer association;

11 (4) the permit shall provide that the amount
12 of water is limited to a diversion not to exceed seven-tenths
13 acre-feet per annum for domestic uses for the mutual benefit
14 of the permit holder and the mutual domestic water consumer
15 association;

16 (5) upon being issued a permit pursuant to
17 this subsection a member of the mutual domestic water consumer
18 association cannot obtain any other permit pursuant to Section
19 72-12-1 NMSA 1978 for the same household; and

20 (6) the uses of water permitted under the
21 permit shall be the same as the uses permitted for any well
22 issued pursuant to Section 72-12-1 NMSA 1978.

23 B. A member of a mutual domestic water consumer
24 association who is the owner of a well permitted pursuant to
25 Section 72-12-1 NMSA 1978 may apply to the state engineer for

1 a permit to change the point of diversion of seven-tenths
2 acre-feet per annum to the mutual domestic water consumer
3 association pursuant to this section for domestic purposes of
4 use. A permit shall be issued pursuant to this subsection
5 only under the following conditions:

6 (1) the conditions set forth in Subsection A
7 of this section are fulfilled; and

8 (2) the member's well shall be plugged
9 pursuant to the rules of the state engineer. "