

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 343

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

AN ACT

RELATING TO WATER; CHANGING THE PURPOSE OF AND EXTENDING THE
EXPENDITURE PERIOD FOR CERTAIN APPROPRIATIONS FROM THE NEW
MEXICO IRRIGATION WORKS CONSTRUCTION FUND TO PURCHASE WATER
RIGHTS IN THE PECOS RIVER BASIN FOR COMPLIANCE WITH THE PECOS
RIVER COMPACT; MAKING AN APPROPRIATION.

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

Section 1. PECOS RIVER WATER RIGHTS--CHANGE IN PURPOSE
AND EXTENSION OF EXPENDITURE PERIOD.--

A. The period of time for expending the balances
in the following appropriations from the New Mexico irrigation
works construction fund to the interstate stream commission
may be extended through fiscal year 2004 for the purpose of
retiring water rights along the Pecos river basin, including
pumping ground water, and taking other appropriate actions

1 that would effectively aid New Mexico in compliance with the
2 United States supreme court amendeded decree in *Texas v. New*
3 *Mexico*, 96 L. Ed. 2nd 105 (1987):

4 (1) Laws 1998, Chapter 81, Section 2 for
5 retiring water rights along the Pecos river basin and taking
6 other appropriate actions that would effectively aid New
7 Mexico in compliance with the United States supreme court
8 amendded decree in *Texas v. New Mexico*, 96 L. Ed. 2nd 105
9 (1987);

10 (2) Laws 1998, Chapter 81, Section 3 for the
11 purchase of water rights along the Pecos river basin;

12 (3) Laws 1999 (1st S.S.), Chapter 2, Section
13 84 for the purchase of water rights along the Pecos river;

14 (4) Laws 1998, Chapter 81, Section 4 for
15 preparing a long-term strategy for the state's compliance with
16 the Pecos River Compact and other matters; and

17 (5) Laws 2000 (2nd S.S.), Chapter 23, Section
18 95.

19 B. Any unexpended or unencumbered balance
20 remaining at the end of fiscal year 2004 shall revert to the
21 New Mexico irrigation works construction fund.

22 C. The interstate stream commission shall, before
23 any purchase of water rights is made using the money
24 appropriated, obtain professionally prepared market or
25 economic valuations or appraisals. The valuations or

1 appraisals along with other relevant considerations shall be
2 the basis for any purchase.

3 Section 2. APPROPRIATION--RETIRING WATER RIGHTS--
4 CONDITIONS.--

5 A. Twenty-four million dollars (\$24,000,000) is
6 appropriated from the unappropriated surplus of the general
7 fund to the interstate stream commission for expenditure in
8 fiscal years 2002 and 2003 for the purpose of retiring water
9 rights along the Pecos river basin and taking other
10 appropriate actions that would effectively aid New Mexico in
11 compliance with the United States supreme court amended decree
12 in *Texas v. New Mexico*, No. 65 original.

13 B. If any funds from this appropriation are used
14 for a nonnative, phreatophyte eradication and control program
15 on the Pecos river, the appropriation is contingent on New
16 Mexico state university:

17 (1) developing a management and native
18 vegetation restoration plan;

19 (2) conducting hearings in Chaves and Eddy
20 counties to receive public input on the plan;

21 (3) carrying out aerial spraying only by
22 helicopter with prior public notice;

23 (4) monitoring and evaluating the effects of
24 control on wildlife, water quality, vegetation and soil
25 health; and

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underscored material = new
[bracketed material] = delete

1 (5) if control affects threatened or
2 endangered species, receiving approval by the federal fish and
3 wildlife service.

4 C. Any unexpended or unencumbered balance
5 remaining at the end of fiscal year 2003 shall revert to the
6 general fund.

7 Section 3. APPRAISALS. --The interstate stream commission
8 shall, before any purchase of water rights are made using the
9 money appropriated, obtain professionally prepared market or
10 economic valuations or appraisals. The valuations or
11 appraisals along with other relevant considerations shall be
12 the basis for any purchase.