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HOUSE BILL 680

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Larry A. Larrañaga

AN ACT

RELATING TO WATER; EXEMPTING THE STATE TRANSPORTATION  
COMMISSION AND ITS CONTRACTORS FROM NOTICE AND HEARING  
REQUIREMENTS FOR THE TEMPORARY CHANGE OF LOCATION, METHOD OF  
USE OR POINT OF DIVERSION OF WATER RIGHTS.

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

Section 1. Section 72-5-34 NMSA 1978 (being Laws 1959,  
Chapter 191, Section 1, as amended) is amended to read:

"72-5-34. STATE TRANSPORTATION COMMISSION--CHANGE OF  
WATER USE--APPLICATION [~~NOTICE AND HEARING~~].--Whenever the  
state transportation commission or one of its contractors makes  
application to the state engineer for a temporary change, not  
to exceed two years, of location of use, a change of method of  
use or a change of point of diversion [~~advance withdrawals or~~  
~~withdrawals of accrued unused waters of any water right~~],

.164370.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 whether such water right be for surface, subsurface, artesian  
2 or underground waters and whether or not either the location of  
3 the changed use or the location of the point of diversion or  
4 both be within or without the boundaries of any declared  
5 underground water basin or irrigation or conservancy district,  
6 ~~[and whatever the manner of acquisition of such water right]~~  
7 and ~~[such]~~ the water right is to be used for the construction,  
8 reconstruction, maintenance or repair of public roads, streets,  
9 highways and airports, the state engineer may authorize such  
10 temporary change of location of use, change of method of use or  
11 change of point of diversion ~~[advance withdrawals or~~  
12 ~~withdrawals of accrued unused water after]~~ without publication  
13 and hearing ~~[as provided in Section 72-12-3 NMSA 1978]~~, when in  
14 the opinion of the state engineer ~~[such]~~ the temporary change  
15 of location of use, method of use or point of diversion  
16 ~~[advance withdrawals or withdrawals of accrued unused water]~~  
17 will not be detrimental to the other holders of valid water  
18 rights."

19 Section 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2007.

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