

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 472

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO WATER RIGHTS ADMINISTRATION; PROHIBITING THE STATE
ENGINEER FROM ENFORCING OR ADMINISTERING CONDITIONS PLACED ON
PERMITTED LAND TO REQUIRE TRANSFER OF TITLE TO WATER RIGHTS TO
A GOVERNMENT LAND MANAGEMENT AGENCY.

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

SECTION 1. A new section of Chapter 72, Article 2 NMSA
1978 is enacted to read:

"[NEW MATERIAL] LIVESTOCK WATER RIGHTS ON PUBLIC
LANDS--PROHIBITED ACTIONS.--

A. The state engineer shall not enforce or
administer efforts by the United States forest service or
bureau of land management that:

(1) require full or partial transfer of title
to water rights to the United States forest service or bureau

.207624.2

underscored material = new
[bracketed material] = delete

1 of land management excepting provisions in a contract for sale
2 or lease of water rights; or

3 (2) restrict the exercise, use or alienability
4 of a water right as a condition to a right of way, special use
5 permit or other authorization by the United States forest
6 service or bureau of land management to use lands within the
7 exterior boundaries of lands managed by these agencies.

8 B. Notwithstanding the provisions of Subsection A
9 of this section, nothing in this section shall be construed to:

10 (1) alter the state engineer's authority to
11 enforce and administer the terms and conditions of decrees
12 issued by stream system adjudication courts or of state
13 engineer permits and licenses; or

14 (2) grant, expand, contract or limit the legal
15 authority of any state or local government related to
16 permitting or regulatory action in connection with land use or
17 other permitting approvals or authorizations."