

LFC Requester:

Austin Davidson

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 2/ 21/2025

Check all that apply:

Bill Number: SB 470Original  Correction Amendment  Substitute Sponsor: Sen. James G. TownsendAgency Name  
and Code

Office of the State Engineer

Number:

550

Person Writing  
Analysis:Nat ChakeresShort Title: Stock Water Applications to505-231-Nathaniel.chakeres@oseState EngineerPhone: 4459Email: .nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None  
Duplicates/Relates to Appropriation in the General Appropriation Act: None

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

SB 470 would amend Section 72-9-3 NMSA 1978 to replace the word “any” with “only” in the following language of the statute: “Any stockmen or stock owners desiring to impound any of the surface waters of the state for watering of livestock shall apply to the state engineer on a form prescribed by the state engineer.”

#### **FISCAL IMPLICATIONS**

None identified.

#### **SIGNIFICANT ISSUES**

The purpose of the bill is unclear. Under current law, Section 72-9-3 provides an opportunity for any ranchers (described in law as “stockmen or stock owners”) to apply for and receive a permit to impound surface waters for livestock watering purposes. Under ordinary rules of statutory construction, this permitting scheme applies only to stockmen and stock owners. If a different person or entity who is NOT a stockman or stock owner sought to apply for a livestock surface impoundment, their application would not meet all the elements of the statute, because they would not be among the persons entitled to file the application. Thus, it would appear to be unnecessary to change the law to say that “only” stockmen or stock owners can apply for livestock surface impoundment permits.

#### **PERFORMANCE IMPLICATIONS**

None

#### **ADMINISTRATIVE IMPLICATIONS**

None

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

#### **TECHNICAL ISSUES**

None

#### **OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None

**AMENDMENTS**

None