

CHAPTER 182

AN ACT

RELATING TO WATER; AUTHORIZING THE INTERSTATE STREAM COMMISSION TO
FUND REGIONAL WATER PLANNING EFFORTS, APPROPRIATE UNAPPROPRIATED
WATER AND PURCHASE WATER RIGHTS; MAKING AN APPROPRIATION.

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

Section 1. LEGISLATIVE FINDINGS--STATE APPROPRIATION OF UN-
APPROPRIATED WATER.--Based upon the findings and recommendations of
the report from New Mexico state university and the university of
New Mexico on state appropriation of unappropriated water, the
legislature finds that:

A. the future water needs of New Mexico can best be met
by allowing each region of the state to plan for its water future;

B. the state can assist the regions in planning future
water use by implementing a state appropriation program to ensure an
adequate supply of water for each region, as reflected in each
region's water use plan; and

C. the interstate stream commission is the appropriate
agency to implement such a program.

Section 2. INTERSTATE STREAM COMMISSION--GROUNDWATER APPRO-
PRIATION--WATER RIGHTS PURCHASE--WATER PLANNING FUNDING.--

A. The interstate stream commission is authorized to
appropriate groundwater or purchase water rights on behalf of any of
the various regions of the state.

B. Nothing in this section shall be construed as per-

House Bill 337, as
Approved April 8, 1987

NM ISC EXHIBIT

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1 mitting the condemnation of water rights or as determining, abridg-
2 ing or affecting in any way the water rights of Indian tribes.

3 C. The interstate stream commission is authorized to make
4 grants or loans of funds for the purpose of regional water planning.
5 Prior to approval of any proposal by a region for planning funds
6 under this section, the commission shall develop criteria for evalu-
7 ating such proposals. These criteria at a minimum shall provide
8 for:

9 (1) identification of the region requesting planning
10 funds and why it is hydrologically and politically an appropriate
11 applicant;

12 (2) use of an appropriate planning process including
13 opportunities for participation by those Indian tribes located
14 within the various regions of the state;

15 (3) reasonable proposed costs and time tables for
16 completion of the planning process;

17 (4) appropriate provisions for notice, review and
18 comment where applicable;

19 (5) adequate review of potential conflict with laws
20 relating to impact on existing water rights;

21 (6) adequate review of water conservation and the
22 effect on the public welfare; and

23 (7) identification of sources other than the inter-
24 state stream commission for funding of the proposed regional plan-
25 ning process.

1 D. A water planning region eligible for funding under
2 this section is an area within the state that contains sufficient
3 hydrological and political interests in common to make water plan-
4 ning feasible. The state as a whole shall not be considered a water
5 planning region for purposes of this section.

6 E. No entity shall be made a part of a proposal for plan-
7 ning funds under this section without its consent.

8 F. No funds shall be granted under this act to any party
9 or parties that are not within a water planning region. Whether a
10 proposal for funding falls within a water planning region shall be
11 determined on a case by case basis, the interstate stream commis-
12 sion after consultation with the state engineer and consideration of
13 the following:

14 (1) whether the source of water and the potential
15 place of use of the water are located within the same hydrologic
16 basin; and

17 (2) if there is more than one party and the parties
18 are requesting funds on a joint basis, whether the parties have
19 demonstrated political and economic interests in common by entering
20 into a binding intergovernmental agreement for carrying out the
21 planning process.

22 Section 3. APPROPRIATION.--One hundred fifty thousand dollars
23 (\$150,000) is appropriated from the general fund to the interstate
24 stream commission for expenditure in the seventy-sixth fiscal year
25 to carry out the provisions of this act. Any unexpended or unencum-

1 bered balance remaining at the end of the seventy-seventh fiscal
2 year shall revert to the general fund.

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