

WATER BILLS INTRODUCED IN HOUSE AND SENATE  
TWENTY-NINTH NEW MEXICO LEGISLATURE  
First Session 1969

Dr. Wm. B. O'Donnell - Representative, Dona Ana County  
Lt. Col. James Kirkpatrick - Senator, Dona Ana County

Representative O'Donnell reported on the bills which were considered by the 1969 Legislature. These bills may be of the most interest to this Conference:

Passed

- H 231 - Act, to ratify Animas-La Plata Project Compact between New Mexico and Colorado. Passed House and Senate. Signed: Chapter 57.
- HJM 8 - Relating to the urgent need for a series of dams on the Pecos River and the Tecolote Creek. Passed and Signed.
- S 43 - Administrative Procedures Act providing for standardization of practice and procedure in the conduct of administrative hearings. Amended and Passed Senate and House. Signed: Chapter 252.
- S 180 - Repealing Section 75-11-26 through 36 NMSA 1953 relating to rights in underground waters prior to inclusion in an underground basin. Passed the Senate and House. Signed: Chapter 51.
- S 219 - Relating to the procedure to be used before the state engineer in regard to public waters. Amended and passed Senate and House. Signed: Chapter 250.
- S 59 - Making an appropriation for recreational facilities at Running Water Draw. Amended and passed Senate and House, Signed, Partial Veto: Chapter 135.
- SM 8 - Requesting action to provide for channelization of the Gallinas River within the limits of Las Vegas Town and City. Passed and Signed.

Not Passed

- H 309 - Water Basin Appropriation to allow owners of water rights to appropriate water from underground basin. Do Not Pass House Committee.
- H 329 - Providing for the banking of unused water and subsequent use within 5 years. Died in House Committee.

- H 406 - Providing for the regulation of water disposal which is not contaminated. Died in House Committee.
- H 407 - Creating a state water commission who would appoint the state engineer. Died in House Committee.
- HM 25 - Water Rights Moratorium Action Postponed Indefinitely.
- S 9 - Amending Section 75-11-7 NMSA 1953 dealing with the permanent or temporary change in well location and the use of the water. Passed Senate. Died in House Committee.
- S 109 - Repealing Section 75-11-30 NMSA 1953 relating to the procurement of a permit to complete an appropriation commenced before a water right basin was declared. Died in Senate Committee.
- S 117 - Authorizing the sale of \$7,151,000 severance tax lands to build additional dams and spillway gates on the Canadian River. Do Not Pass Senate Committee.
- S 174 - Providing for mandatory adjudication of water rights in areas lying outside adjudicated water basins. Died in Senate Committee.
- S 218 - Amending Section 75-11-3, 7, 24 and 25 NMSA 1953 to allow the state engineer to deny water applications. Do Not Pass Senate Committee.
- S 261 - Requiring water rights to be held in suspense in certain situations where a change in use is made. Died in Senate Committee.
- H 284 - Providing for financing of state park and recreation project in the Eagle Nest Lake Area. Do Not Pass Senate Committee.

Several other bills relating to water problems were introduced but they were of limited statewide importance or applied to administrative details.

Representative O'Donnell pointed out that when looking at all of the water bills which were included, there was relatively no consistency in the legislative proposals. Many of the bills seemed designed to pass a law as it applied to an individual, or to review some present law or court action as it applies to certain restricted subject areas. There is virtually no way for a legislator at the present time to consider these bills in relationship to the needs of the state or in relation to a forward-looking, statewide or community-wide water development objective.

It was suggested that the Annual Water Conference or the Water Resources Research Institute might consider ways by which the legislative needs of New Mexico and of the several areas of the state could

be developed. This would permit the legislature to be more consistent and constructive in its action. As it is now, the legislators have no idea what kinds of water legislation may be presented or whether that which is introduced may be constructive in its application even to those proposing it. It was pointed out, also, that there is no citizens' group in the state which has considered the needs for legislation in relation to the conservation and development of the water resources of New Mexico.

Senator Kirkpatrick in his discussion on the general legislative procedures, stated that a 60-day session did not allow the senators and representatives adequate time to study the proposed legislation and to investigate the possible impact of a certain bill on the state or area involved. He suggested that a 90-day session is needed and he hoped the Constitutional Convention, to be convened in 1969, would establish a 90-day session.

Also, he stated that (1) due to lack of time and (2) lack of any developed water legislation program, the senators generally had to depend for guidance from either the man who proposed the majority of water legislation this year, or the State Engineer Office. This, he felt was not a satisfactory arrangement but about the only alternative available during the 1969 session of the Legislature.

Senator Kirkpatrick concurred with Representative O'Donnell on the need for some type of a developed state water plan which would also include a guide to water legislation to which the Senate and the House of Representatives might refer in their deliberations on water legislation.