

1 SENATE BILL 185

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 James G. Townsend and Candy Spence Ezzell and Larry R. Scott
5 and David M. Gallegos
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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL USE OF
12 UNDERGROUND WATER; PROVIDING PENALTIES.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] UNLAWFUL USE OF UNDERGROUND
16 WATER--PENALTY.--

17 A. Unlawful use of underground water consists of a
18 person selling, trading, bartering or otherwise using or
19 appropriating underground water requiring a permit pursuant to
20 Chapter 72, Article 12 NMSA 1978:

21 (1) for any use other than a use permitted by
22 the state engineer; or

23 (2) without a permit.

24 B. Whoever commits unlawful use of underground
25 water is guilty of a fourth degree felony, shall be assessed a

.229701.2

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1 fine of one thousand dollars (\$1,000) per barrel or per forty-
2 two gallons of water that is sold, traded, bartered or
3 otherwise used or appropriated and shall be sentenced according
4 to the provisions of Section 31-18-15 NMSA 1978.

5 C. The attorney general or a district attorney may
6 bring an action in the name of the state to enforce this
7 section.

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