

1 SENATE BILL 276

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Cliff R. Pirtle

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO ADMINISTRATIVE HEARINGS; REQUIRING ADMINISTRATIVE  
12 HEARINGS HELD BY THE OFFICE OF THE STATE ENGINEER TO BE HELD IN  
13 THE COUNTY IN WHICH THE WATER RIGHT AT ISSUE IS LOCATED.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 72-2-16 NMSA 1978 (being Laws 1965,  
17 Chapter 285, Section 4, as amended) is amended to read:

18 "72-2-16. HEARINGS REQUIRED BEFORE APPEAL.--The state  
19 engineer may order that a hearing be held before ~~[he]~~ the state  
20 engineer enters a decision, acts or refuses to act. If,  
21 without holding a hearing, the state engineer enters a  
22 decision, acts or refuses to act, any person aggrieved by the  
23 decision, act or refusal to act is entitled to a hearing if a  
24 request for a hearing is made in writing within thirty days  
25 after receipt by certified mail of notice of the decision, act

.198068.3

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material]~~ = delete

1 or refusal to act. Hearings shall be held before the state  
2 engineer or ~~[his]~~ the state engineer's appointed examiner.  
3 Hearings shall be held in the county in which the water right  
4 at issue is adjudicated, licensed or permitted, unless the  
5 parties and the state engineer stipulate another site for the  
6 hearing. A record shall be made of all hearings. ~~[No]~~ An  
7 appeal shall not be taken to the district court until the state  
8 engineer has held a hearing and entered ~~[his]~~ a decision in the  
9 hearing."

10 - 2 -  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.198068.3