

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 2 STATE TRUST LANDS
PART 12 RELATING TO APPROPRIATION OF WATER FROM STATE TRUST LANDS

19.2.12.1 ISSUING AGENCY: Commissioner of Public Lands, New Mexico State Land Office, 310 Old Santa Fe Trail, P. O. Box 1148, Santa Fe, New Mexico 87501, Phone: (505) 827-5713
[12/31/1999; 19.2.12.1 NMAC - Rn, 19 NMAC 2. SLO 12.1, 9/30/2002]

19.2.12.2 SCOPE: This rule pertains to all water resources on those lands held in trust by the commissioner of public lands under the terms of the Enabling Act and subsequent legislation (trust lands), except such water as is used and developed in connection with the development, under lease, of oil and gas resources on such lands. Other rules which should be consulted regarding the development and use of water resources on trust lands are: the rule pertaining to easements and rights of way, the rule pertaining to agricultural leases, and the rule pertaining to commercial leases. This rule governs all persons using state trust lands under lease, easement or right of way entered into subsequent to the date of this rule.
[12/31/1999; 19.2.12.2 NMAC - Rn, 19 NMAC 2. SLO 12.2, 9/30/2002]

19.2.12.3 STATUTORY AUTHORITY: The commissioner's authority to manage the trust lands is found in N.M. Const., Art. XIII, and in Section 19-1-1 NMSA 1978. The authority to promulgate this rule is found in Section 19-1-2 NMSA 1978.
[12/31/1999; 19.2.12.3 NMAC - Rn, 19 NMAC 2. SLO 12.3, 9/30/2002]

19.2.12.4 DURATION: Permanent.
[12/31/1999; 19.2.12.4 NMAC - Rn, 19 NMAC 2. SLO 12.4, 9/30/2002]

19.2.12.5 EFFECTIVE DATE: January 20, 1984, unless a later date is cited at the end of a section.
[12/31/1999; 19.2.12.5 NMAC - Rn, 19 NMAC 2. SLO 12.5, 9/30/2002; A, 6/30/2016]

19.2.12.6 OBJECTIVE: The objective of 19.2.12 NMAC is to provide for the interim orderly and lawful administration, and the appropriate development and use of water resources on state trust lands. A permanent rule will be proposed when the commissioner has more clearly defined the proper administration of water resources on state trust lands.
[12/31/1999; 19.2.12.6 NMAC - Rn, 19 NMAC 2. SLO 12.6, 9/30/2002]

19.2.12.7 DEFINITIONS: “Schedule of fees” means list of fees that must be paid for performance of certain administrative functions. The schedule of fees shall be published on the state land office website and is subject to change at the discretion of the commissioner. Unless otherwise noted in the schedule of fees or in this rule, the fee shall be non-refundable.
[12/31/1999; 19.2.12.7 NMAC - Rn, 19 NMAC 2. SLO 12.7, 9/30/2002; A, 6/30/2016]

19.2.12.8 APPLICABILITY AND PURPOSE: This rule is intended to assure that the development and use of water and water rights connected with state trust lands occurs in the most beneficial manner to the trust. This rule is further intended to be an interim rule, to be effective while the commissioner is assessing the commissioner's duties with regard to water resources connected with state trust land. A permanent rule will be proposed when those duties have been defined. This rule shall govern in all situations where the law requires the consent of the commissioner, as administrator of the state trust lands, prior to the approval by the state engineer of the appropriation or use of water from state trust lands. 19.2.10 NMAC “Easements and Rights of Way”, should be consulted when seeking permission to move water across state trust lands. Rule 8.023 [Rule 8.023 was rescinded on December 1, 1992] governs when the use of water from state lands involves improvements on grazing or agricultural leases.
[12/31/1999; 19.2.12.8 NMAC - Rn, 19 NMAC 2. SLO 12.8, 9/30/2002; A, 6/11/2019]

19.2.12.9 APPLICATION FOR CONSENT FEE: Application for the commissioner's consent to the appropriation or use of water shall be made upon a form furnished by the commissioner and shall be accompanied by the filing fee as set forth in the schedule of fees. Thereafter, the commissioner shall enter into negotiations with

each applicant on an individual basis to arrive at mutually satisfactory terms for the appropriation or use of water from state trust lands.

[12/31/1999; 19.2.12.9 NMAC - Rn, 19 NMAC 2. SLO 12.9, 9/30/2002; A, 6/30/2016]

19.2.12.10 ASSIGNMENTS OF CONSENT - APPLICATION - FEE: The commissioner's consent to the appropriation or use of water from state trust lands may be assigned with the commissioner's prior approval subject to the terms and conditions of the consent. The application fee for approval of an assignment is as set forth in the schedule of fees.

[12/31/1999; 19.2.12.10 NMAC - Rn, 19 NMAC 2. SLO 2.10, 9/30/2002; A, 6/30/2016]

19.2.12.11 WATER EASEMENTS UNDER PRIOR RULES: Water easements issued under prior rules of the New Mexico state land office shall be governed by the rules in effect at their issuance until the expiration of their current term, at which time renewal shall be subject to the most recent rules in effect.

[12/31/1999; 19.2.12.11 NMAC - Rn, 19 NMAC 2. SLO 2.11, 9/30/2002]

HISTORY OF 19.2.12 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

CPL 69-5, Rules and Regulations Concerning the Sale, Lease, and Other Disposition of State Trust Lands, filed 9/2/1969;

CPL 71-2, filed 12/16/1971;

CPL 77-1, filed 1/7/1977;

Rule 12, Relating to Water Easements, filed on 3/11/1981;

SLO Rule 12, Relating To The Appropriation of Water From State Trust Lands, filed on 1/20/1984.

History of Repealed Material: [RESERVED]