

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**HOUSE BILL 358**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Ben Lujan**

**AN ACT**

**RELATING TO WATER; PROVIDING ACEQUIA AND COMMUNITY DITCH ASSOCIATIONS THE POWER TO BORROW.**

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

**Section 1. Section 72-14-29 NMSA 1978 (being Laws 1957, Chapter 80, Section 1) is amended to read:**

**"72-14-29. LOANS FROM NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND. --The interstate stream commission is authorized to make loans, on such terms and for such length of time not exceeding fifty years as it shall deem proper, to irrigation and similar districts organized under the laws of the state, to acequia and community ditch associations and to municipalities and other political subdivisions of the state, out of any unpledged funds in the New Mexico irrigation works construction fund for any of the following purposes:**

**. 135114. 1**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           A. doing all engineering and design work necessary  
2 for a project;

3           B. construction of a project; or

4           C. rehabilitation of any existing project. "

5           Section 2. Section 73-2-28 NMSA 1978 (being Laws 1965,  
6 Chapter 145, Section 1) is amended to read:

7           "73-2-28. ACEQUIA AND COMMUNITY DITCH ASSOCIATIONS. --  
8 Acequia and community ditch associations are [~~hereby declared~~  
9 ~~to be~~] political subdivisions of this state. As political  
10 subdivisions of the state, acequia and community ditch  
11 associations are authorized to receive loans from the  
12 interstate stream commission from the New Mexico irrigation  
13 works construction fund. "

14           Section 3. Section 73-9-1 NMSA 1978 (being Laws 1919,  
15 Chapter 41, Section 1) is amended to read:

16           "73-9-1. ORGANIZERS' QUALIFICATIONS--EXEMPT AREAS--  
17 EXCEPTION. --

18           A. Whenever a majority of the resident freeholders  
19 owning more than one-half of the lands, or the evidence of  
20 title to [~~said~~] the lands, in any district in the state [~~of~~  
21 ~~New Mexico~~] desire to provide for the irrigation of the [~~same~~]  
22 lands, they may propose the organization of an irrigation  
23 district under the provisions of [~~this act, and~~] Chapter 73,  
24 Article 9 NMSA 1978. When so organized, each district shall  
25 have the powers conferred [~~or that may hereafter be conferred~~]

. 135114. 1

underscored material = new  
[bracketed material] = delete

1 by law upon ~~[such]~~ irrigation districts. Provided that where  
2 ditches, canals or reservoirs were constructed before March  
3 18, 1909, ~~[such]~~ those ditches, canals, reservoirs and  
4 franchises and the lands irrigated ~~[therefrom]~~ from them shall  
5 be exempt from the operation of ~~[this act]~~ Chapter 73, Article  
6 9 NMSA 1978, unless ~~[such]~~ the district ~~[be]~~ is formed to  
7 purchase, acquire or lease ~~[such]~~ the ditches, canals,  
8 reservoirs and their franchises; or unless a statement, signed  
9 by at least four-fifths ~~[in number]~~ of the owners of any such  
10 ditch, canal or reservoir and of the franchises and water  
11 rights ~~[thereof]~~ of them and of the lands irrigated  
12 ~~[therefrom, be]~~ from them, is filed with the board of county  
13 commissioners of each county in which ~~[such]~~ the ditch, canal,  
14 reservoir and lands are situate, giving their consent that  
15 ~~[such]~~ the ditch, canal, reservoir, franchises, water rights  
16 and lands may be included in one or more irrigation districts  
17 organized ~~[or to be organized]~~ under the provisions of ~~[this~~  
18 ~~act]~~ Chapter 73, Article 9 NMSA 1978, which statement shall be  
19 recorded in the office of the county clerk of ~~[said]~~ the  
20 county.

21 B. Nothing in this section shall be construed to  
22 affect the power of an acequia or community ditch association  
23 established prior to the formation of the irrigation district  
24 and that continues to be governed by officers elected pursuant  
25 to Chapter 73, Article 2 or 3 NMSA 1978 from borrowing money

underscored material = new  
[bracketed material] = delete

1 or otherwise incurring indebtedness pursuant to Chapter 73,  
2 Article 2 or 3 NMSA 1978."

3 - 4 -

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25