

AN ACT

RELATING TO WATER; AMENDING SECTIONS OF THE NMSA 1978 TO PRESERVE ACEQUIA AND COMMUNITY DITCH WATER RIGHTS.

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

Section 1. Section 73-2-22.1 NMSA 1978 (being Laws 1987, Chapter 352, Section 1) is amended to read:

"73-2-22.1. ACEQUIA AND COMMUNITY DITCH ASSOCIATIONS-- ADDITIONAL POWERS-- WATER RIGHTS ACQUISITION-- NONFORFEITURE. --

A. Any acequia or community ditch association has the power to acquire and hold property and water rights and transfer and use the property and water rights so acquired pursuant to law.

B. The water rights of an acequia or community ditch association or the lands and property owned by the acequia or association shall not be lost by the acequia or community ditch association by prescription or adverse possession. Water rights owned by an acequia or community ditch association shall not be lost for nonuse of waters, except for water rights that reverted to the public pursuant to Section 72-5-28 NMSA 1978 prior to July 1, 2001. "

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