

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:

- A. doing all engineering and design work necessary for a project;
- B. construction of a project; or
- C. rehabilitation of any existing project."

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

"73-2-28. ACEQUIA AND COMMUNITY DITCH ASSOCIATIONS. -- Acequia and community ditch associations are political subdivisions of this state. As political subdivisions of the

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state, acequia and community ditch associations are authorized to receive loans from the interstate stream commission from the New Mexico irrigation works construction fund. "

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

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

A. Whenever a majority of the resident freeholders owning more than one-half of the lands, or the evidence of title to the lands, in any district in the state desire to provide for the irrigation of the lands, they may propose the organization of an irrigation district under the provisions of Chapter 73, Article 9 NMSA 1978. When so organized, each district shall have the powers conferred by law upon irrigation districts. Provided that where ditches, canals or reservoirs were constructed before March 18, 1909, those ditches, canals, reservoirs and franchises and the lands irrigated from them shall be exempt from the operation of Chapter 73, Article 9 NMSA 1978, unless the district is formed to purchase, acquire or lease the ditches, canals, reservoirs and their franchises; or unless a statement, signed by at least four-fifths of the owners of any such ditch, canal or reservoir and of the franchises and water rights of them and of the lands irrigated from them, is filed

with the board of county commissioners of each county in which the ditch, canal, reservoir and lands are situate, giving their consent that the ditch, canal, reservoir, franchises, water rights and lands may be included in one or more irrigation districts organized under the provisions of Chapter 73, Article 9 NMSA 1978, which statement shall be recorded in the office of the county clerk of the county.

B. Nothing in this section shall be construed to affect the status of an acequia or community ditch association as a political subdivision of the state if the acequia or community ditch association was established prior to the formation of the irrigation district and has been governed by officers elected pursuant to Chapter 73, Article 2 or 3 NMSA 1978 continuously since the formation of the irrigation district. "

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