

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS 247 & 576

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

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 [~~to the waters of the acequia or association~~  
~~or their use~~] or the lands and property owned by the acequia

1 or association shall not be lost by the acequia or community  
2 ditch association by prescription or adverse possession [~~or~~  
3 ~~for nonuse of waters except as provided in Section 72-5-28~~  
4 ~~NMSA-1978~~]. Water rights owned by an acequia or community  
5 ditch association are not subject to forfeiture for nonuse  
6 after July 1, 2001. "

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