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## FISCAL IMPACT REPORT

SPONSOR: HAGC DATE TYPED: 03/16/01 HB 247 & 576/HAGCS  
 SHORT TITLE: Preserve Acequia & Ditch Water Rights SB \_\_\_\_\_  
 ANALYST: Dotson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

### SOURCES OF INFORMATION

LFC Files  
 Majority Analyst assigned to the House Agriculture and Water Resources Committee (HAWRC)  
 New Mexico Acequia Association (NMAA)  
 New Mexico Ditch Association  
 Office of the State Engineer (SEO)

### SUMMARY

#### Synopsis of Bill

This bill would exempt an acequia or community ditch association from Section 72-5-28 NMSA, FAILURE TO USE WATER-FORFEITURE. The specific language proposed is as follows:

“Water rights owned by an acequia or community ditch association are not subject to forfeiture for nonuse after July 1, 2001.”

The bill changes and clarifies section 73-2-22.1. ACEQUIA AND COMMUNITY DITCH ASSOCIATIONS-ADDITIONAL POWERS-WATER RIGHTS ACQUISITION-NONFORFEITURE.

#### Significant Issues

NMAA states that the purpose of the bill is to grant the same status to acequias and ditch associations that exist for other public entities and political subdivisions in the matter of water rights forfeiture and abandonment. Acequias are political subdivisions of the state (NMSA 1978 Section 73-2-28) and want the same forfeiture provisions that exist for conservancy districts. The applicable statute for conservancy district states water rights “shall not be lost...for non use of the waters.” (NMSA 1978 Section 73-17-21).

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The bill specifies that only “property owned” by the acequia or community ditch association would be covered by the bill. Water rights owned by individuals would not be covered by the bill.

Under this bill, acequias and community ditch associations could preserve their members water rights if the water rights of the individuals are transferred to the acequia or community ditch association.

PD/ar