
ACEQUIA NAME
BYLAWS, RULES AND REGULATIONS

Preamble: Water is the lifeblood of our communities. The parciantes of ___Acequia Name___ (the Acequia) believe that water should be protected as a community resource so that future generations can grow food and can have a healthy and secure source of water for needs within the community. We seek to promote agriculture by keeping water rights on historically irrigated land. If changes in historic uses of water become necessary, those decisions should be made through a cultural and spiritual connection to our community and through our own process of self-governance so that those decisions can be made for the common good. We honor the ancient customs and traditions embodied in our Acequia and seek to govern our Acequia to continue the connection between our land, water and culture in perpetuity.

Article 1. Purpose and Membership

Section 1: Purpose Statement

The purpose of Acequia de la Comunidad is to 1) promote the agricultural uses of water on the lands served by the Acequia, 2) promote the efficient and beneficial use of water, 3) sustain customs and traditions of providing water to parciantes in a manner that is fair and equitable, 4) protect and defend the rights and interests of the Acequia and the parciantes, 5) maintain the infrastructure and easements of the Acequia, and 6) maintain an adequate diversion right to ensure a sufficient water supply for parciantes.

Section 2: Compliance with New Mexico Law

The management and operation of the Acequia, a political subdivision of the State of New Mexico, shall be in compliance with the laws of the State of New Mexico and the customs of the Acequia.

Section 3: Description

Option 1. If your Acequia is in an adjudicated stream basin, use the description from those files.
Option 2. If no legal description is available, then give a general description that includes your point of diversion. This description need not be highly detailed. The county, stream and approximate point of diversion should be enough. Avoid using information like names of property owners, which will change. The priority date and number of acres is unnecessary, especially if not adjudicated

Section 4: Membership – Parciantes

The members, or parciantes, of the Acequia are those persons who own irrigated farmland with water rights from the Acequia.

Article 2. Officers

Section 1: Types of Officers

The officers of the Acequia shall consist of three Commissioners and one Mayordomo, each of whom shall be a member of the Acequia, as defined in Article 1. The Commissioners shall consist of a Chairman, Secretary, and a Treasurer.

Section 2: Duties of Officers

- a. **Chairman:** Responsibilities of the Chairman will be to direct the activities of the Acequia jointly with the other Commissioners and call and preside at all Acequia meetings. In the event the Chairman is unable to preside at a meeting, he or she will appoint one of the other Commissioners to preside over the meeting.
- b. **Secretary:** The Secretary is responsible for keeping complete and accurate records, minutes of meetings, reading the minutes of the previous meeting and assisting the other Commissioners in running the business affairs of the Acequia.
- c. **Treasurer:** The Treasurer shall be responsible for management of the finances of the Acequia including the following:
 1. Send notices to parciantes for billing of and collection of assessments and fines.
 2. Maintain accurate records for each parciante including assessments due, hours worked and fines due in coordination with the Mayordomo.
 3. Make payments for labor and materials as necessary.
 4. In coordination with the Mayordomo, prepare an annual financial report to be presented to the membership.
- d. **Mayordomo:** The Mayordomo shall work under the direct supervision of the Commissioners. His or her responsibilities shall be as follows:
 1. Coordinate and supervise all work on the Acequia including the annual Spring cleaning, day-to-day maintenance, and emergency repairs.
 2. Distribute water to parciantes in a manner that is equitable and is consistent with the customs of the Acequia.
 3. Collect delinquencies from parciantes as reported to him by the Treasurer.
 4. Supervise the Acequia to ensure that delinquent parciantes do not take water illegally. The Mayordomo has full authority to shut the individual headgate along the banks of the Acequia of those parciantes who are delinquent and to secure the headgates by any available means.

Section 3: Vacancy of Mayordomo

In the event of a vacancy in the office of Mayordomo, the Commissioners shall appoint a Mayordomo to hold office for the remainder of the term or until his successor is elected at a meeting of the membership.

Section 4: Vacancy of Commissioners

In the event of a vacancy in the office of Commissioner, the remaining Commissioners shall appoint a Commissioner to hold office for the remainder of the term or until his successor is elected at a meeting of the membership. If there are two vacancies for Commissioner, the remaining Commissioner shall convene a special meeting of the membership to fill the vacancies for the remainder of the term of office.

Section 5: Meetings of Commissioners

Special meetings of the Commission may be called by the Chairman. Two Commissioners shall constitute a quorum for such meetings. Notice shall be posted in a public place at least three (3) days prior to a meeting.

Section 6: Compensation of Officers

Compensation of the Mayordomo shall be determined by a majority of the membership.

Article 3. Meetings of Membership

Section 1: Annual Membership Meeting

The Annual Membership Meeting shall be held at least every odd numbered year on the first Monday of October or as soon as practicable thereafter.

Section 2: Notice of Annual Membership Meetings

Notice shall be posted in a public place at least ten (10) but not more than thirty (30) days in advance of the meeting. Notice of the meeting shall include the date, time, location, and the agenda or information about where to obtain a copy of the agenda. The Acequia may provide other types of notice as appropriate.

Section 3: Purpose of Annual Membership Meetings

At each Annual Meeting, the Secretary shall present the minutes from the previous Annual Meeting. The Mayordomo shall report on the management and operations of the Acequia and the Treasurer shall provide a financial report.

Section 4: Location of Annual Membership Meeting

The annual meeting shall be held at a public place in the county in which the Acequia is located.

Section 5: Quorum of Membership

A quorum for conducting any business shall be [enter per cent or proportion, e.g., 20%, a simple majority] of the membership except as otherwise provided in this section. A quorum, once established for that particular meeting, shall remain in effect to transact all business set on the agenda even though members shall voluntarily leave the meeting.

In the event that the above quorum is not established at a meeting duly called, those assembled shall recess for a period of not more than seven (7) days, wherein the meeting shall resume at the time and place specified at the call of the recess and all business listed on the original agenda shall be transacted by those present at the meeting, who shall then constitute a quorum.

Section 6: Special Membership Meetings

Special meetings of the Acequia may be called by the Commissioners or upon written petition to the Chairman signed by twenty-five per cent (25%) of the members. Notice for special meetings shall be the same as for annual meetings.

Article 4. Elections and Voting

Section 1: Election of Officers

The Commissioners and Mayordomo shall be elected at the Annual Meeting on odd numbered years by a vote of membership. The elections shall be conducted by the outgoing Commissioners.

Section 2: Voting Rights of Parciantes

Only those members who are not delinquent in the payment of their assessments nor who have defaulted on their work assignments will be in good standing and shall be allowed to vote.

Voting may be done by written proxy. [Enter voting distribution, e.g., “Each member shall have one vote”, or “A member's vote shall be in proportion to his amount of acreage having water rights.”]

Section 3: Nomination of Officers

Nomination of officers may be made by any parciante. The nomination and voting for each office (Mayordomo, Chairman, Secretary, Treasurer) shall be conducted separately. The person receiving the highest number of votes cast for that office shall be declared the officer elected.

Section 4: Terms of Office

The elected officers shall assume their office not later than the first Monday following the month they are elected. The term of office for the Mayordomo and Commissioners is two years.

Article 5. Management and Operations

Section 1: Allocation Between Neighboring Acequias

As practiced traditionally, during times of emergency and/or drought, the Commission will represent the Acequia for the purpose of cooperating with the other Acequias in the _____ (name your valley or community) which draw water from the _____ (stream system) in order to determine the most effective and equitable manner of allocating water in all of the Acequias.

Section 2: Spring Acequia Cleaning

A community ditch cleaning involving all parciantes will take place during the Spring before the irrigation season on a date determined by the Mayordomo and Commissioners.

Section 3: Allocation of Water Between Parciantes

The available water in the Acequia shall be distributed in proportion to the lands with water rights owned by each member of the Acequia. The Mayordomo shall be in charge of the distribution of the water to the members based on the general schedule established by the

Commissioners. The Mayordomo, in consultation with the Commissioners, may adjust the schedule depending on the availability of water.

Section 4: Parciante Assessments

The Commissioners, immediately upon assuming office or as soon as practicable thereafter, shall determine the amount of money necessary for the ensuing year for the operation, maintenance, repair and improvement of the Acequia and for payment of the expenses of the Acequia, including officer compensation, if any. The Commissioners shall then assess each member, in proportion to their acreage, the amount of labor and dues needed.

Article 6. Rights and Obligations of Parciantes

Section 1: Maintenance of Headgates

All members shall maintain their individual headgates in good condition and keep their ditch sections free of trash and other obstructions. Repairs and construction of headgates and other works should be completed before the start of the irrigation season.

Section 2: Assessments

All members shall pay assessments as required by the Commission. All monies assessed by the Acequia are due upon receipt of the Treasurer's statement. These assessments become delinquent thirty (30) days following the date of receipt of the billing.

Section 3: Participation in Acequia Cleaning

All members, or their designates, shall participate in the annual Spring cleaning, or for emergency repairs, as required by the Mayordomo.

Section 4: Compliance with Bylaws

All members shall abide by Acequia Bylaws, Rules and Regulations and shall comply with decisions adopted by the Commission for the common good.

Section 5: Public Inspection of Acequia Records

All records of proceedings by Commissioners and financial records of the Acequia shall always remain public property and shall be subject to inspection by any concerned person.

Section 6: Copy of Bylaws

Each parciante shall be provided with a copy of the current by-laws of the Acequia and amendments thereafter adopted. New members will be briefed on the operation of the Acequia by one of the Commissioners or the Mayordomo.

Section 7: Name and Address in Acequia Records

Each parciante shall keep current on the records of the Commission of the Acequia the name(s) of the owner(s) of the property, the owner's mailing address and the telephone number, and the exact amount of irrigated acreage or water rights claimed by the parciante.

Section 8: Change of Ownership

It shall be the responsibility of a landowner who has purchased or leased land with Acequia water rights to report such transaction promptly to the Secretary for recording in the Acequia's records. Delinquencies, if any, are due from the past owner or lessee on said land, and must be paid before the new owner or lessor may be entitled to the use of the Acequia.

Section 9: Change in Point of Diversion, Purpose of Use, or Place of Use

Water transfers, by changing the point of diversion, purpose of use, or place of use of water rights must comply with Article 9 of these Bylaws. If a water transfer has been approved by both the Acequia and the State Engineer, it shall be the responsibility of the parciante to provide updated information about the water right to the Secretary for recording in the records of the Acequia.

Article 7. Easements

Section 1: Definition of Easement

Each parciante recognizes that the Acequia possesses a historical permanent easement for purposes of maintenance, operations, and improvements. No parciante may build within the easement or otherwise obstruct or limit access to this easement. The easement is described as follows: The easement is as wide as necessary for maintenance, use and improvements.

Section 2: Use of Easement

Each parciante agrees that it must be possible to walk the full length of the ditch along its banks. Therefore, if a fence or other obstruction crosses the ditch, there must be a gate or crossover.

Section 3: Access to Easement

The Acequia has the right to use the historic and customary points of access to the ditch across members' property and other such points of access as may be necessary to afford convenient access to the ditch for maintenance, operations and improvements.

Section 4: Changes to Acequia

Any material changes to the Acequia, including any crossings, shall be approved in advance by the Commission.

Article 8. Enforcement

Section 1: Delinquencies

The Mayordomo has the authority to suspend the right to use the Acequia and the water therein of a parciante who is delinquent in the payment of his or her assessment or fails to perform required work. This shall remain in effect until the assessments and fines are paid. The Mayordomo has the authority to collect delinquent assessments through appropriate legal action.

Officers of the Acequia may file a civil action for the collection of any assessment, fine or penalty, which, after due notice to the member, the member has failed to pay.

Section 2: Illegal Use of Water or Acequia Interference

Any person who interferes with the Acequia in any manner, takes water without permission of the Mayordomo or Commission commits a criminal misdemeanor and may prosecuted in accordance with the laws of New Mexico.

Section 3: Violation of Easement Rights

Any person who interferes with the Acequia easement or access to the easement commits a criminal misdemeanor and may prosecuted in accordance with the laws of New Mexico.

Article 9. Water Transfers

The members of the Acequia declare that a transfer of a water right off the Acequia, or a transfer of a water right into the area served by the Acequia, may be detrimental to both the Acequia and its members. Therefore, any such proposed transfer by any person or entity must be formally approved by the Commissioners, using the procedure in Appendix A, prior to application for the transfer to the Office of the State Engineer. This Article is adopted under

Option 1: Section 73-2-21(E) NMSA 1978. (for Article 2 Acequias)

Option 2: Section 73-3-4.1 NMSA 1978. (for Article 3 Acequias)

Article 10. Water Banking

The Acequia hereby forms a Water Bank under its powers as a political subdivision of the State of New Mexico, and under Section 73-2-55.1 NMSA 1978 (2003). The purpose of the Water Bank is to promote conservation and beneficial use of Acequia water through a locally managed system of temporarily reallocating water for beneficial use within the area served by the Acequia. See Appendix B.

Article 11. Miscellaneous Provisions

Section 1: Amendments to Bylaws

These bylaws may be enacted, amended, or modified by a simple majority vote of the total membership at any duly called meeting.

Section 2: Applicability of State Law

Where not otherwise covered by these bylaws, the requirements of state law shall be applicable. These bylaws are supplemental to any applicable provisions of state law.

Section 3: Severability Clause

If any part or application of these bylaws is held invalid, the remainder of its application to other situations or persons shall not be affected.

THE FORGOING BYLAWS WERE ADOPTED BY THE PARCIANTES OF THE ___ Insert
Acequia name ___ AT A MEETING DULY CALLED AND HELD ON (*insert date*).

Chairman

Secretary

Treasurer