

APPENDIX B: WATER BANKING

This Appendix contains the Water Banking Bylaw and the Water Banking Deposit Form. The Acequia can approve an Acequia Water Bank as a regulation of the Commissioners or as a bylaw amendment by a vote of the membership.

Nothing in the formation of the Water Bank or its operation will affect the traditional and recognized lawful authority of the Acequia's Commissioners and Mayordomos. Issues of daily water use, periodic allocation, water issues between parciantes, and all other matters normally managed by the Acequia's officers will continue to be administered by them without change. Use of the Water Bank will not affect existing vested water rights, priority dates or any existing lawful use of water by parciantes. No action of the Water Bank will be considered an adjudication of any person's water rights.

Section 1: Purpose

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. The Water Bank will also allow water right owners who are temporarily not using some or all of their water rights to benefit by protecting those rights from loss for non-use.

Section 2: Protection from Loss for Non-Use

As provided in Section 73-2-55.1 NMSA (2003), water rights deposited in the Water Bank are not subject to loss for non-use during the time they are placed in the bank.

Section 3: Water Bank Procedures

a) Water Bank Record Keeping

The Commissioners may delegate to the Mayordomo or any officer of the Acequia the responsibility to maintain records on all Water Bank deposits, contact logs, and other information required to achieve the purposes of the Water Bank. These records shall be maintained permanently in the records of the Acequia.

b) Depositing Water Rights

Any person or entity owning a water right on the Acequia may submit a water right deposit to the Water Bank. A deposit is made by completing a deposit form prepared by the Acequia, and giving the form to the Water Bank's designated record keeper. The record keeper may require proof of ownership and extent of the water right being deposited. The record keeper will use the Map and Tract Number of the most recent Hydrographic Survey

or, in the absence of that, the Acequia's traditional identification system to correctly identify the right being deposited. The deposit shall become effective upon signing of the deposit form by a Commissioner or by the Mayordomo.

A deposit will be for one year, renewable annually. At the end of the deposit period, the Acequia shall notify each depositor by written notice or otherwise that the depositor must contact the Acequia if the depositor desires to withdraw his or her water right from the Water Bank, and that if the depositor does not contact the Acequia to withdraw the water right from the Water Bank, the deposit will be deemed to be renewed for another year. Non-response by the depositor to the notice will be deemed to be consent to renewal of the deposit for another year, if the depositor does not otherwise communicate his or her intentions to the Acequia.

c) Water Right Reallocation

Temporary reallocation of water rights from the bank shall be done by the Mayordomo, provided that the Mayordomo will apply traditional, accepted methods of managing the reallocation and provided further that the reallocation must be done without change of purpose of use or point of diversion of the water rights, to augment shortfalls of available water for the existing places of use served by the Acequia. Such reallocations do not require Commission approval.

The water rights may also be reallocated in any other lawful manner that, in the judgment of the Commissioners, will benefit the Acequia, subject to all applicable procedures, rules and laws.

Reallocation of water rights on deposit in any particular year must occur in that year and may not accumulate or carry over to be reallocated in future years.

Section 4: Ditch Dues and Fees

Ditch dues or fees owed the Acequia by a water right owner who has deposited water rights in the Water Bank will continue to be paid by the water right owner.

WATER BANK DEPOSIT FORM

Water Right Owner: _____

Contact Person (If Different): _____

Mailing Address: _____

Phone Number: _____

Acreage of water hereby deposited:

If a hydrographic survey is available, provide the map name, map number, and tract number:

Otherwise, please provide a description of the tract of land and a map if available:

Deposited for the year: _____

Signature of Depositor

Date

Signature of Commissioner or Mayordomo

Date

**FOR ACEQUIA USE ONLY
CONTACT LOG**

For the Year _____

Contacted by: _____ Date: _____ By: ___ Letter ___ Phone

Renewed _____ Not Renewed _____

WATER BANKING CONTACT LOG CONTINUED...

Page _____

For the Year _____

Contacted by: _____ Date: _____ By: ___ Letter ___ Phone

Renewed _____ Not Renewed _____

For the Year _____

Contacted by: _____ Date: _____ By: ___ Letter ___ Phone

Renewed _____ Not Renewed _____

For the Year _____

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For the Year _____

Contacted by: _____ Date: _____ By: ___ Letter ___ Phone

Renewed _____ Not Renewed _____
