

# Acequia Enforcement Procedures

## Taos Valley Acequia Association Fact Sheet\*

NMAA recommends that conflicts within Acequias be resolved to the extent possible by reaching agreements at the local level. However, it may sometimes become necessary for Acequia officials to take certain enforcement actions for the common good and to protect the integrity of the Acequia. To do so, Acequias should clarify their procedures for enforcement of Acequia bylaws, rules and regulations. The following are some proposed guidelines for enforcement:

1. When possible, attempt to resolve conflicts with violators by reaching an agreement through discussion. Keep a record of attempts to reach a resolution.
2. The Mayordomo should issue the first citation as an order to stop the violation.
3. If the violation has not ceased after the first citation, the Mayordomo should issue a second citation with a penalty that corresponds to the violation such as suspension of the right to vote, suspension of the right to use the ditch or a monetary fine.
4. After two citations, the Mayordomo should inform the Commission of the ongoing problem. The Commission may take appropriate legal action or direct the Mayordomo to do so. Depending on the violation, the Commissioners and Mayordomo may involve the District Attorney in prosecution.

The attached sample citation can be used for purposes of enforcement.

### DESCRIPTION OF PENALTIES

- Failure to contribute peones as required by the Mayoromo. Section 73-2-31 NMSA.  
If the parciante fails to provide peones, the Acequia may assess the parciante a certain amount to cover the cost of labor. The right of the violator to vote in elections may be suspended until assessments are brought current. Section 73-3-3 states that only those who are not delinquent in the payment of assessments are eligible to vote. Section 73-2-21 provides that the Mayordomo can collect a civil penalty in Magistrate Court from parciantes who fail to provide workers as required by the Mayordomo.
- Failure to pay assessments as required by the Commissioners. Section 73-2-26 NMSA.  
The right of the violator to vote in elections may be suspended until assessments are brought current. Section 73-3-3 states that only those who are not delinquent in the payment of assessments are eligible to vote. Section 73-2-21 provides that the Mayordomo can collect a civil penalty in Magistrate Court.
- Interference with the easement of the Acequia or access to the easement. Section 73-2-5 NMSA.  
Section 73-2-5 defines the Acequia easement is defined as being adequate for reasonable use, maintenance and improvements. It provides that interference with an Acequia easement or access to the easement is a criminal misdemeanor that can be prosecuted in Magistrate Court by Acequia officials or the District Attorney. The Acequia officials or District Attorney can also seek injunctive relief in District Court.

- Interference with the Acequia. Section 73-2-64 NMSA.  
Section 73-2-64 defines cutting, breaking, stopping, or otherwise interfering with the ditch as a criminal misdemeanor that can be prosecuted in Magistrate Court by Acequia officials or the District Attorney. The Acequia officials or District Attorney can also seek injunctive relief in District Court.
- Illegal use of water from the Acequia. Section 73-2-64 NMSA.  
Section 73-2-64 defines taking water contrary to order of the Mayordomo or Commissioners as a criminal misdemeanor that can be prosecuted in Magistrate Court by Acequia officials or the District Attorney. The Acequia officials or District Attorney can also seek injunctive relief in District Court.

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\*Adapted from a fact sheet provided by the New Mexico Acequia Association

**CITATION FOR VIOLATION OF BYLAWS, RULES AND REGULATIONS OF  
(Acequia Name) \_\_\_\_\_**

Date of Citation: \_\_\_\_\_

Citation Issued To: \_\_\_\_\_

Type of Violation:

- Failure to contribute peones as required by the Mayordomo
- Failure to pay assessments as required by the Commissioners
- Interference with the easement of the Acequia or access to the easement
- Interference with the Acequia
- Illegal use of water from the Acequia
- Other \_\_\_\_\_

Date of Violation \_\_\_\_\_

Description of Violation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PENALTY PER ORDER OF THE COMMISSION:**

- This citation shall serve as an order to stop the violation and a written warning that additional violations are subject to certain penalties, fines and/or prosecution in accordance with law.
- The right to vote in Acequia elections and right to use water from the Acequia is suspended until assessments brought current.
- The violator shall pay a fine of \$ \_\_\_\_\_ to the Acequia for the above described violation.
- The officers of the Acequia shall seek fines, penalties, or injunctive relief in Magistrate Court and/or District Court.
- Other \_\_\_\_\_

On behalf of the Commission of (Acequia Name) \_\_\_\_\_ :

\_\_\_\_\_  
Signature of Mayordomo

\_\_\_\_\_  
Date