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PREAMBLE: The management and the operation of the association The Santa Cruz Ditch is governed by and subject to the laws of the State of New Mexico, specifically Section 73 Article 2 entitled "Ditches or Acequias." The following By- laws are for the purpose of supplementing the water laws of this State of New Mexico and any by-law that is in conflict with the water laws of this State is hereby declared null and void.

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BY-LAW I. PURPOSE

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The purpose of this association shall be to improve and maintain the acequia and to provide the most efficient use and distribution of water.

BY-LAW II. DESCRIPTION OF DITCH

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This ditch, in conjunction with the El Llano ditch, diverts water from the Santa Cruz River. It continues as a single ditch from State Road 291 to Ranchitos. The adjudication suit of 1975 determined a total of 535.4 acres to have water rights served by this ditch.

BY-LAW III. MEMBERSHIP

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Members of this association are those persons who own land with adjudicated water rights under ditch. Their rights, privileges, and obligations shall be in proportion to their number of acres with water rights.

BY-LAW IV. VOTING

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Member's votes at a meeting or an election shall be in proportion to their number of acres with water rights. In the case of joint or common ownership, members with an indivisible water right shall select from among themselves one member who shall cast the entire vote due that right. Only members who are not delinquent in the payment of their ditch assessment may vote. Votes may be cast by written proxy.

BY-LAW V. OFFICERS

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The affairs of the association are under the general control and supervision of three (3) commissioners. Under the direction of the Commissioners, the Mayordomo shall be the Executive Officer in charge of supervising maintenance and repairs to the Acequia, collection of assessments, and water distribution. In the event of a vacancy in the office

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of the Mayordomo, the commissioners shall have the power to appoint a Mayordomo to hold the office until his successor is elected. The same ruling applies in the case of a vacancy of a ditch commissioner.

BY-LAW VI. NOMINATION AND ELECTIONS

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Candidates for Commissioners and Mayordomo shall be nominated at the Biennial Meeting that shall be held at least one (1) week prior to the election. The Biennial meeting, nominations, and election shall be conducted by the Commissioners whose

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terms expire that year. Quorum requirements may be waived. Nominations may be made by any member qualified to vote. Write-in candidates are also permitted at the time of election, but no nominees or write-in candidate shall be accepted who is not qualified to vote. Three (3) Commissioners and a Mayordomo shall be elected on the first Monday in December. Persons receiving the plurality of the votes cast, will be considered officers for the coming year. In the event a Mayordomo is not elected the Commissioners have the power to appoint one.

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BY-LAW VII. ORGANIZATION

Elected officers shall assume office not later than the first Monday of January. The Commissioners shall elect from among themselves a Chairman, Secretary, and a Treasurer. The Treasure and the Mayordomo shall be bonded in a sum to be fixed by the Commissioners.

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BY-LAW VIII. MEETINGS

Notice of the Biennial General Meeting of the Association shall be given at least seven (7) days prior to the meeting. Special general meetings may be called by the Commissioners or upon written petition to the Commission Chairman signed by sufficient members to constitute a quorum. Special general meetings shall receive advance notice of at least three (3) days. All general meetings will be governed by the Rules of Parliamentary Procedure to be specified by the Commissioners at the opening of the meeting. Any member shall be permitted to place an item on the Agenda.

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BY-LAWS IX. QUORUM

Members representing 15 different water rights or 10% of the total irrigable acres, either in person or by written proxy, shall constitute a quorum for the transaction of business at any general meeting of the Association. Quorum requirements may be waived if proper legal notice of the meeting has been placed in the local newspaper prior to the meeting.

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BY-LAWS X. COMPENSATION

Compensation of the Mayordomo shall be determined or altered only at a general meeting of the Association.

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BY-LAWS XI. ASSEESSMENTS

The Commissioners, as soon as practical after assuming office, shall determine the amount necessary for the operation of the Association for the ensuing year shall assess each member according to his water rights. The method and amount of payment shall be figured on the same basis for all members with a minimum charge of one (1) acre. In accordance with a decision made at the general meeting of the Association if the assessment is not made within thirty (30) days of the due date a penalty is to be added; also, interest is to be added on the first of every month thereafter until the bill is paid

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provided the rate as presented at the time of assessment. Responsibility for payment of assessments and penalties lies with the landowner or Lessee whether or not he receives a statement of his account. Assessments must be made whether or not water is used from the Acequia. Members in default of the payment of ditch assessments on October 1 of each year will be subject to a civil action brought by the Commissioners in Magistrate or District Court for the collection of the assessment plus collection costs. Credit for work performed on the Santa Cruz Ditch must be authorized, approved, and received by the Mayordomo.

BY-LAW XII. WATER DISTRIBUTION RIGHTS AND RESPOSIBILITIES

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[The Mayordomo shall be in charge of distribution of water to members based on the general schedule established by the Commissioners and he shall keep an accurate record of is distribution of the water.] Members must request permission from the Mayordomo to use the water. [The available water will be distributed as nearly as practicable in proportion to the lands with water rights owned by each member.] A member, will be denied the use of water until assessments against the water right, past and present are paid. Delivery of water will be deemed to occur at the time the water is diverted at the headgate to the Acequia. [Members using a particular headgate shall be responsible for the maintenance of the headgate. If after a request by the Mayordomo, a headgate is not brought into acceptable repair, the Commissioner may permanently seal the gate or maintain it at the expense of the members who utilize it. Any change in the location or type of a particular headgate or any other alteration of the ditch must be approved by the Commissioners.]

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No person may have or construct any permanent fences or structures on the Acequia's 30-foot right-of-way that limit access along the ditch for the purpose of maintenance, except with the explicit permission of the Commissioners. Failure to respond to the Mayordomo's call to perform work on the Acequia shall be deemed a misdemeanor; upon conviction, the Defendant shall be prosecuted in accordance with the Laws of New Mexico.

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BY-LAW XIII. PENALTIES FOR INTERFERENCE WITH THE ACEQUIA OR ILLEGAL USE OF WATER

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Any person who interferes with the Acequia in any manner or takes water without the permission of the Mayordomo or Commissioners shall be guilty of a misdemeanor and subject to prosecution in accordance with Laws of the State. Any member found by the Mayordomo or Commissioners to be willfully wasting water shall be subject to warning or loss of delivery of water for the remainder of the year. Any member who fails to pay his assessments and used water without permission of the Mayordomo or Commissioners will result in a headgate being locked or lateral gates being sealed to insure that no water will be diverted and a fine being imposed in accordance with New Mexico State Law 73-2-25 (... "Any person who continues to take or use any water after having been given notice of failure or refusal to do his work or pay the amount assessed against him in lieu of the work shall pay a civil penalty for the benefit of the ditch or Acequia of not less

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than One Hundred Dollars (\$100.00) nor more than Two Hundred (\$200.00).” It shall be the duty of the officers of the Association to impose any penalties authorized by law and/or bring civil action before the Magistrate Court for any and all violations of the Laws of the State relating to the Acequia and/or the By-Laws.

BY-LAW XIV. TRANSFER OF TITLE, WATER RIGHTS, OR PLACE OR METHOD OF USE

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S7 { It is the responsibility of the new owner who has purchased water rights to report such transaction promptly to the Acequia Treasurer for the record books. Delinquencies must be fully paid before the new owner may be entitled to the use of the water. It is also the responsibility of any member who has transferred, sold, or changed place or method of use of water rights to report such transactions promptly to the Acequia Treasurer. This does not relieve the owner of the responsibility of legally recording such changes with the State Engineer.

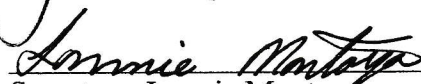
BY-LAW XV. CHANGE OF BY-LAWS

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S1 { These By-Laws may be amended, modified, or augmented at any general meeting or at any meeting of the Commissioner so advertised for that purpose. These By-Laws supersede any existing or previously adopted By-Laws for this Acequia. A printed copy shall be furnished to any water right owner, if requested.

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S7 { BY-LAW XVI. ANY MEMBER OR OFFICE HOLDER REMOVED FROM OFFICE FOR ANY REASON THRU COURT JUDGEMENT SHALL BE INELIGIBLE TO HOLD ANY OFFICE ON THE ACEQUIA FOR A PERIOD OF THREE (3) TERMS...

Adopted as amended by the 2002 Santa Cruz Ditch Commissioners:


Chairman, Joseph Merhege


Secretary, Lonnie Montoya


Treasurer, Mel Martinez


Mayordomo, Emilio Randall