SENATE JOINT MEMORIAL 59

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Carlos R. Cisneros

A JOINT MEMORIAL

REQUESTING THE ATTORNEY GENERAL AND THE STATE ENGINEER TO INVESTIGATE THE DECEMBER 2003 ELECTION FOR EL LLANO ACEQUIA ELECTION OF COMMISSIONERS.

WHEREAS, Section 73-2-14 NMSA 1978 provides that voters in elections for acequia or community ditch officers must have water rights on the acequia or community ditch; and

WHEREAS, El Llano acequia commission election of officers was held in December 2003, and members of the acequia have raised questions regarding the conduct of that election, asserting that officers were elected who were ineligible pursuant to Section 73-2-14 NMSA 1978; and

WHEREAS, the proper and fair allocation of water from acequias and ditches is the responsibility of the officers of those political subdivisions; and



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WHEREAS, Chapter 72, Article 2 NMSA 1978 provides for the authority of the state engineer, including the "general supervision of waters of the state and of the measurement, appropriation, distribution thereof . . ."; and

WHEREAS, during the current drought, it is imperative that New Mexico's scarce water supply be lawfully distributed and all laws relating to water be scrupulously administered and enforced;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the attorney general and the state engineer be requested to investigate El Llano acequia commission election of December 2003 and to ensure the correct administration of Section 73-2-14 NMSA 1978 and all other laws regarding acequia and community ditch elections and the administration of water rights; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the attorney general and the state engineer.



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