

AN ACT

RELATING TO IRRIGATION DISTRICTS; ALLOWING IRRIGATION DISTRICTS ORGANIZED PURSUANT TO CHAPTER 73, ARTICLE 10 NMSA 1978 THAT HAVE THREE-MEMBER BOARDS TO INCREASE THE NUMBER OF BOARD MEMBERS TO FIVE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-10-5 NMSA 1978 (being Laws 1919, Chapter 20, Section 5) is amended to read:

"73-10-5. BOUNDARIES SET BY PETITION--DIVISIONS--
ELECTION CALL--OFFICERS.--

A. When the petition is presented and it appears that the notice of the presentation of the petition has been given as required by law and that the petition has been signed by the requisite number of petitioners as required by Chapter 73, Articles 10 and 11 NMSA 1978, the commissioners shall proceed to define the boundaries of the proposed district from the petition and from the application for the exclusion of lands from it and the inclusion of lands in it as may be made in accordance with the intent of those articles. The commissioners may adjourn the examination from time to time, not exceeding three weeks, and shall by final order duly entered define and establish the boundaries of the proposed district. The board shall not modify the proposed boundaries described in the petition to change the objects of the

petition or to exempt from the provisions of those articles any land within the boundaries proposed by the petition susceptible to irrigation by the same system of water works applicable to other lands in the proposed district; nor shall any land that will not, in the judgment of the board, be benefited by such proposed water system be included in the district if the owner or entryman of the land shall make application at the hearing to withdraw it. The contiguous lands not included in the proposed district as described in the petition may upon application of the owner be included in the district upon the hearing, in the event that it shall be determined that the water supply for the additional lands is available and that in other respects it is feasible for the lands of the petitioners to be included within the district.

B. When the boundaries of any proposed district have been examined and defined, the county commissioners shall make an order allowing the prayer of the petition, defining and establishing the boundaries and designating the name of the proposed district. The commissioners shall, by further order duly entered upon their record, call an election of the qualified electors of the district to be held for the purpose of determining whether the district shall be organized under the provisions of Chapter 73, Articles 10 and 11 NMSA 1978 and by the order shall submit the names of one or more persons from each of the divisions of the district provided by those

articles to be voted for as directors. For the purpose of the election, the commissioners shall divide the district into divisions, in number as hereinafter designated, as nearly equal in size as may be practical and shall provide that one qualified elector of each of the divisions shall be elected as a member of the board of directors of the district by the qualified electors of the whole district. The board of county commissioners shall establish and define a convenient number of election precincts and designate polling places, subject to amendment by the board of directors for subsequent elections. Three judges shall be appointed for each of the precincts, one of whom shall act as clerk of the election. In the hearing of any such petition, the board of county commissioners shall disregard any informality in it and in case the commissioners deny it or dismiss it for any reason on account of the provisions of Chapter 73, Articles 10 and 11 NMSA 1978 not having been complied with, which are the only reasons upon which they shall have a right to refuse or dismiss the petition, they shall state their reasons in writing in detail, which shall be entered upon their records. In case these reasons are not well founded, a writ of mandamus shall, upon proper application for it, issue out of the district court of the county, compelling them to act in compliance with Chapter 73, Articles 10 and 11 NMSA 1978, which writ shall be heard within twenty days from the date of its issuance.

C. The officers of the district shall consist of the directors, a secretary and a treasurer. The directors and divisions of irrigation districts shall be in number, for districts having an irrigable area of twenty-five thousand acres or less, three; for districts having an irrigable area of more than twenty-five thousand acres and not more than fifty thousand acres, five; for districts having an irrigable area of more than fifty thousand acres and less than seventy-five thousand acres, seven; and for districts having an irrigable area of seventy-five thousand acres or more, nine directors and divisions; provided that the directors of a district having an irrigable area of twenty-five thousand acres or less may by majority vote increase the number of directors and divisions of the district to five."