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SENATE BILL 178

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MICHAEL S. SANCHEZ

FOR THE INTEGRATED WATER AND RESOURCE PLANNING COMMITTEE

AN ACT

RELATING TO WATER; AMENDING SECTION 73-2-41 NMSA 1978 (BEING LAWS 1860-1861, P. 24, SECTION 2, AS AMENDED).

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

Section 1. Section 73-2-41 NMSA 1978 (being Laws 1860-1861, p. 24, Section 2, as amended) is amended to read:

"73-2-41. RIGHTS IN GOVERNMENT OF DITCH--DIVISION OF WATER. -- ~~[SEC. 116. The different communities of Indians residing within the state of New Mexico shall be subject to render their services in working the acequias, within the limits of their respective reservations in which they may have a common interest with the citizens who live within their respective reservations, and they shall enjoy at the same time the same benefit and rights of commercial traffic; provided that said Indians shall have no right to participate in the nominations~~

Underscored material = new
[bracketed material] = delete

1 ~~and election of acequia overseers or acequia or water~~
2 ~~commissioners in any ditch, whether within or without their~~
3 ~~reservations, except in acequias constructed entirely by~~
4 ~~themselves, unless they have paid their proportionate share of~~
5 ~~the whole cost of the construction of such acequia and unless~~
6 ~~the lands sought to be voted by said Indians have been duly~~
7 ~~returned for taxation in accordance with law and state and~~
8 ~~county taxes paid thereon.]~~ In all cases in which citizens
9 living within the limits of [such] communities or pueblos of
10 Indians [shall] have acquired water rights by purchase of land
11 from [said] the Indians, the distribution of [such] the water
12 between the Indians and the [said] citizens shall be agreed
13 upon, based upon the customs heretofore practiced and recognized
14 between the [said] Indians and [said] the citizens, by and
15 between the governor of the community or pueblo and the
16 commissioners of [such] acequias in which the [said] citizens
17 may have acquired any [such] rights [and]. The governors of
18 [such] communities or pueblos of Indians and the [said] river or
19 acequia commissioners shall also regulate the amount and manner
20 of work to be done by the Indians and citizens in all [such]
21 acequias in which [all] the citizens and Indians have water
22 rights in accordance with such customs. "

23 - 2 -

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 4, 1997
6

7 Mr. President:
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9 Your CONSERVATION COMMITTEE, to whom has been referred
10

11 SENATE BILL 178
12

13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that
15

16 SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
17 SENATE BILL 178
18

19 DO PASS, and thence referred to the INDIAN AND CULTURAL
20 AFFAIRS COMMITTEE.
21

22 Respectfully submitted,
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Michael S. Sanchez, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: None

Excused: Griego, Macias

Absent: None

S0178C01

Underscored material = new
[bracketed material] = delete

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 178

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO WATER; AMENDING SECTION 73-2-41 NMSA 1978 (BEING
LAWS 1860-1861, P. 24, SECTION 2, AS AMENDED).

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

Section 1. Section 73-2-41 NMSA 1978 (being Laws 1860-1861,
p. 24, Section 2, as amended) is amended to read:

"73-2-41. INDIANS--RIGHTS AND DUTIES. -- [~~SEC. 116.~~] The
different [~~communities of~~] Indians residing within the state [~~of
New Mexico~~] shall be subject to render [~~their~~] the same services
as non-Indians in working the acequias, within the limits of
their respective reservations in which they may have a common
interest with the [~~citizens~~] non-Indians who live [~~within~~]
outside their respective reservations, and they shall enjoy at
the same time the same benefit and rights of commercial traffic;
provided that [~~said~~] the Indians shall have no right to

.117751.1

1 participate in the nominations and election of acequia
2 [~~overseers~~] mayordomos or superintendents or acequia or water
3 commissioners in any ditch, whether within or without their
4 reservations, except in acequias constructed entirely by
5 themselves, unless they have paid their proportionate share of
6 the whole cost of the construction of such acequia and unless
7 the lands sought to be voted by [~~said~~] the Indians have been
8 duly returned for taxation in accordance with law and state and
9 county taxes paid thereon. In all cases in which [~~citizens~~]
10 non-Indians living [~~within the limits of such communities or~~
11 ~~pueblos of Indians shall~~] outside the reservation have acquired
12 water rights by purchase of land from [~~said~~] the Indians, the
13 distribution of [~~such~~] the water between the Indians and the
14 [~~said citizens~~] non-Indians shall be agreed upon, based upon the
15 customs heretofore practiced and recognized between the [~~said~~]
16 Indians and [~~said citizens~~] the non-Indians, by and between the
17 governor of the Indian community or pueblo and the commissioners
18 of such acequias in which the [~~said citizens~~] non-Indians may
19 have acquired any such rights and, the governors of such
20 [~~communities or pueblos of~~] Indians and the [~~said river or~~]
21 acequia commissioners shall also regulate the amount and manner
22 of work to be done by the Indians and [~~citizens~~] non-Indians in
23 all such acequias in which all have water rights in accordance
24 with such customs. "

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 13, 1997

Mr. President:

Your INDIAN & CULTURAL AFFAIRS COMMITTEE, to whom has
been referred

SENATE CONSERVATION SUBSTITUTE FOR
SENATE BILL 178

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

John Pinto, Chairman

SCONC/SB 178

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Carraro, Davis, Kysar, Rawson

Absent: None

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Underscored material = new
[bracketed material] = delete

**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 178

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SCONC/SB 178

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Foy, Luna, Rios, Sanchez, Vaughn

Absent: None

M \S0178

Underscored material = new
[bracketed material] = delete