ARTICLE 2A
Acequia and Community Ditch Fund

Section
73-2A-1 Short title.
73-2A-2 Purpose of act.
73-2A-3 Fund created.


This act [73-2A-1 to 73-2A-3 NMSA 1978] may be cited as the "Acequia and Community Ditch Fund Act".


The purpose of the Acequia and Community Ditch Fund Act [73-2A-1 NMSA 1978] is to provide financial assistance to acequias and community ditch systems to develop hydrological studies, acquire technical and legal research and other information and services necessary to conserve and protect water for New Mexico's future through the adjudication of water rights.


73-2A-3. Fund created.

A. An "acequia and community ditch fund" is created in the state treasury, to be expended upon order of the director of the New Mexico department of agriculture to carry out the purposes of contracting with acequia and ditch associations constituting a majority of acequias or ditches within an adjudication suit or a separately administered portion of an adjudication suit to provide assistance to acequias and community ditch associations in the adjudication process, including historical studies, economic impact reports, expert witness fees, legal fees and other technical services related to the adjudication process.

B. Money in the acequia and community ditch fund may be used to enter into agreements for grants-in-aid to satisfy costs and expenses incurred by acequias and community ditch associations. The amount of funding provided to acequia and ditch associations in any given year shall be determined by a simple majority of a committee consisting of the director of the New Mexico department of agriculture, the chairman of the interstate stream commission and a third person who will be elected from within the New Mexico acequia commission. The committee shall consider financial need, progress of the adjudication and the trial schedule; however, the committee is not limited to these factors in awarding grant agreements. No more than one-fourth of the money allocated from the acequia and community ditch fund shall be
allocated to one acequia association provided, however, that at least the eight most qualified applicant associations may be considered to receive money that is in the fund and available for any given fiscal year. The committee shall consider the state engineer's report on the eligibility and priority of applicants for funds. Disbursement of the fund shall be made upon a warrant drawn by the secretary of finance and administration transferring money in the fund to the New Mexico department of agriculture for expenditure pursuant to vouchers signed by the director or his representative. Balances in the fund at the end of any fiscal year shall not revert to the general fund and may be expended to carry out the purposes of the Acequia and Community Ditch Fund Act [73-2A-1 NMSA 1978].


The 1989 amendment, effective April 7, 1989, deleted the former last sentence, which read "Any interest accruing to the acequia and community ditch fund shall be credited to the fund".

The 1991 amendment, effective June 14, 1991, designated the formerly undesignated provisions as Subsections A and B; in Subsection A, inserted "or a separately administered portion of an adjudication suit" and substituted "ditch associations" for "ditches"; and added the first, second and final sentences in Subsection B.

The 1993 amendment, effective March 31, 1993, substituted "director of the department of agriculture" for "secretary of finance and administration" in Subsection A and rewrote Subsection B to the extent that a detailed comparison is impracticable.

The 1994 amendment, effective May 18, 1994, substituted "transferring money in the fund to the New Mexico department of agriculture for expenditure pursuant to vouchers signed by the director or his representative" for "pursuant to vouchers signed by the director of the department of agriculture or his authorized representative" in the next-to-last sentence of Subsection B, and made stylistic changes in Subsections A and B.