



# **PROPOSED BY-LAW CHANGES**

**Article 6. Section: 2**

**Article 7. Section: 1, 2, 3**

**Article 8. Section: 2, 3**

# Article 6. Rights and Obligations of Parciantes

## Section 2: Assessments

All parciantes shall pay assessments as required by the Commission. All monies assessed by the Acequia de La Puebla are due upon receipt of the Treasurer's statement. These assessments become delinquent ~~thirty (30) days~~ 45 days following the date of receipt of the billing. All delinquent accounts ~~not paid by June 15<sup>th</sup> of each year~~ will pay a penalty of 10% per year. The Acequia de La Puebla Commission (3) and the Mayordomo shall, by the rules and regulations of the Acequia de La Puebla, be exempt from the ~~ditch~~ acequia cleaning fees.

*Section 73-2-26 gives the Mayordomo authority to file a court action to collect delinquent assessments.*

# Article 7. Easements

## Section 1: ~~Definition of Easement~~

### Description of Easement and Prohibitions

Each parciante recognizes that the Acequia de La Puebla, including all of its laterals and sluices/desagues and the sluice/desague drainage channels possess a historical permanent easement for the purpose of inspection, maintenance, operations and improvements. No parciante may build within the easement or otherwise obstruct or limit access to this easement. The scope of the easement is defined as follows: The easement is as wide as necessary for maintenance, use and improvements.

*Acequia easements are described in 73-2-5. State law does not define a set number of feet but states that the easement is as wide as necessary for maintenance, use and improvements. Easement rights and right of access to the easement are at Sections 72-8-3 and 73-2-5.*

# Article 7. Easements

## Section 2: Use Maintenance of Easement

Each Acequia de La Puebla ~~parciante~~ ~~agrees~~ ~~that it must be~~ shall ensure that it is possible to walk the full length of the ditch along its banks. freely and safely use the acequia easement within his or her property.

~~Therefore,~~ For instance, if a fence or other ~~obstruction~~ barrier crosses the ~~ditch~~ acequia or the easement, ~~there must be a~~ the barrier shall provide an accessible gate or crossover.

# Article 7. Easements

## Section 3: Access to Easement

Acequia de La Puebla has the right to use the historic and customary routes or points of access to the ditch across acequia within parciantes' and non-parciantes' property and other such routes or points of access as may be necessary to afford convenient access to the ~~ditch~~ acequia for inspection, maintenance, operations and improvements.

## Article 8. Enforcement

### Section 2: Illegal Use of Water or Acequia Interference

Any person who, contrary to an order of the Mayordomo or Commission, interferes with the Acequia de La Puebla, its laterals, sluices/desagues, and the sluice/desague drainage channels, in any manner, or takes or uses acequia water without permission of the Mayordomo or Commission commits a criminal misdemeanor and may be prosecuted in accordance with the laws of New Mexico. A civil and/or criminal action may also be pursued against the violator.

*Acequias have several remedies for these infractions, including criminal prosecution, obtaining an injunction, and a civil penalty of up to \$5000. (Section 73-2-64 & 73-2-5). The District Attorney may assist the acequia.*

## Article 8. Enforcement

### Section 3: Violation of Easement Rights

Any person who interferes with the Acequia de La Puebla easement, its laterals, sluices/desagues, and the sluice/desague drainage channels, or prevents access to the easement commits a criminal misdemeanor and may be prosecuted in accordance with the laws of New Mexico. A civil and/or criminal action may also be pursued against the violator.

~~*The penalties for violation of easement rights are the same as those described in the previous paragraph. (Section 73-2-5)*~~

Acequias have several remedies for these infractions including criminal misdemeanor prosecution, obtaining an injunction, and a civil penalty up to \$5000.00 (Sections 73-2-64 & 73-2-5). The District Attorney may assist the acequia.