

**Tularosa
Community Ditch
or
Acequia**

BY - LAWS

BY-LAWS

of the

TULAROSA COMMUNITY DITCH

ARTICLE I.

Section 1. (Name). The Tularosa Community Ditch, or Acequia, shall be known in its corporate capacity as "The Tularosa Community Ditch".

Section 2. The Owners of the 157 Water Rights and the 196 Town Lots (entitled to water) the owners of the said Ditch and the waters supplying the same, are designated "shareholders" in the said Corporation.

ARTICLE II.

Section 1. (Shareholders). A regular meeting of the shareholders shall be held on the 1st Monday of December annually for the election of Officers of the said Corporation and for transaction of any other business that may properly come before the said meeting. No notice of the said annual meeting shall be required.

by proxy in writing. Shareholders shall be entitled to one vote for each share standing in his name, except that Town Lot owners shall only be entitled to one-fourth vote for each lot so entitled to water. Where a share is held by more than one person, each holder is entitled to a vote in proportion to his interest in the said share.

Section 4. No Shareholder shall be

entitled to a vote or participate in any meeting unless his share appear of record 24 hours prior to hour set for same.

Section 5. At the regular annual election and at all Special Shareholders meetings, no votes shall be received or counted from any Shareholder sixty days in arrears; and it shall be the duty of the Commissioners to examine the Secretary's record before receiving any vote to see if the same is entitled to be counted.

ARTICLE III.

Section 1. (Officers). The Officers of

Section 2. (Special Meetings). Special meeting of the Shareholders may be called by the President of chairman, by a majority of the Commissioners or by a majority of the Shareholders. The notice of the time, place and object of the said meeting may be mailed to each Shareholder of record at his last known address at least 15 days before the said meeting, or by the Commissioners giving notice thereof for 30 days prior to the said meeting by posting up six hand bills in English and Spanish in six public places within the area of the said ditch, giving the time, place and object of the meeting. Such meeting shall be conducted for the purpose called in the same manner as the regular meeting.

Section 3. (Shareholders Voting). At a Shareholders meeting a majority of the shares, as appears on the Secretary's Record, must be represented in person or

the said Corporation shall consist of 3 Commissioners and 1 Mayordomo or Superintendent, each of whom shall be a shareholder. They shall be elected annually on the 1st Monday of December, and hold office till their successors are elected and qualified.

Section 2. (Resignation). In case of resignation, death or removal of a Commissioner, the remaining Commissioners may supply the vacancy, or call a special meeting of Shareholders to fill such vacancy. In case of a vacancy in the office of Mayordomo the position shall be filled by Commissioners till regular election. In case of a vacancy of two or more of the Commissioners then a special election shall be called and held to fill such vacancy.

Section 3. That at all elections for Officers of this Corporation vote must be taken by ballot, each Shareholder be entitled to a vote as set forth in Sec. 3 of Article II hereof, and a majority shall be

necessary to a choice.

ARTICLE IV.

Section 1. The Commissioners and Mayordomo shall assume the duties of their office not later than the first Monday of January following their election. On or before the 1st Monday of January, as aforesaid, said Commissioners shall organize, by election of one of their number as chairman or president, another as Secretary and another as Treasurer. They shall have power to appoint such minor officers as they deem necessary, and fix term of office and compensation.

Section 2. The Treasurer and Mayordomo shall each give bond in the sum of \$500.00 to the State of New Mexico, conditioned as provided by law.

Section 3. Commissioner's meeting may be held at any time upon three days notice, either verbal or written, by any two of the

Commissioners or by the president, or where all the Commissioners concur by signing proceedings of the meeting. Two Commissioners shall constitute a quorum for the transaction of any business before the board.

ARTICLE V.

Section 1. The Corporate powers, business and property of the said Corporation shall be exercised, controlled and managed by the said Commissioners.

Section 2. The Commissioners shall assess fatigue work of all shareholders in the said Community ditch, and shall have power to contract and be contracted with and also to make all necessary assessments to provide funds for the payment of Mayordomo and other legitimate expenses incident to the proper conduct and maintenance of the ditches under their charge, and also to make contracts for obtaining water for irrigation purposes in connection with their ditches, such

contracts to be ratified by a vote of a majority of the Shareholders, and shall have general charge and control of all affairs pertaining to the same, together with the power to receive money in lieu of fatigue work at a price to be fixed by them.

Section 3. It shall be their duty to protect and preserve the waters, and rights of the shareholders, and the ditches from the source to place of use, and to increase the water supply, as far as practicable and expedient. They shall institute and prosecute all suits and actions at law or in equity that may be necessary to preserve and protect the waters of the said Ditch, or the ditches of this Corporation; and to defend all suits and actions that may be instituted against the said Corporation in any manner affecting the interests or the rights thereof.

Section 4. That they may employ counsel

when they deem necessary for the protection of the rights of this Corporation and its Shareholders. That all money necessary to meet the expenses of litigation, attorneys fees, etc., shall be assessed against the Shareholders according to the interest of each, and on default of payment by such Shareholders within ten days after notice is served on them to pay, the waters of each shall be shut off till such payments are made. And in addition there-to suit shall be brought against such Shareholders in default.

Section 5. They shall provide by-laws rules and regulations not in conflict with the laws of this State for the government of the said Ditch and this corporation, and a printed copy thereof shall be furnished to each of the Shareholders.

ARTICLE VI.

Section 1. The Mayordomo shall, under

the direction of the Commissioners, be the executive officer of the said ditch and have the superintendence of all work thereon and the distribution of the waters thereof, with the collection of fines, if any, and of the amounts to be paid in lieu of fatigue work, and shall perform such others duties in connection with the said ditch as may be prescribed by the rules and regulations of the same or as may be directed by the Commissioners. He shall not contract, or create, any indebtedness without authority from the Commissioners.

Section 2. The Treasurer shall make reports to the Commissioners of all money received, expended and how expended, and on hand as such treasurer and fully account for all money or other property coming into his hands to the Commissioners and perform such other duties as are prescribed by law.

Section 3. The secretary shall keep an

accurate record of the proceedings of the Commissioners, and other business of the said Corporation, in books and records provided for that purpose, and perform such other duties as are prescribed by law.

Section 4. The Mayordomo shall receive such pay as shall be agreed upon by him and the Commissioners. That all employees shall be paid such amounts as shall be fixed by the Commissioners.

ARTICLE VII.

(Contracts). All Contracts, bonds, agreements and other writings obligatory on this Corporation or its Shareholders with reference thereto shall be signed by the president and counter-signed by the Secretary.

(Checks, etc.) All checks, drafts and orders for the payment of money, and all notes and acceptances shall be signed by the president and the Treasurer, and all

orders for payment of money by the Mayordomo shall be in writing signed by him.

ARTICLE VIII.

Section 1. (Transfer of Shares). All transfer of Shares shall be reported to the Secretary and by him recorded in the Book kept for that purpose, and the said records shall be the official record of the ownership of the said Shares in the said Tularosa Community Ditch, and be the

authority governing the commissioners in determining the right of voters, and also the authority of the Mayordomo and the Commissioners in the distribution of the waters to the several parties entitled to the use of the same, the fatigue work to be done on the Ditch and the assessments to be made against the Shareholders or owners as provided for herein.

ARTICLE IX.

Section 1. (Amendments). These By-Laws

may be repealed, altered, amended, added to or suspended by a majority vote of the Board of Commissioners at any regular meeting thereof; or by the Shareholders at any regular meeting, or at a special meeting called as provided for herein.

Section 2. When any amendments or new By-Laws are adopted, they shall be entered of record by the Secretary in the Corporations Book of By-Laws, but shall not take effect till the next regular meeting of the Commissioners. Such amendment, alteration or repeal shall state which article and section has been amended or repealed.

ARTICLE X.

(Repeal). All By-Laws and parts of By-Laws in conflict here-with, be, and the same are hereby repealed.

THE TULAROSA COMMUNITY DITCH RULES

Rule 1. All work of whatever character necessary to be done on the said community

ditch shall be done by the respective owners of the water thereof in the proportion owned by each. The commissioners shall assess fatigue work of all of the said parties owning water rights in the said community ditch in the said proportion and lieu of work and amount to be paid by each owner, based upon the cost of an able bodied laborer to do such work.

Rule 2. Every owner or tenant of irrigable lands irrigated by any of such waters of the said ditch shall be compelled to hold at all times during the operation of said ditch the number of laborers to them assigned by the Mayordomo or the commissioners at the disposal and order of the respective Mayor-domo or his assistants.

Rule 3. No person who has, after due notice, failed or refused to do his work or pay the amount assessed against him in lieu of said work upon said ditch, shall be

allowed to take or use any water from the same or any lateral thereof, while in default of such payment or failure to do such work continues.

Rule 4. The said community ditch following the state law shall be considered as one ditch only and is described as follows: commencing at the diversion dam on Tularosa Canyon and thence to the intersection of First and E street in the town of Tularosa thence west on E street to 3rd street thence south on 3rd to F street thence west on F street to 8th street. Also beginning at the intersection of 1st and E street thence north on 1st street to A street thence west on A street to 8th street in said town, also beginning at said intersection of 1st and E street thence running south on 1st street to H street thence west on H street to 8th street, also beginning at the intersection of 3rd and E street thence running west on E street to 7th street.

Rule 5. There shall be a general annual cleaning and repair of the said community ditch beginning on the first Monday of April of each year and continuing until the same is completed, without interruption or delay. The Mayor and director shall be general supervisor and director of the said ditch and all questions pertaining to the same, subject, however, to the control of the commissioners.

Rule 6. All diversion gates from the main Tularosa community ditch shall be constructed by the several parties taking water from the same at their own expense of lumber of suitable size or concrete, the length and width and general construction to be under the supervision of the Mayor. All such gates constructed contrary to the foregoing regulation or maintained in violation thereof shall, upon ten days notice to such owner maintaining the same or his agent be removed by the owner within the said time and if such

notice is not complied with then the mayordomo shall have the same done at the expense of such owner so maintaining the same, and such expense shall be charged to and assessed against the owner or party taking the water from the said main ditch by means of the said diversion gate.

Rule 7. It shall be prohibited to elect or appoint as mayordomo of the said Acequia any person who is exempt by law from paying poll taxes.

Rule 8. It shall be prohibited for any mayordomo of the said Acequia to take on shares, care for or rent or lease any lands, lots or alfalfa fields under irrigation within the ditches for which they are mayordomos, during the time that they are said mayordomos, besides those lands actually belonging to them as their own property or that of their wives.

Rule 9. All bridges, gates, culverts,

etc., on the said ditch shall be constructed at the cost of the respective owners of the said waters and be kept in proper repair by the said mayordomo under the general supervision of the commissioners.

Rule 10. All sub-ditches or laterals shall be supplied with gates, bridges, culverts, etc., by the water right owner or lot owner using the said water in the said ditch and be kept in repair at his expense. The mayordomo shall cut off water from any ditch or lateral which shall have gates, bridges, culverts, etc., which are not in good repair and shall not turn water into the said ditch until such repairs have been properly made.

Rule 11. The main community ditch as heretofore described shall be kept in repair by labor furnished by the respective shareholders in the said waters. The Mayordomo shall give all the owners or shareholders

at least two days notice when labor is required and also the number of men needed, the place and nature of said work. Said owner or shareholder thus notified shall have the required labor on the ground at the proper time and place. That upon failure of any such owner to furnish the labor when duly notified, the mayordomo shall have such labor performed and the expenses of the same charged to the owner in default. The mayordomo shall collect the amount of such expenses from the said owner or shareholder and if the same is not paid when presented by the mayordomo he shall not permit the owner in default to use any of the water of the said ditch until payment in full is made. In furnishing labor on the said ditch each owner or shareholder must furnish able bodied men of suitable age to do the work.

Rule 12. The mayordomo shall keep an accurate record in a suitable book furnished

him for that purpose by the commissioners, of all labor furnished, number of men, by whom furnished, the time of work and also the place and such other data as the commissioners may require.

Rule 13. Regular dues payable to the Mayordomo for his salary, one-half shall be due on the first day of July and one-half shall be due December 31 of each year. That on failure to pay by the said dates the mayordomo shall cut off the water of such delinquent and not allow the same to be used by him until such payment is made. There shall be assessed for the purpose of paying the salary of the Mayordomo and for other incidental expenses of the said ditch the sum of \$1.00 upon each town lot within the town of Tularosa and the sum of \$2.50 upon each water right, payable at the time above set forth. That in default of the payment of the said amounts or the amount in lieu

of fatigue labor or the amount for payment of bridges, culverts or gates on the main ditch or the amount due for any other expense so levied by the commissioners. the mayordomo shall cut off the water of the party in default and refuse to allow him the use of the same until the said amounts are fully paid. That if the mayordomo shall knowingly allow any such delinquent to use the water when in default the said amount shall be deducted from the salary of the Mayordomo by the commissioners.

Rule 14. Water shall be furnished to the lot owners in the town of Tularosa for their gardens and orchards once every two weeks.

Rule 15. That the constituent members of the Tularosa community ditch shall have the use for domestic purposes out of said ditch the amount of water as follows: One irrigation head consisting of a stream of water not less than three feet wide and two inches

deep, the distribution of which to be made by the mayordomo under the supervision of the commissioners.

Rule 16. All the constituent members of the said community ditch shall use every effort to avoid waste of the said water and whenever it comes to the knowledge of the mayordomo that any parties are not complying with this rule and conforming to the provisions of the state law with reference to waste of water then he shall at once cut off the water from such parties and take such action as he may deem proper to prosecute the said party for the waste of such water.

AMENDMENT TO THE BYLAWS OF THE TULAROSA COMMUNITY DITCH

In accordance with the New Mexico Statutes governing the election of the officers of community ditches or acequias and other constitutional considerations the commissioners of the Tularosa Community Ditch hereby adopt the following amendment and repeal of current bylaws now in effect.

ARTICLE III (Section 1 Officers). The current section providing for annual election of officers, is replaced and amended as follows. The officers of the said corporation shall consist of three commissioners and one mayor domo or superintendent, each of whom shall be a share holder. They shall be elected biennially on the first Monday of December of the odd numbered years and shall hold office until their successors are elected and qualified.

ARTICLE X Rule No. 7 Prohibiting the Election or Appointment of a Mayor Domo any person who is exempt by law from paying poll taxes, is deleted and repealed in its entirety.

Done this 6 day of DEC, 1993.

Charles J. Vigil
President

Harold Bookout
Secretary

Karen Leon
~~Treasurer~~ VICE-PRESIDENT

Reuben H. Morris
Mayor Domo