

**AMENDED AND RESTATED BYLAWS OF
LAS ACEQUIAS OF THE COMMUNITY OF PLACITAS**

These Bylaws are the official bylaws of Las Acequias of the Community of Placitas. They shall supersede any existing of previously adopted bylaws for this acequia.

ARTICLE I

Name, Location, and Purpose or Organization

The name of this community ditch shall be Las Acequias of the Community of Placitas, known hereinafter as "Las Acequias." The principal place of business of Las Acequias is the Village of Placitas, Sandoval County, New Mexico. The purpose of this organization is to service as the governing body that manages and operates the activities of Las Acequias. These activities include, but are not limited to, the allocation and distribution of water for irrigation, livestock watering, domestic use; the maintenance of physical facilities of the acequia and its structures; the maintenance of the community domestic water system and its structures; the promotion of the beneficial use of water; and all other activities prescribed by law.

The Declaration of Ownership of Water Right of the Placitas Community Ditch, Declaration Number 0949, of the residents of Placitas, Sandoval County, New Mexico was filed with the Office of the State Engineer on May 10, 1942. This declaration allows for the beneficial use of water from nine (9) springs on 212 acres of land.

ARTICLE II

Fiscal Year

The fiscal year of Las Acequias shall begin the first day of January of each year and end December 31st of each year.

ARTICLE III

Definitions

1. Acequias (ditches). Acequias are the ditches excavated on the surface of the earth (lined or unlined) along with all reservoirs, diversions, gates and water sources. Acequias are political subdivisions of the State of New Mexico and are bodies corporate, with the power to sue and to be sued. The principal purpose of the acequia is to allocate and distribute water for the agricultural portion of the members' water rights. Las Acequias is responsible for the maintenance of those acequias indicated on the map attached to our 1942 declaration of water rights. That map has been reproduced as Appendix A.
2. Community Domestic Water System. The community domestic water system is the public water system, as defined by the Safe Drinking Water Act, used to allocate and distribute water for domestic use. Las Acequias is responsible for the distribution piping as designated by the map of the community domestic water system in Appendix B.
3. Commission. The Commission is the executive body of Las Acequias and functions as its board of directors.

4. Mayordomo. The Mayordomo functions as the chief officer or superintendent of the acequia. The Mayordomo is principally in charge of allocating and distributing the water, and also directs all the work that is performed on the ditch and its structures. The Mayordomo shall be elected biennially by the general membership and works under the direction of the Commission.
5. System Operator. The System Operator functions as the chief officer of the domestic water system. The System Operator shall be certified by the State of New Mexico to operate public water systems, shall be responsible for compliance with all federal and state laws pertaining to public drinking water systems, and also shall direct all work that is performed on the domestic water system and its structures. The System Operator shall be appointed or hired by the Commission and shall work under the direction of the Commission.

ARTICLE IV Membership

- Section 1. Requirements for Membership. The requirement for membership of Las Acequias shall be ownership of land, or lands, entitled to irrigation from the acequias as evidenced by the certain Declaration of Ownership of Water Right No. 0949, filed in the Office of the State Engineer on May 13, 1942, or his or her heirs or assigns. Members are the common owners of the acequias, the community domestic water system, and all pertinent structures
- Section 2. Application for Memberships and/or Acequia or Domestic Use. Any person or persons who qualify under Article IV, Section 1, must apply in writing to the Commission to become members of Las Acequias. Acceptance of membership in Las Acequias shall be approved by a majority of the Commission of Las Acequias.
- Section 3. Registration of Membership. The Secretary of the Commission shall keep a current register of all names and mailing addresses of the members of Las Acequias. In the case of a change in a member's mailing address, the member shall notify the Secretary immediately. Changes of ownership of land or water rights shall be given to the Secretary in writing. It shall be the Secretary's responsibility to enter said changes in the register. Transfers of individual memberships upon sale of qualifying property shall be accepted upon the receipt of a transfer fee and approval by a majority of the Commission of Las Acequias.
- Section 4. Duties and Responsibilities of the Members. The duties and responsibilities of the members are those associated with volunteer membership in any political organization that exists for the common good of its members. Some specific duties and responsibilities of the members include, but are not limited to:
- A. Elect Commissioners. It is the duty and responsibility of the members of Las Acequias to elect Commissioners.
 - B. Serve as Commissioners. Any member in good standing of Las Acequias can serve as a Commissioner if called upon by fellow members.
 - C. Apply for connections and changes to the acequias and domestic water system. It is the duty and responsibility of the members of Las Acequias to apply to the Commission for any and all new connections and/or changes to existing acequias, domestic water system piping, or their structures.

- D. Maintain piping connected to community domestic water system. All members shall maintain in good repair all portions of their individual domestic water system piping that connects their structures to the community domestic water system.
- E. All members shall refrain from using the acequias as rainwater drains for their property, for the discharge of any type of effluent or as an avenue for the dumping of liquid of any kind.
- F. All members shall use the community water conservatively. Conservative use prohibits swimming pools and washing cars. Members shall follow all water conservation restrictions implemented by the Commission during droughts.
- G. Members have the right and the responsibility to bring to the Commission any concerns related to Las Acequias.

Section 5. Member Privileges. All members in good standing of Las Acequias shall enjoy similar privileges. A member in good standing is a member who has paid all fees and assessments, has provided all required labor as defined in the Rules and Regulations, and has adhered to all Bylaws, Rules and Regulations. Some of these privileges include, but are not limited to:

- A. Connection to the domestic water system and to the acequias.
- B. Available water for irrigation, livestock watering and domestic water use.
- C. Vote on matters that concern the acequias and the domestic water system.
- D. Be considered to serve on the Commission.

Section 6. Termination of Membership. Membership in Las Acequias will terminate automatically when a landowner no longer owns the land entitled to irrigation by said ditches.

ARTICLE V Commission

Section 1. Commission. The executive body of Las Acequias shall consist of three Commissioners who shall be members in good standing. The Commissioners shall be elected biennially by a majority of the members of Las Acequias present at the meeting called for that purpose.

Section 2. Nominations. The nominations for the Commissioners shall be at a meeting held during the first week of October of each odd-numbered year. Nominations shall be agreed to by the majority of the members present.

Section 3. Elections. Elections shall be held on the first Monday of December of each odd-numbered year. Only those members who are good standing (paid current on all fees and assessments) shall be entitled to vote, but votes may be cast by written proxy. Written proxies must be received by the Secretary at least three (3) days prior to the election. Each member is entitled to one vote only, regardless of the amount of ditch water rights or memberships that the member owns. The new Commissioners, being qualified ten (10) days after the election, shall take charge of their duties the first day of January. The new Commissioners shall organize themselves and elect one member as President, one as Secretary and one as Treasurer. Two (2) Commissioners shall constitute a majority to transact any business in all matters.

Section 4. Duties, Powers and Responsibilities of the Commission. The duties, powers and responsibilities of the Commission include, but are no limited to, the following:

- A. The Commission has general control and supervision over the business affairs of Las Acequias in any manner not prohibited by law or these Bylaws.
- B. The Commission has the power to contract on behalf of Las Acequias.
- C. The Commission shall act as representatives of Las Acequias in all civil cases for or against Las Acequias.
- D. The Commission shall provide a year-end report to the members at the annual meeting.
- E. The Commission shall oversee the work of the Mayordomo and the System Operator.

Section 5. Duties, Powers and Responsibilities of the Officers. The duties, powers and responsibilities of the Officers of the Commission include, but are not limited to, the following:

- A. President. The President of the Commission shall preside at all meetings of the membership and the Commission. The President shall coordinate the Commission's conduct and supervision of the affairs of Las Acequias and shall perform such additional duties as may be assigned by the Commission.
- B. Secretary. The Secretary of the Commission shall attend all meetings and shall record or cause to be recorded all meetings of the membership and all meetings of the Commission. The Secretary shall have a register of all minutes of all meetings of Las Acequias and the Commission, and shall attend to all given and required notices. The Secretary shall have a register of all action taken by the Commission. The Secretary also shall have a register of all members of Las Acequias.
- C. Treasurer. The Treasurer shall be responsible for all funds of Las Acequias and shall maintain a proper record of all receipts and disbursements of Las Acequias. The Treasurer shall be bonded in a sum fixed by the Commission. The Treasurer shall give a complete report of the financial condition of Las Acequias annually or when requested by the Commission. The Treasurer shall have the right to pay monies only when bank drafts are signed by two Commissioners.

Section 5. Vacancies. Any vacancy in the Commission or chairmanship by reason of death, resignation or disqualification for any other reason shall be filled by appointment by the remaining Commissioners until the next annual meeting of the membership is held.

Section 6. Compensation. Commissioners shall receive as compensation for said services during their term of office, the exemption from all base assessments. Commissioners shall be reimbursed for actual expenses while performing duties related to Las Acequias.

Section 7. Removal from Office. Commissioners may be removed from office as provided by law.

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ARTICLE VI
Mayordomo

- Section 1. Duties, Powers and Responsibilities of Mayordomo. The Mayordomo shall perform all the duties assigned by Las Acequias Bylaws, and also shall perform all the duties assigned by the Commission. Such duties include, but are not limited to, the following:
- A. Acequia Cleaning and Maintenance. The Mayordomo shall direct the cleaning and maintenance of the acequias, including the headgates, culverts, and other structures which are a part of the acequias for which Las Acequias assumes responsibility.
 - B. Distribution of the Water. The Mayordomo shall be responsible for the distribution and allocation of the water of the acequia. The Mayordomo shall be responsible for making schedules for irrigation and distributing the schedules to all irrigators. Las Acequias consists of one (1) main ditch which irrigates 212 acres of land as shown on the maps filed with the Office of the State Engineer (Appendix A).
 - C. Reporting to the Commission. The Mayordomo shall prepare and present written reports to the Commission regarding all members' use of the acequias, all money received and still owed to Las Acequias, and on all other activities and actions performed as requested by the Commission. These reports shall be presented whenever requested by the Commission, but no less than twice a year on the first Monday in March and the last Monday in September. All lists of irrigators compiled by the Mayordomo shall be reconciled with the Secretary before presentation to the Commission.
- Section 2. Bond. The Mayordomo shall be bonded in a sum fixed by the Commission. The conditions of the bond shall be for the accounting of all money handled by the Mayordomo.
- Section 3. Restrictions. The Mayordomo is prohibited from taking on shares, caring for, renting or leasing any lands under irrigation by Las Acequias while serving as Mayordomo, aside from those lands that belong to the Mayordomo or the Mayordomo's spouse.
- Section 4. Vacancy. In the event of a vacancy of the Mayordomo, the Commission of Las Acequias shall have the right to appoint another Mayordomo. The appointee shall have the power to execute the office until the official Mayordomo can be named, elected and qualified as herein provided, or as otherwise provided by law.
- Section 5. Compensation of Mayordomo. The Mayordomo shall receive for services an amount determined by the majority of the members at the annual meeting when the Mayordomo is elected. The amount set at that meeting will be the amount paid annually to the Mayordomo for the two-year term that the Mayordomo serves. The Mayordomo will receive his/her compensation on a quarterly basis, and will be paid for work performed during the previous quarter. Every household must pay the fee set at the annual meeting, including rental property. In the case of rental property, it is the landlord's responsibility to pay the annual fee.
- Section 6. Removal of Mayordomo. The Mayordomo may be removed from office as provided by law. In the case of termination, the Mayordomo's compensation will be prorated.

ARTICLE VII
Meetings of the Commission

Commission meetings will be conducted according to state law. All meetings will be conducted according to Robert's Rules of Order. A Sergeant at Arms shall be appointed by the Commission.

ARTICLE VIII
Meetings of the Membership

- Section 1. Annual Meeting and Notification. The annual meeting of the membership of Las Acequias shall be held during the first week of December of each year. Notice of the annual meeting shall be mailed to each member at the address of record at least ten (10) days in advance of the meeting. The notice shall include the date, time and location of the meeting.
- Section 2. Special Meetings and Notification. Special meetings of the members of Las Acequias may be called at any time by the President of the Commission, by a majority of the Commissioners, or by resolution of the Commissioners upon receipt of a written petition to the President of the Commission signed by ten percent (10%) of the members in good standing of Las Acequias. No business shall be transacted at the special meeting except as is specified in the notice for the special meeting. Notices of special meetings shall be mailed to each member at the address of record at least ten (10) days in advance of the meeting. Notices also shall be posted in five (5) public places including the Village Post Office (so long as that Post Office remains in the Village), at least ten (10) days prior to the meeting. The notice shall include the date, time, location, and purpose of the meeting. The notice shall be signed by the President or two Commissioners.
- Section 3. Continued Meetings. Meetings, special or otherwise, may be continued by the majority of the members present at such meetings. All meetings will be conducted according to Robert's Rules of Order. A Sergeant at Arms shall be appointed by the Commission.
- Section 4. Voting Rights. Only members in good standing of Las Acequias shall have the right to vote. In any meeting, members may vote or they may vote by written proxy, provided that the Secretary has received the written proxy at least three (3) days prior to the meeting. Exceptions may be made in case of emergencies. Each member will be entitled to one vote only. In case of dual ownership (for example, husband-wife or parent-child), only one member may vote.
- Section 5. Proxy Voting. All proxies shall be in writing with the signature of the owners of the water rights who offer the vote. All proxies shall be delivered to the Secretary at least three (3) days prior to the meeting where the votes are to be cast. The Secretary will be responsible for inspection and verification of all written proxies.

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Section 6. Quorum. Six percent (6%) of the total membership of Las Acequias will constitute a quorum at any member meeting for the transaction of business. If no quorum is determined, another meeting will be held within thirty (30) days. At that meeting, the members present will constitute a quorum for the transaction of business. The arrangement for such a meeting will follow Article VIII, Section 2 above of these Bylaws.

ARTICLE IX Management and Operations

Section 1. Water Distribution and Allocation.

- A. Acequias. Water distribution and allocation of the acequia on a day-to-day basis is the responsibility of the Mayordomo.
- B. Domestic Water System. Water distribution and operation of the community domestic water system on a day-to-day basis are the responsibility of the System Operator.

Section 2. Assessments.

- A. Acequias. The Commission has the right to assess all members for both labor and money for the maintenance and operation of the acequias and their structures. The Commission sets the policies for fatigue work or tasks of all members in the acequia, and regulates the price to be paid in lieu of fatigue work, as well as setting any additional assessments required by the acequia. In addition, all members must provide labor, or money in lieu of labor, for cleaning and maintaining the acequias and its structures on the designated communal cleaning days and when deemed necessary from time-to-time by the Commission. All irrigators must be current on all assessments. A person, who after notice, remains delinquent on his/her assessment, or who has failed to pay assessments, or who has refused to do the work shall not be entitled to take or use any water.
- B. Domestic Water. The Commission has the right to assess all members for both labor and money for the maintenance and operation of the community domestic water system. The Commission sets the policies regarding fatigue work or tasks of all members in the community domestic water system, and regulates the price to be paid in lieu of fatigue work, as well as setting any additional assessments required by the community domestic water system. Any member may provide labor in lieu of money assessments for maintaining the community domestic water system and its structures, provided that this arrangement has been approved by the Commission. All domestic water users must be current on all assessments. A person, who after notice, remains delinquent on his/her assessment, or who has failed to pay assessments, or who has refused to do the work shall not be entitled to take or use any water.

Section 3. Emergency. When an emergency exists, the Commission shall have the power to levy money or labor for the construction, maintenance or repair of the acequias, the community domestic water system, or for any other purpose prescribed by law.

Section 4. Special Assessments. Any special assessments made by the Commission to raise money or for labor shall be declared to members within ten (10) days after having levied such assessments, whether for money, labor or both. The Commission shall send a notice by mail to each member or person being assessed, stating the date of the assessment in money and/or labor, the sum to be paid, and the reason for the assessment.

Section 5. Delinquencies. All monetary assessments shall be delinquent ten (10) days after they are due.

Section 6. Interest Rate. All monetary assessments shall carry an annual interest rate of ten percent (10%) from the date of the delinquency until they are paid.

Section 7. Penalties. The Commission has the right to determine penalties applied to delinquent members. Such penalties include, but are not limited to:

- A. Denial of Service. The Commission may order the closing of any irrigation gate to stop the use of irrigation water, or may order the closing of any valve to stop the use of domestic water while the member is delinquent. If the member opens the gate or reconnects the valve, legal action will be taken.
- B. Collection of Money. The Commission may order property liens filed and civil action taken. In the event such actions are taken, the delinquent member shall be liable for all costs, as well as any attorney fees incurred.

Section 8. Interference.

- A. Acequias. All persons, whether or not they are members, are prohibited from cutting or breaking any banks or any portion of part of the acequia or its structures. Any interference with the acequias or with the performance of the Mayordomo's duties is strictly prohibited by the laws of the State of New Mexico.
- B. Domestic Water System. All persons, whether or not they are members, are prohibited from making any changes to or making any additional connections to the member's primary connection to the community domestic water system, or from making any connections or extensions to the community domestic water system. Any interference with the performance of the System Operator's duties is prohibited by the laws of the State of New Mexico.

Section 9. Changes and Connections.

- A. Acequias. Disturbing the traditional and historical course of the acequias is prohibited under the laws of the State of New Mexico.
- B. Domestic Water System. Changes to existing domestic water system piping or its structures shall be by written application only, presented to the Commission at a regularly scheduled Commission meeting or meeting of the general membership, and must be approved by a majority of the Commission.
- C. Each dwelling shall have a separate connection to the domestic water system.

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Section 10. Illegal Water Use. All persons, whether or not they are members, are prohibited from withdrawing water from the acequias or community domestic water system, through any and all means, without the express consent of and as supervised by the Mayordomo or the System Operator, under penalty of federal and state laws. The community domestic water system is for domestic use and livestock watering. All other uses of domestic water are prohibited.

Section 11. Notification. All proper authorities and agencies must be notified of any and all future work involving the acequias and/or the domestic water system.

**ARTICLE X
Amendments**

These Bylaws can be amended by the Commission of Las Acequias, for and with the consent of the members, but the consent must be given by the majority of the total members present of Las Acequias at any annual or special meeting, and a quorum of the membership, as defined under Article XIII Section 6, must be present at that meeting.

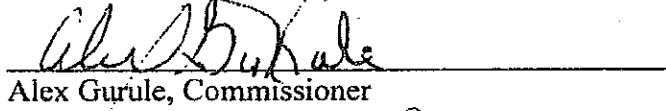
**ARTICLE XI
Appendices**

- Appendix A. Map of the Acequias
- Appendix B. Map of the Domestic Water System

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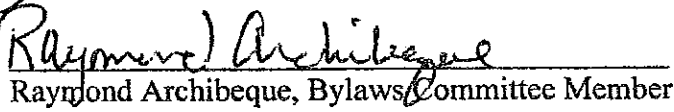
We, the undersigned Commissioners of Las Acequias of the Community of Placitas, an Association existing under the laws of the State of New Mexico, hereby certify that the above is a true and correct copy of the Bylaws, together with all the amendments thereto, as of this 24th day of April, 2003, which were duly adopted on April 23, 2003.


Wayne Sandoval, Commissioner

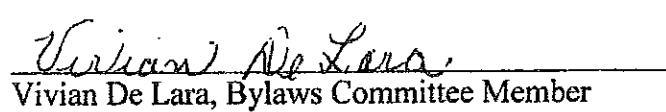

Alex Gurule, Commissioner


Charles E. De Lara, Commissioner


James Unale, Mayordomo

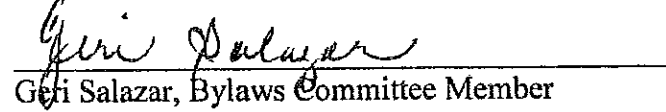

Raymond Archibeque, Bylaws Committee Member


Don Clark, Bylaws Committee Member


Vivian De Lara, Bylaws Committee Member


Wesley Davis, Bylaws Committee Member


Stormie Parham, Bylaws Committee Member


Geji Salazar, Bylaws Committee Member

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*Signed before me on this 16th day of
May, 2003 by Wayne Sandoval.*

(Seal)

Kate Jildea, notary public.

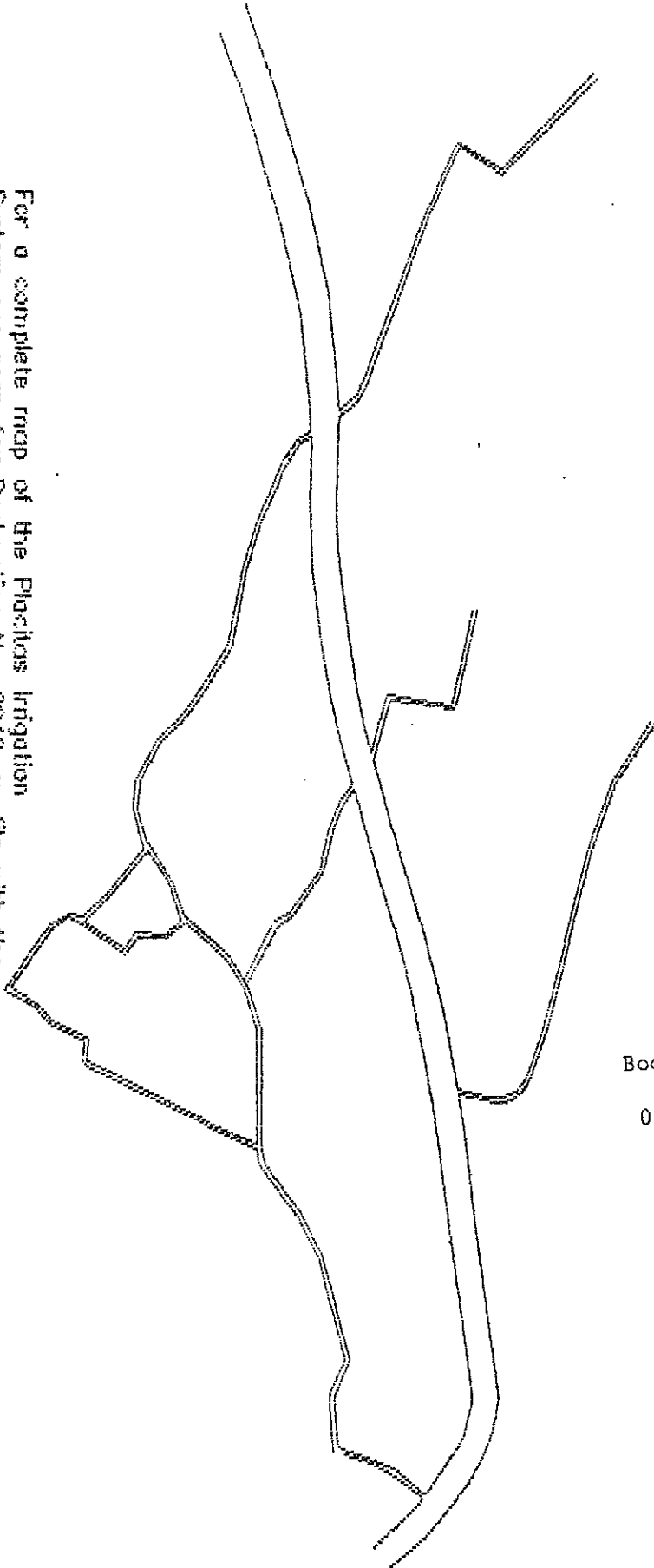
My commission expires 24 DEC 06.

Filed with the Sandoval County Clerk's Office

APPENDIX A
MAP OF THE ACEQUIAS

COMMUNITY ACEQUIA SYSTEM

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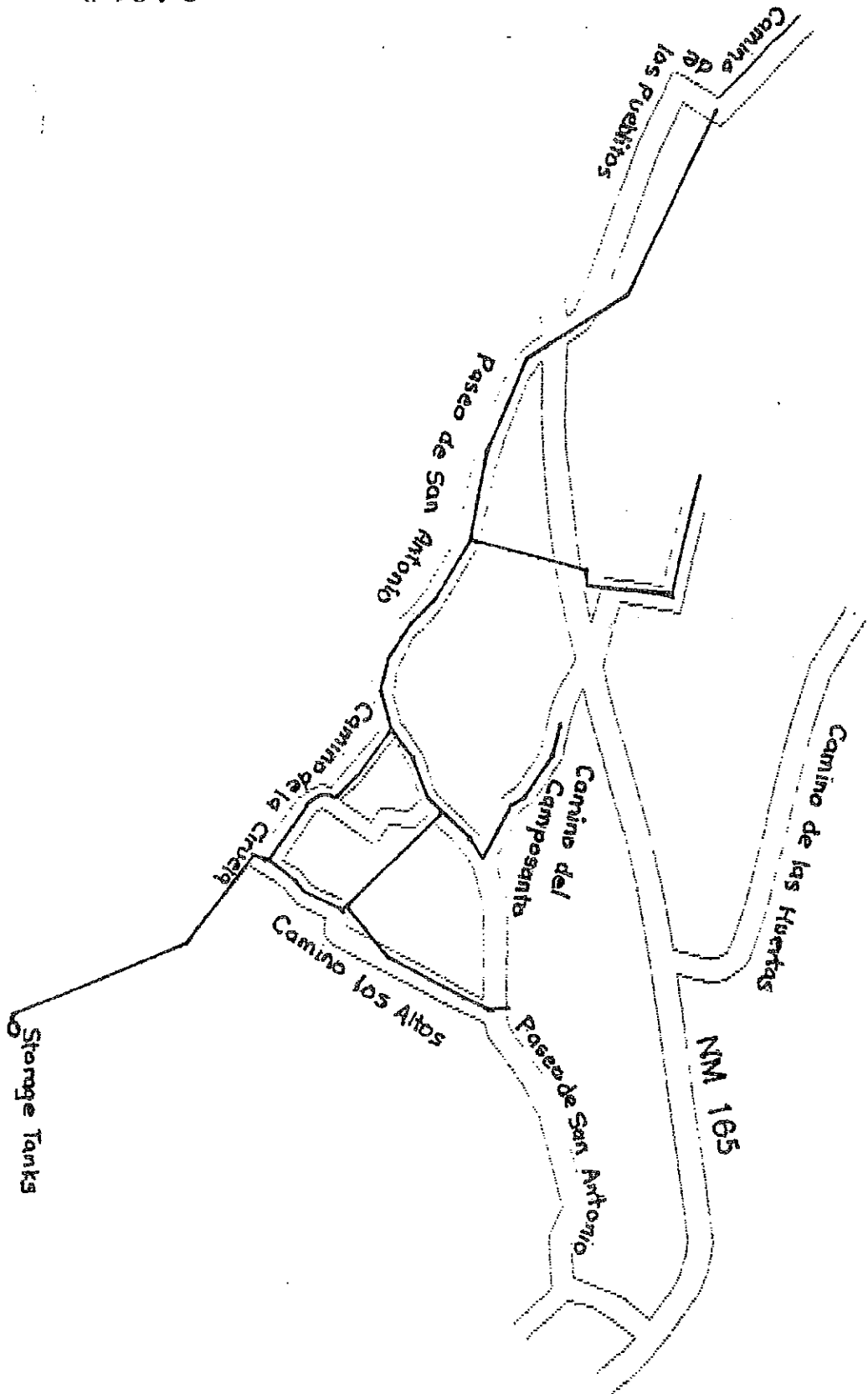


For a complete map of the Pecos Irrigation System see map for Declaration No. 0949 on file with the Office of the State Engineer.

APPENDIX B

MAP OF THE DOMESTIC WATER SYSTEM

Community Domestic Water System Piping



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