

Watershed Districts Supplement

WATERSHED DISTRICTS

The [Watershed District Act, Chapter 73, Article 20, Sections 1-25 of the NM Statutes Annotated \(NMSA\)](#) is contained in [Chapter 12 of NMDA's Soil and Water Conservation District Operations Handbook](#). Make it a habit to check for updates to the NM Statutes before relying solely on these documents. Included here is a brief description and summary of the Watershed District Act.

The **purpose** of the Watershed District Act [[73-20-1 NMSA 1978](#)] is to secure the federal assistance provided in Public Law 566 for New Mexico in its program to further the conservation, development, utilization, flood prevention and disposal of water, and thereby preserve and protect New Mexico's land and water resources.



Actions to Form a Watershed District:

- **Watershed districts may** be formed as **sub-districts** of soil and water conservation districts in a watershed area.
- Land area embraced in districts must be contiguous and must lie within a well-defined watershed area or sub-watershed areas.
- To form a watershed district, a petition must be submitted providing all pertinent details. Subject land may lie within more than one SWCD.
- Petition must be presented to a board of supervisors and notice published with a hearing to be held to determine practicality and feasibility.
- A referendum must be held with a majority of the votes cast favoring the creation of a watershed district.
- When a watershed district is first created, a five-member Board of Directors is elected to serve staggered terms. Two members serve two years, two members serve three years, and the fifth member serves three years. Thereafter, each director serves four years. The Local Election Act is not applicable for Watershed District Board elections until 2023. Beginning in 2023 such elections shall be held in accordance with the Local Election Act.

Authority: Subject to the approval of the board of supervisors, the board of directors of a watershed district has powers which are enumerated in detail in the Watershed District Act.

Bonds [\[73-20-14 2003\]](#); Loans repayments [\[73-20-15 1986\]](#)

In the event a Watershed District wishes to pursue the issuance of bonds, it should follow the guidelines stipulated in this state statute Section 782-20-14. The Watershed District may borrow money from the United States Department of Agriculture or any other federal agency if the loan can be repaid according to its terms by use of the levy authorized by Section 73-20-17 NMSA 1978 and the board of supervisors has so determined.

Per Diem and Mileage [\[73-20-16\]](#)

Members of the board of directors shall receive no salaries, but the members shall be entitled to be reimbursed in accordance with the provisions of the Per Diem and Mileage Act [\[10-8-1 to 10-8-8 NMSA 1978\]](#).

Budgets; Tax Levy; Limitation; Assessment Lists; Collection of Assessment

Within the first quarter of each calendar year, the board of directors shall prepare an itemized budget of the fund needed for the administration, construction, operation and maintenance of works of improvement. After approval of the budget by the board of supervisors, the board of directors may take action as specified in 73-20-17 (2003). The board of directors prepares a list of the landowners within the defined boundaries of the watershed district in each county involved showing the number of acres subject to assessment and deliver it to the county assessor of the county involved. The county assessor shall indicate the information on the tax rolls and compute the assessment due the district from each landowner in accordance with rates stipulated. The county treasurer shall collect the assessment due to the district at the same time and in the same manner in which he collects the state and county ad valorem tax. The county treasurer is entitled to retain a fee for collections of the assessment.

OPERATION AND MAINTENANCE (O&M) OF CONSTRUCTED PROJECTS [Dams.pdf](#)

Operation and Maintenance Plans or Manuals are to be prepared by the **responsible Sponsors** of completed PL-566 Watershed Projects. The Watershed Project Plans that are developed for projects installed under PL-566 require sponsors to be responsible for the operation and maintenance of completed projects. When a soil and water conservation district is responsible for the operation and maintenance, the SWCD must comply with the O&M plan developed for the project. Normal actions required by the O&M Plan include:

- Routine monitoring of completed structures
- Annual inspections of the completed structures
- Special inspections following significant events such as floods, earthquakes, severe storms, vandalism, or other significant events

Formal inspections every five years conducted under the guidance of a professional, certified engineer in New Mexico and qualified in the design and construction of dams. A copy of special and formal inspections should be provided to the NM State Engineer's Office.

A photographic and written record of inspections and maintenance and repair activities should be recorded in an operating log maintained by the sponsoring organization. A record should be kept to document repairs and corrective actions taken for noted deficiencies.

An **Emergency Action Plan** is also needed to identify potential emergency conditions at the dam for significant events and to specify preplanned actions to be followed to minimize property damage and loss of life.

Discontinuance of Districts and Supervision
by Courts [73-20-23 2003]

At any time after five years from the organization of a watershed district, a petition may be filed with the board of supervisors and the board of directors requesting the existence of the district be discontinued. A hearing may be held followed by a referendum. If any supervising soil and water conservation district is discontinued, the district court of the county or counties involved shall serve in the same supervising capacity over the watershed district as the board of supervisors.

