

Opinion No. 56-6362

January 19, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Dave Martin, State Representative, San Juan County, Bloomfield, New Mexico

You have asked the opinion of this office as to whether an Irrigation District organized under the General Law pertaining to Irrigation Districts, may issue bonds to enlarge and better its existing system and to construct and operate a reservoir and pipeline to furnish irrigation and domestic water to El Paso Natural Gas Company and the Town of Bloomfield, New Mexico.

Irrigation Districts since 1919 have had, under the authority of what is now compiled as Section 75-22-15, N.M.S.A., 1953 Compilation, the authority to issue general obligation bonds. If the purposes above mentioned are within the basic purposes for which an Irrigation District is organized, then there would be no question but what such bonds might be issued under that law. A reading of Article 22 of Chapter 75 of the 1953 Compilation, relating to Irrigation Districts, raises some question in our minds as to whether the Legislature at that time contemplated that bonds should be issued by Irrigation Districts for functions other than irrigation. That is to say, we wonder whether the Legislature contemplated the issuance of bonds by Irrigation Districts for the purpose of supplying domestic and industrial water.

We do not find it necessary to decide that question by virtue of Section 75-34-27, N.M.S.A., 1953 Compilation, Pocket Supplement, being Section 19 of Chapter 266 of the Laws of 1955. This section is too lengthy to quote, but provides authority for the construction of almost any type of work which might be of benefit to the conservation of water in the State of New Mexico. While it was primarily designed for use in conjunction with Federal Aid Funds it is not limited to that purpose; this section provides broad authority for the issuance of bonds by Irrigation Districts and other like organizations. It is our opinion that an Irrigation District, under the authority of this Act, may issue its General Obligation Bonds to finance the construction of facilities to supply domestic and industrial water as well as irrigation water for its members.

By: Walter R. Kegel

Assistant Attorney General