

Opinion No. 57-65

April 3, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Hilario Rubio, Assistant Attorney General

TO: Walter K. Kegel, District Attorney, First Judicial District, County Court House, Santa Fe, New Mexico

QUESTIONS

QUESTIONS

Does office of district attorney have any duty, obligation or authority to advise ditch commissioners and mayordomos as to their legal rights and responsibilities?

CONCLUSION

No.

OPINION

ANALYSIS

I fail to find any obligation of the district attorney to advise ditch commissioners and mayordomos under "Duties of District Attorneys" § 17-1-11, N.M.S.A., 1953 Comp., or under Article 6, § 24, New Mexico State Constitution under the heading "District Attorneys, Qualification, Term and Duties"; neither do I find any such statutory duties imposed by the Legislature under Article 14, "Ditches or Acequias," § 75-14-1 to § 75-14-61, inclusive, N.M.S.A., 1953 Comp.

Under the constitutional provision supra, and also under the "Duties of the District Attorneys" § 17-1-11, N.M.S.A., 1953 Comp., you are specifically authorized to advise county and state officers, but ditch commissioners and mayordomos are neither county nor state officers.

In the case of *Candelario v. Vallejos*, 13 N.M. 146, the Supreme Court held that community ditches are involuntary quasi corporations, public in nature and use.

In view of the hereinabove cited authorities, it is the opinion of this office that the office of district attorney has no duty, obligation, or authority to advise ditch commissioners and mayordomos as to their legal rights and responsibilities.