

Opinion No. 60-245

December 30, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Robert H. Sprecher Assistant District Attorney Fifth Judicial District Roswell, New Mexico

QUESTION

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May the name of Pecos Valley Artesian Conservancy District be changed?

CONCLUSION

No.

OPINION

{*671} **ANALYSIS**

You have requested our opinion on certain questions relating to the possible change in name by the Pecos Valley Artesian Conservancy District but in view of our conclusion to the first question, it is unnecessary to discuss the others.

Pecos Valley Artesian Conservancy District, we are advised, was created in 1931 by court order pursuant to the appropriate statutes now codified as Sections 75-13-1, et seq., N.M.S.A., 1953 Comp. The court's order designated the name of the district as the "Pecos Valley Artesian Conservancy District". The above question is raised because of the language of Sec. 75-13-11, N.M.S.A., 1953 Comp., wherein it provides in part as follows:

". . . the court shall, by order, . . . declare the district organized and give it a corporate name, by which, in all proceedings, it shall thereafter be known, . . ."

We find no authority within the article relating to Artesian Conservancy Districts wherein a change of name is authorized. However, we do find language as follows:

"Upon declaring the district organized, the same shall be a political subdivision of the State of New Mexico, and a body corporate. . ." Section 75-13-11, supra.

Thus, it becomes obvious that the conservancy district is a political subdivision of the state and has only such powers as are specifically permitted it.

Therefore, in view of the lack of authority permitting the change of name and since the statute provides that it shall thereafter be known under the name ordered by the court, it is our conclusion that the district may not, after becoming organized, change its name.

By: Thomas O. Olson

First Assistant Attorney General