

**MCKENZIE V. BOARD OF COUNTY COMM'RS, 1955-NMSC-068, 59 N.M. 481, 286
P.2d 596 (S. Ct. 1955)**

**Blevins McKENZIE, The Arch Hurley Conservancy District, a
Corporation, Charles E. Bowen, and Murph Eager,
Plaintiffs-Appellants
vs.
BOARD OF COUNTY COMMISSIONERS OF QUAY COUNTY, New Mexico,
Defendant-Appellee**

No. 5988

SUPREME COURT OF NEW MEXICO

1955-NMSC-068, 59 N.M. 481, 286 P.2d 596

August 08, 1955

Action by Conservancy District against Board of County Commissioners to determine whether conservancy districts, for purpose of election of board of directors, should be divided into five or six election precincts. The District Court, Quay County, J. V. Gallegos, D.J., entered judgment adverse to Conservancy District, and it appealed. The Supreme Court held that it was true intent of legislature that conservancy districts be governed by board consisting of five members and that word "three" was intended to be used instead of word "four" appearing in section two of Laws 1955, chapter 281.

COUNSEL

Briscoe & Hart, Tucumcari, for appellants.

Victor C. Breen, Tucumcari, for appellee.

JUDGES

Compton, C.J., and Lujan, Sadler, McGhee and Kiker, JJ., concur.

AUTHOR: PER CURIAM

OPINION

{*481} {1} The question presented on appeal is whether conservancy districts as contemplated by Chapter 281, Laws 1955, for the purpose of election of a Board of Directors, shall be divided into five or six election precincts.

{2} Considering the act as a whole, we are of the opinion that it was the true intent of the legislature that such conservancy districts be governed by a board consisting of five {482} members and that the word "three" was intended to be used instead of the word "four" appearing in section 2 of said act. Compare Janney v. Fullroe, Inc., 47 N.M. 423, 144 P. 2d 145; Asplund v. Alarid, 29 N.M. 129, 219 P. 796; Town of Clayton v. Colorado & S. Ry. Co., 10 Cir., 51 F.2d 977, 82 A.L.R. 417.

{3} Accordingly, the judgement will be affirmed, and it is so ordered.