

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 19

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE STATE ENGINEER TO NEGOTIATE, INVESTIGATE AND
CORRECT ERRORS AND OMISSIONS.

WHEREAS, the office of the state engineer has the
responsibility to complete the adjudication of all water
rights in New Mexico; and

WHEREAS, agriculture, ranching and domestic water use
are vital to the culture, history, social structure and
economy of the state and its rural communities; and

WHEREAS, a water right is private property and integral
to the value, use of land and its maintenance of the social,
cultural and economic stability of New Mexico's communities;
and

WHEREAS, it is in the best interests of the public
welfare and individual citizens of the state that the
adjudication of individual water rights be completed in an
expeditious and fair manner and be as accurate and free from

underscoring material = new
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1 mistakes as possible; and

2 WHEREAS, the acequias and community ditches represent
3 their individual members, and these associations have a
4 vested interest in correcting errors and omissions in the
5 water rights of their members; and

6 WHEREAS, it is in the best interests of the state, its
7 citizens and judicial economy for the office of the state
8 engineer and acequias and community ditches to discuss and
9 implement methods to resolve disputes or conflicts over
10 claims of errors and omissions in the adjudication of water
11 rights through negotiation; and

12 WHEREAS, there is the recognition of the adjudication
13 courts' jurisdiction over the errors and omissions process;
14 and

15 WHEREAS, it is not desirable to reopen and re-litigate
16 every subfile for which an accepted offer of judgment has
17 been filed or a court order entered, or that is set forth in
18 partial final decree; however, it is appropriate to do so
19 where errors and omissions are identified by acequia
20 associations or individuals; and

21 WHEREAS, the office of the state engineer recently hired
22 an acequia liaison to assist negotiation of errors and
23 omissions and the local government division of the department
24 of finance and administration recently initiated a process
25 with acequia associations to identify errors and omissions
and to cooperate with the office of the state engineer to
resolve errors and omissions.

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1 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
2 STATE OF NEW MEXICO that the office of the state engineer be
3 requested to increase efforts to make its officers and
4 employees available for out-of-court negotiation,
5 investigation and correction of errors and omissions in the
6 adjudication of water rights; and

7 BE IT FURTHER RESOLVED that in the event that, after
8 good-faith negotiations among the parities, there are still
9 unresolved errors and omissions that have been identified by
10 acequias and community ditches, the office of the state
11 engineer will not oppose the rights of acequias and acequia
12 associations to have those errors and omissions heard on
13 their merits before the appropriate courts; and

14 BE IT FURTHER RESOLVED that the office of the state
15 engineer be requested to work with acequias and community
16 ditches to develop and implement measures to resolve errors
17 and omissions and bring closure and finality to the
18 adjudications in New Mexico; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the office of the state engineer.