

1 A MEMORIAL

2 REQUESTING THE STATE ENGINEER AND THE JUDICIARY TO UTILIZE  
3 MULTIPLE SOURCES OF DATA FOR SERVICE OR MAILING LISTS IN  
4 WATER RIGHTS ADJUDICATIONS AND REQUESTING THE STATE ENGINEER  
5 TO MAKE REASONABLE EFFORTS TO LOCATE WATER RIGHTS OWNERS WHEN  
6 MAIL IS RETURNED AS UNDELIVERABLE.

7  
8 WHEREAS, water is so scarce in New Mexico that water  
9 rights are given special constitutional protection in Article  
10 16 of the constitution of New Mexico; and

11 WHEREAS, the constitution of the United States and the  
12 constitution of New Mexico guarantee the right to due process  
13 of law; and

14 WHEREAS, due process applies to all proceedings that  
15 affect water rights; and

16 WHEREAS, water rights owners must be given proper notice  
17 of proceedings affecting their rights; and

18 WHEREAS, to ascertain the names and addresses of current  
19 water rights owners, it is necessary to consult multiple  
20 sources of data, including records of the state engineer,  
21 real property records kept by the county clerk, tax records  
22 kept by the county assessor, records kept by acequias and  
23 community ditches and hydrographic surveys;

24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
25 REPRESENTATIVES OF THE STATE OF NEW MEXICO that due process

1 of law requires that water rights owners must be given  
2 adequate notice of proceedings affecting their rights; and

3 BE IT FURTHER RESOLVED that notice to water rights  
4 owners must be based on information that is reasonably  
5 ascertainable, including information from the data sources  
6 listed above; and

7 BE IT FURTHER RESOLVED that the state engineer and the  
8 courts of New Mexico be requested to utilize these data  
9 sources in compiling service or mailing lists for water  
10 proceedings; and

11 BE IT FURTHER RESOLVED that the state engineer be  
12 requested to make reasonable additional efforts to locate  
13 water rights owners when mail is returned as undeliverable;  
14 and

15 BE IT FURTHER RESOLVED that copies of this memorial be  
16 transmitted to the state engineer, to the attorney general and  
17 to the chief justice of the supreme court.