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SENATE MEMORIAL 19

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Elizabeth "Liz" Stefanics

A MEMORIAL

REQUESTING THE NEW MEXICO DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF GAME AND FISH TO OPEN A DIALOGUE WITH PRIVATE LANDOWNERS ALONG THE PECOS RIVER IN SAN MIGUEL COUNTY TO DISCUSS PRIVATE LAND RIGHTS, PUBLIC RIVER ACCESS AND THE NEW MEXICO SUPREME COURT'S DECISION IN *ADOBE WHITEWATER CLUB OF NEW MEXICO V. NEW MEXICO STATE GAME COMMISSION*.

WHEREAS, the preservation of public lands and public waters in New Mexico is in the best interest of all New Mexico residents for cultural, economic, environmental, health and recreational purposes; and

WHEREAS, the fundamental water rights provided to all New Mexico residents should be enjoyed while ensuring the preservation of the delicate ecological balance of the organisms living in those waters; and

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1 WHEREAS, the irresponsible use of public waters is a
2 concerning trend to the private landowners who own property
3 that abuts the Pecos river in San Miguel county; and

4 WHEREAS, the environmental degradation of public waters
5 endangers natural resources that are culturally and
6 economically important; and

7 WHEREAS, overfishing endangers the ecological balance and
8 environmental health of the Pecos river and is concerning to
9 landowners whose properties abut the river; and

10 WHEREAS, Article 16, Section 2 of the constitution of New
11 Mexico provides that the unappropriated water of every natural
12 stream, perennial or torrential, within the state of New Mexico
13 is hereby declared to belong to the public; and

14 WHEREAS, in 2022, the New Mexico supreme court concluded
15 in *Adobe Whitewater Club of New Mexico v. New Mexico State Game*
16 *Commission* that the right to recreate and fish in public water
17 allows the public the right to touch the privately owned beds
18 below those waters;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
20 OF NEW MEXICO that representatives from the New Mexico
21 department of justice and the department of game and fish be
22 requested to open a dialogue with private landowners along the
23 Pecos river in San Miguel county to discuss the decision in
24 *Adobe Whitewater Club of New Mexico v. New Mexico State Game*
25 *Commission*, private land rights and public river access; and

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1 BE IT FURTHER RESOLVED that copies of this memorial be
2 transmitted to the attorney general and the director of the
3 department of game and fish.

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