

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

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

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1 expeditious and fair manner and be as accurate and free from
2 mistakes as possible; and

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

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

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

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

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

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1 resolve errors and omissions;

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

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

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

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