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HOUSE JOINT MEMORIAL 33
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
James Roger Madalena

A JOINT MEMORIAL
REQUESTING PROTECTION OF ABORIGINAL SENIOR WATER RIGHTS OF THE
NATIVE AMERICAN NATIONS, PUEBLOS AND TRIBES.

WHEREAS, water is indispensable to sustain the cultures of
New Mexico; and

WHEREAS, New Mexico water law is based on the doctrine of
prior appropriation; and

WHEREAS, Article 16 of the constitution of New Mexico
recognizes the doctrine of prior appropriation; and

WHEREAS, the doctrine of prior appropriation means the
superior right by reason of first use; and

WHEREAS, the Native American nations, pueblos and tribes
of New Mexico were the aboriginal inhabitants of the lands
within New Mexico; and

WHEREAS, the Native American nations, pueblos and tribes

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1 of New Mexico have water rights senior to all other water
2 rights within New Mexico; and

3 WHEREAS, the Native American nations, pueblos and tribes
4 of New Mexico wish to work together with New Mexico state
5 government to ensure the continuing beneficial use of water
6 throughout New Mexico as long as the nations', pueblos' and
7 tribes' superior rights are protected;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that the senior water rights of the New
10 Mexico Native American nations, pueblos and tribes be protected
11 during efforts to reach a comprehensive water use plan for the
12 entire state of New Mexico; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the governor and the state engineer.