

Instructions for Filling Out the “Notice of Intent To Participate”

1. *When I file my notice of intent to participate, should I attach papers proving that I own water rights? Should I attach a statement describing my legal rights as I understand them?*

Answer: No. You do not need to attach other documents. Where the form asks, “Does the undersigned claim ownership of a water right in the San Juan Basin,” you should check the box marked “Yes.” That is enough.

Explanation: There is a lot of confusion on this point, because the instructions are somewhat contradictory. The instructions on page 4 of the Notice of Expedited *Inter Se* say

A Notice of Intent to Participate must include the following information: (a) name of the persons submitting the notice; (b) mailing address; (c) telephone number; (d) email address (if any); and (e) description of ownership of water right in the basin or other statement of legal right to participate. Persons who do not provide all of the required information will be subject to dismissal. For convenience of those wishing to participate, a form of “Notice of Intent to Participate in the Navajo *Inter Se*” is attached hereto. The form may be filled out and filed with the Court.

By contrast, the return form simply has a box to check, and no room for a description. If people are required to attach proof of ownership, court files would grow exponentially. And many people would be unable to find and file documentary proof even though they actually do own water rights, because water rights records are inadequate and out of date, and there has been no hydrographic survey.

2. *If I own water rights on several different properties, should I send in multiple forms?*

Answer: Yes, if you have water rights on separate properties, send in a form for each property.

3. *If I own a water right jointly with other people, should I file a form?*

Answer: If you want to participate and receive notices about the proceeding, you should fill out a form even if the water right is shared with other people. Those people should also fill out forms if they want to participate.

4. *If I own water rights, but the records haven't been updated to show my ownership, should I file a form?*

Answer: Yes, if you are the actual owner of a water right, or a beneficial owner of a water right, you should fill out a form, because you have a right to be heard.

5. *I turned in my notice to participate already, but now I want to include Victor R. Marshall & Associates as my attorneys. Can I change my notice?*

Answer: Yes. Use a blank form and write “Amended Notice” at the top, fill in as you want, and file it.

6. *I received the Notice; but it was addressed to me with my former name. When I fill out the notice to participate, which name should I use?*

Answer: Put down your current legal name. Then add a parenthesis; in the parenthesis put “formerly” and the old name.

Explanation: This question usually comes from women who have either married or divorced.

7. *A trust owns the water rights; what do we do?*

Answer: The trustee of the trust should fill out the form. Beneficiaries of the trust can also fill out a notice if they want to participate.

8. *A corporation or partnership owns the water rights; what should we do?*

Answer: An officer or partner should fill out the form, listing the corporation or partnership as the owner.