

HOUSE MEMORIAL 56 56

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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A MEMORIAL

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

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

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

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

WHEREAS, water rights owners must be given proper notice

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1 of proceedings affecting their rights; and

2 WHEREAS, to ascertain the names and addresses of current
3 water rights owners, it is necessary to consult multiple
4 sources of data, including records of the state engineer, real
5 property records kept by the county clerk, tax records kept by
6 the county assessor, records kept by acequias and community
7 ditches and hydrographic surveys;

8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
9 REPRESENTATIVES OF THE STATE OF NEW MEXICO that due process of
10 law requires that water rights owners must be given adequate
11 notice of proceedings affecting their rights; and

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

15 BE IT FURTHER RESOLVED that the state engineer and the
16 courts of New Mexico be requested to utilize these data sources
17 in compiling service or mailing lists for water proceedings;
18 and

19 BE IT FURTHER RESOLVED that the state engineer be
20 requested to make reasonable additional efforts to locate water
21 rights owners when mail is returned as undeliverable; and

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

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