

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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