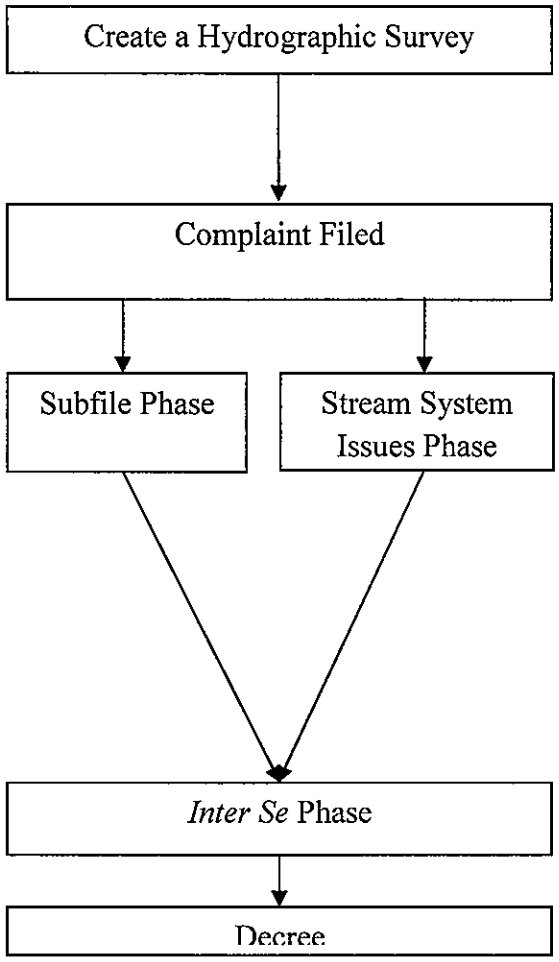
GENERAL ADJUDICATION SCHEME



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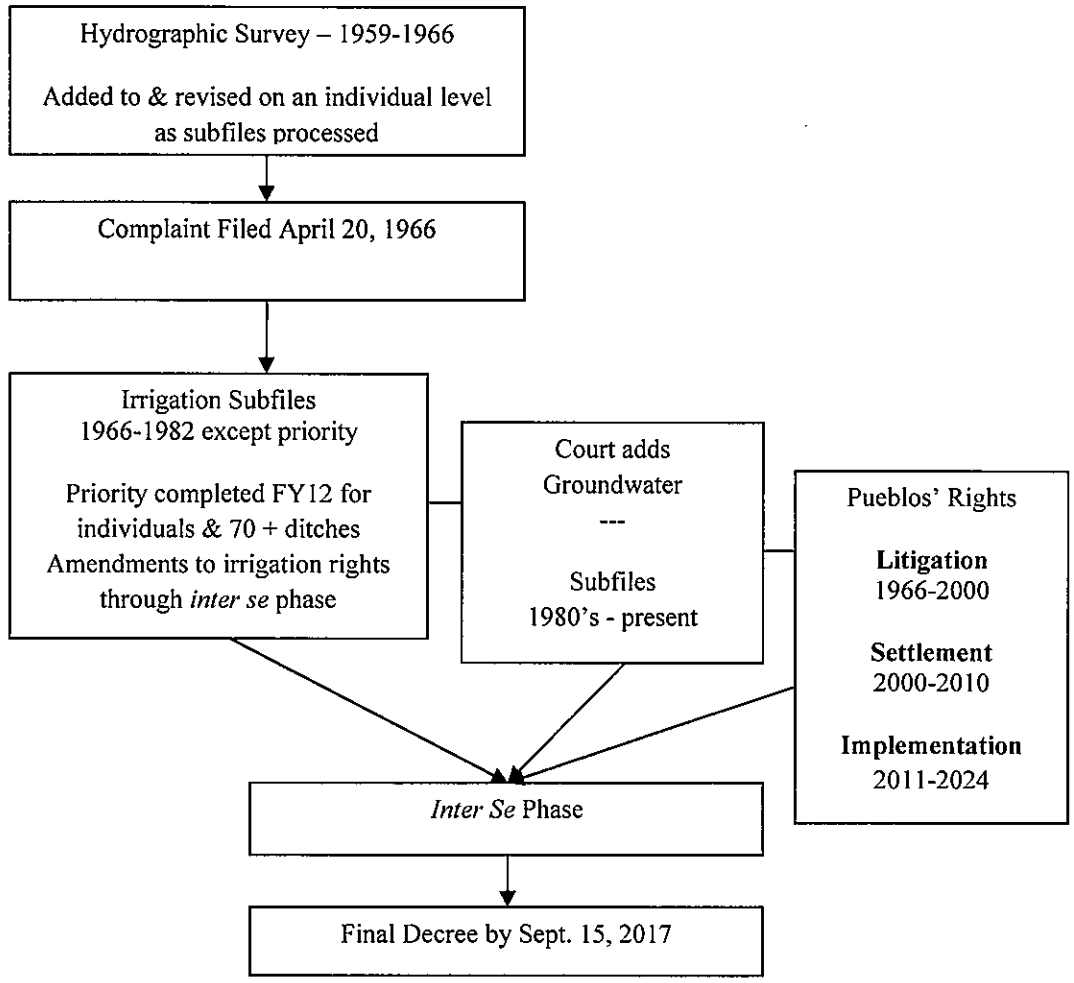

CHALLENGES

- Understanding the purpose of adjudication
- Understanding why Tribes and Pueblos water rights have a different legal basis
- Finding information about process and the ir water rights
- Finding resources to defend their rights
- Understanding of priority administration and its relationship to adjudication
- Understanding the need to respond
- Changing owners & tract configuration / Claimant failure to report
- Understanding quantification measures
- Avoiding issue re-litigation because Claimants cant review huge record
- Fear of Summons
- Fear of loss of water rights
- Fear of individual costs
- Fear of making a mistake

The Utton Center
JOE M. STELL WATER OMBUDSMAN PROGRAM

THE CLAIMANT (C) EXPERIENCE

Non-official contact:
- Newspaper Articles
- Visits from Hydrographic survey staff
- Discussion among neighbors, community organizations or other non-State entities

Official Contact
OSE meetings in communities
(tend to be not well attended)

C receives by mail –
Typical OSE Package (content varies by adjudication & court order)
- Cover letter & instructions
- Complaint
- Order Joining
- Summons
- Waiver of Summons
- Procedural Order
- Offer of Judgment and/or (proposed) Consent Order with a map
- Form Objection or Request for Consultation

OSE Offer of Judgment and/or (proposed) Consent Order

Prepared following review of public records and hydrographic survey and includes description of:
- Elements of water right (from the statutes)
  - Purpose of use
  - OSE reference number
  - Priority
  - Source
  - Point of diversion
  - Place of use
  - Location & amount of acreage, if applicable
- Color map from satellite or aerial imagery with irrigated areas and wells designated using GIS

C receives by mail –
- Post card with Ombudsman contact information (if OP being used in case) Calls Ombudsman for explanation.

If no response received by OSE
- Follow-up phone call from Ombudsman who relays recommended follow-up action to OSE (new packet, new address, new owner, death)

C reviews Offer of Judgment and may visit local office of OSE for more information.
- If agree with Offer of Judgment, **C** signs, sends to OSE, who signs & sends to court for signature & entry. **C** receives file-stamped copy from OSE
- If do not agree, **C** fills out & files form objection or consultation request and sends to OSE. Objections are filed, OSE arranges consultation if requested. **C** assembles documentation, visits with OSE. In LRG, if objection is likely to resolve with Ombudsman visit, referred to Ombudsman who reports back to OSE & court if appropriate.
- If no agreement, Court may order mediation or send to trial. If mediation, court appointed mediator contacts **C** & OSE to make arrangements.

If stream system issue, OSE sends notice & court's order/procedure to **C**. **C** has a limited amount of time to object and/or go trial.

When all subfiles resolved with court orders, *inter se* occurs. OSE notifies **C** by mail of opportunity to object to any other water right in case and participate in trial. When all objections resolved by court, final decree entered & **C** receives notice from OSE of repositories where it can be viewed.