

1 A JOINT MEMORIAL

2 REQUESTING THE INSTITUTE OF PUBLIC LAW AT THE UNIVERSITY OF  
3 NEW MEXICO SCHOOL OF LAW TO DESIGN THE FORMAT OF AND CONDUCT  
4 ONE OR MORE PUBLIC MEETINGS AND EMPLOY OTHER APPROPRIATE  
5 METHODS TO OBTAIN PUBLIC COMMENT ON THE PROCEDURES AND  
6 PROCESSES FOR ADJUDICATING WATER RIGHTS.

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8 WHEREAS, the water and natural resources committee  
9 chairs appointed a water adjudications subcommittee, which  
10 met for two interims to review water adjudications issues;  
11 and

12 WHEREAS, stakeholders have expressed concerns about any  
13 proposed reform of existing adjudication statutes; and

14 WHEREAS, delays in completion of judicial review of  
15 title to water rights raises doubts about fair payment and  
16 transaction of water rights exchange or transfers;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
18 STATE OF NEW MEXICO that the institute of public law at the  
19 university of New Mexico school of law be requested to design  
20 the format of and conduct one or more public meetings and  
21 employ other appropriate methods to obtain public comment on  
22 the procedures and processes for adjudicating water rights,  
23 the purpose of which shall be to:

24 A. provide the public with an understanding of  
25 issues associated with the adjudication of water rights and

1 the possibilities for reforming those procedures that were  
2 identified during the study of the water rights adjudication  
3 processes of other states conducted by the administrative  
4 office of the courts and the office of the state engineer  
5 pursuant to the 2008 memorandum of understanding between  
6 those two agencies;

7 B. obtain public feedback and analysis of  
8 alternative reform proposals; and

9 C. identify public concerns and points of view  
10 related to alternative adjudication reform proposals; and

11 BE IT FURTHER RESOLVED that the public meetings shall  
12 include persons who have participated actively in water rights  
13 adjudications, such as water rights claimants and  
14 representatives of conservancy and irrigation districts and  
15 acequias; and

16 BE IT FURTHER RESOLVED that professional engineers,  
17 attorneys and representatives of all affected agencies of  
18 state, federal and tribal or pueblo governments be encouraged  
19 to attend and to participate actively in these processes; and

20 BE IT FURTHER RESOLVED that the institute of public law  
21 be requested to prepare and submit a written report on or  
22 before August 1, 2009 that presents as balanced and objective  
23 a view as possible of the various concerns and alternative  
24 perspectives expressed by the public through this process to  
25 the legislative finance committee and the appropriate interim

1 committee of the legislature, as well as to the administrative  
2 office of the courts and the office of the state engineer; and

3 BE IT FURTHER RESOLVED that copies of this memorial be  
4 transmitted to the institute of public law at the university  
5 of New Mexico school of law, the administrative office of the  
6 courts and the state engineer. \_\_\_\_\_

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