

INSTRUCTIONS TO PERSONS WHO CLAIM THE RIGHT TO USE WATER IN THE LOWER RIO GRANDE BASIN

1. By statute, the New Mexico State Engineer has general supervision of waters of the state including specifically the measurement, appropriation and distribution of state waters. To enable the State Engineer to perform his duties, the New Mexico Water Code authorizes the State Engineer to prepare a hydrographic survey of New Mexico stream systems and authorizes the State to file a lawsuit to determine who has the right to use the waters of the state.

The Water Code requires the State to join to the lawsuit all persons who claim the right to use waters of the State. If records show that you may claim rights to use waters in the Lower Rio Grande Basin, the State has mailed to you a packet that includes a Summons and General Adjudication Complaint and other documents. This is legal process which requires you to respond or be subject to default.

2. The adjudication process in the Lower Rio Grande Basin Adjudication is set out in the Fourth Amended Order Revised March 16, 2007 and the Case Management Order Authorizing Notice by a Monthly Report. Both Orders were filed with the Court on March 16, 2007. These Orders may be downloaded from the New Mexico Judiciary's website, <http://nmcourts.com/> You may also request a copy from the Court and pay the usual cost for copies of documents which have been filed with the Court. These Orders are available in Spanish.
3. The Court has approved Forms to assist you to assert and protect your water right(s). You must use the following prescribed forms:

Form A, Answer to General Adjudication Complaint

Along with the Summons and General Adjudication Complaint, you will receive Form A in the packet mailed to you by the State. To respond to the Summons and General Adjudication Complaint you must timely complete and file Form A with the Court. **YOU WILL BE SUBJECT TO DEFAULT IF YOU FAIL TO FILE FORM A.**

If you need more space to complete Form A, attach additional sheets.

Form B, Notice of Intent to Participate

Filing Form B permits you to participate in Court hearings regarding stream system issues. The Case Management Order, referred to in Paragraph 2 above, sets out procedures that the Court will use when it addresses these issues. Stream system issues are those that affect a significant number of water right owners.

Form C, Response to State's Offer of Judgment

Sometime after you file Form A, the State will make you an offer of judgment proposing to establish your water right as set out in the offer. The State will mail you Form C along with the Offer of Judgment. **IF YOU DISAGREE WITH THE STATE'S OFFER, YOU MUST TIMELY COMPLETE AND MAIL FORM C WITH OBJECTIONS CLEARLY STATED TO THE COURT OR BE SUBJECT TO SUMMARY JUDGMENT.** Any element of your water right that you do not specifically

object to will be determined by the State's offer.

Form D, Request for Mediation

If you cannot agree with the State on the elements of your water right and you object to the State's offer of judgment, you must participate in a Court required mediation. Filing Form D will notify the Court to initiate the mediation. The mediation process is set out in the Fourth Amended Order referred to in Paragraph 2 above.

Forms B, C and D are not necessary to respond to the Summons and General Adjudication Complaint. For this reason, these Forms were not included in the packet you received. However, you may need these forms as the Adjudication progresses. Forms B,,C, and D may be downloaded from the New Mexico Judiciary's website <http://nmcourts.com/> You may also request them from the Office of the State Engineer.

- 4. The original of all completed forms must be filed with the Court. You may deliver them personally or mail them to the Court at the following address:**

**Attn: Water Clerks
Third Judicial District Court
201 West Picacho, Suite A
Las Cruces, NM 88005**

You must include your Name, your Sub-file Number and your Case Number on all Forms filed with the Court. These numbers are on the documents in the packet mailed to you by the State.

- 5. The Utton Center Ombudsman is available to answer questions about all these forms. If you have any questions regarding the use of the Forms, contact:**

**Adjudication Ombudsman Program
The Utton Transboundary Resources Center
c/o University of New Mexico School of Law
MSC11 - 6070
1 University of New Mexico
Albuquerque, NM 87131-0001**

Initially the Utton Center Ombudsman Program will focus on assisting water right owners to understand what they need to do to timely complete and file water right owners' Answer to the Summons and General Adjudication Complaint, Form A.