

If you have a valid claim,

PROTECT YOUR WATER RIGHT.

1. What is this all about?

The records of the Office of the State Engineer show that you may have a claim to water rights in the Lower Rio Grande stream system. The State of New Mexico is required by law to identify and determine the extent of all rights to use the waters of its stream systems. To do this, the State files lawsuits asking the courts to “adjudicate” the water rights. A stream adjudication is simply the legal process to determine who has the right to use the surface waters and groundwaters of a stream system. Everyone who claims a right must be joined as a party in the lawsuit.

The documents in this packet join you as a party in the Lower Rio Grande stream adjudication. The name of this lawsuit is State of New Mexico, ex rel. Office of the State Engineer v. Elephant Butte Irrigation District, et. al., No. CV 96-888, Doña Ana County. The packet includes (1) a Summons, (2) Form A, “Answer to Complaint,” (3) an Explanation of the entire adjudication process, including Instructions describing Form A and other forms to come later, (4) the Amended Complaint (General Adjudication Complaint) that started the lawsuit, and (5) an envelope addressed to the Court.

2. What do I need to do?

You must respond by filling out Form A and mailing it to the Court in the enclosed envelope **within 30 days** from the date the packet was mailed to you. The directions starting on page two of the enclosed Explanation will help you fill out Form A.

If you do not respond, the Court may adjudicate your water right by default.

Default means the Court can rely on the records of the Office of the State Engineer to determine your water right, if any, and you will lose your opportunity to object if you do not agree with what those records show.

3. What happens next?

If you have returned Form A, the State will mail you an **Offer of Judgment** based on its records. This may take a year or more because of the large number of claimants. If you agree with the State’s description of your water right, or rights, the Court will adjudicate your right as offered. If you disagree, you can file an **Objection to the Offer of Judgment**. The State will review your objections looking for error in its records, and will attempt to resolve the objections with you. If those discussions are not successful, you must go through **Mediation** with the State, and if that fails, you are entitled to a **Trial on the Merits**. The enclosed Explanation lays out all these steps in detail. The Explanation also describes a **Monthly Report** on the lawsuit that you should follow to check on issues that may affect your claim, in which you can participate.