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State Engineer Says Adjudication Will Protect Legitimate Water Claims: Rights of Echo Ditch Decree Participants Are Secure

(FARMINGTON, New Mexico) – The adjudication process will protect owners of legal and valid water rights in northwestern New Mexico, including those residents named in the 1948 Echo Ditch Decree, said New Mexico State Engineer John D’Antonio. He encouraged residents to be active participants in the adjudication process.

“An adjudication determines who owns what water and in what amount. Legitimate water right holders in the area will not change,” said State Engineer John D’Antonio. “It is important to clarify how water is being used right now, since New Mexicans are experiencing a drought, which is expected to continue. In times of limited water supplies, it is important to make sure those with a legitimate claim to the water get their fair share.”

D’Antonio said the Office of the State Engineer is currently taking aerial and satellite photographs and surveying all of the uses of water in the San Juan Basin as part of the adjudication process.

“We compare our findings to the elements of each right to use water that was adjudicated and set forth in the Echo Ditch Decree and the permit licenses issued by the Office of the State Engineer in 1948,” said D’Antonio. “As we verify legal uses of water, water rights owners can expect the state to seek their adjudication in that manner. Where water right owners disagree with the state’s conclusions, the owners will have an opportunity to resolve issues in the negotiation processes or by the court through litigation.”

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“There is no ulterior motive. In times of severe drought and critical water shortages, it is imperative that I be able to administer the water supply to benefit the legal uses of water,” said D’Antonio. “Legitimate water users will be protected from those who are using water illegally. The adjudication will clearly define who owns the legal rights to the use of water.”

The adjudication process involves two phases: a technical one, in which a hydrographic survey is performed to identify, map, and report the ownership of water rights in a particular stream system or groundwater basin; and a legal one, which is a lawsuit that is filed in district court for the purpose of having orders entered that state how much water each user has a right to divert and use for a specific beneficial purpose.

The 1948 Echo Decree did not adjudicate water rights for the Navajo and Jicarilla Reservations. Native American water rights must be fairly adjudicated in this court, or a lawsuit in federal court could result.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and ground water in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

The Interstate Stream Commission is charged with separate duties including protecting New Mexico’s right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

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