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State Engineer Files Motion Requesting the Sixth Judicial District Water Court to Relinquish Jurisdiction of Administration in the Mimbres to State Engineer

(SILVER CITY, New Mexico) — A motion requesting that the Sixth Judicial District Water Court relinquish jurisdiction to the State Engineer over administration of the Final Decree for the Mimbres River Stream System and Mimbres Underground Water Basin was filed last week by the Office of the State Engineer.

If the motion is granted, the State Engineer will designate a water subdistrict and appoint a water master to administer the decree on the Upper Mimbres River. Administration of the decree outside of the Upper Mimbres Subdistrict will take place by means of normal administrative procedures.

Under the 1993 Final Decree, which adjudicated all Mimbres water rights situated in both Grant and Luna counties, the court retained jurisdiction to administer the decree. If the motion is approved, the Sixth Judicial District Water Court will then have jurisdiction to hear appeals from decisions of the State Engineer.

“The need for active administration of water rights on the Upper Mimbres River is clear,” said State Engineer John D’Antonio. “State law provides for creation of water districts by the Office of the State Engineer without court approval but I feel it is appropriate to file the motion in order to avoid confusion that might be caused by overlapping jurisdictions.”

A public hearing to consider the motion is scheduled for **Tuesday, October 25, 2005**, at the Grant County District Court, in Silver City, from 9:00 a.m. to 12:00 p.m.

Public meetings to discuss the motion will be held by the Office of the State Engineer in the upcoming months.

(MORE)

The State Engineer has declared the Upper Mimbres as one of the seven critical areas for Active Water Resource Management.

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 groundwater 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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