



NECESSARY LEGAL DOCUMENTATION REQUIRED FOR: *TRUST*

New Mexico Interstate Stream Commission Lower Rio Grande 2022-2023 Groundwater Conservation Pilot Program

If you intend to apply to the New Mexico Interstate Stream Commission (NMISC) Lower Rio Grande Groundwater Conservation Pilot Program (the Program) as a trust and are a trustee of a trust that owns the proposed enrollment acreage to be dedicated to the Program, you must provide the following documentation:

- A validly executed and recorded deed in the name of the trustee(s) in his/her/their capacity as trustee(s) of the trust.
- A Certificate of Trust **or** a copy of the Trust Instrument. The NMISC recognizes the private nature of trusts and will accept a Certificate of Trust in lieu of the Trust Instrument. If you elect to provide a Certificate of Trust, it must meet all of the requirements of NMSA 1978, Section 46A-10-1013, which may be found at the following link: <https://law.justia.com/codes/new-mexico/2011/chapter46A/article10/section46A-10-1013/>.
- You may also elect to have the NMISC contract attorneys draft a Certificate of Trust on your behalf. In order to for the NMISC attorneys to draft his document, you must provide excerpts of the Trust Instrument for them to identify and confirm the information required by NMSA 1978, Section 46A-10-1013.
- The Certificate of Trust must be executed by all trustees and properly notarized with the name of the county indicated in the acknowledgment caption.
- If the Trust Agreement has been lost and cannot be located, you must prepare an Affidavit of Lost Trust Agreement (Affidavit) signed by the purported trustee(s). In-house counsel and the contract attorneys for the NMISC will either accept or reject the Affidavit based on legal sufficiency and the explanation of the circumstances surrounding the lost Trust Instrument. Please contact the NMISC at the earliest possible time if you cannot locate your Trust Instrument.