

[NEW MATERIAL]

1-071.1 Statutory stream system adjudication suits; service and joinder of water rights claimants; responses.

A. **Joinder by sections.** If a party believes that the division of the stream system into subsections would promote the speedy and efficient prosecution of a stream system adjudication suit conducted pursuant to Section 72-4-17 NMSA 1978, and if the court approves the proposed division, the plaintiff may join water rights claimants by stream system subsections.

B. **Service and joinder.** With the court's approval, the plaintiff shall join water rights claimants as defendants to an adjudication by serving them with a proposed consent order or other document requiring a response by the claimant, a conspicuous notification of the claimant's obligation to respond and such additional information about the adjudication as the court deems appropriate. The form of the foregoing documents shall be approved by the court. Service of the foregoing documents shall be made pursuant to Rule 1-004 NMRA, except that the summons shall be issued by the plaintiff. Service of the foregoing documents or execution of the waiver of service shall join the claimant as a defendant to the adjudication, and no order of the court shall be required for joinder.

C. **Responses.** Unless the court orders otherwise, claimants shall respond to any proposed consent order or other document served as set forth in Paragraph B of this rule within the deadlines set, and by the procedures ordered, by the court. A claimant who fails to respond to a proposed consent order within the time period set by the court may be subject to the entry of a default judgment

[NEW MATERIAL]

pursuant to Rule 1-055 NMRA, which judgment will adjudicate the claimant's water rights as proposed by the plaintiff in the proposed consent order. If the document requiring a response is not a proposed consent order, the default judgment will adjudicate the claimant's rights as set forth in a hydrographic survey in compliance with Section 72-4-16 NMSA 1978, unless the court for good cause orders otherwise.