



## Administrative Office of the Courts

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New Mexico water courts reorganized into a regional structure

SANTA FE – A reorganization of water courts in New Mexico takes effect Wednesday under an order by the state Supreme Court to promote the timely and efficient resolution of legal disputes over water.

“This plan helps the judiciary address complex, technical water disputes that occur regularly because of conflicts between water users and appeals from administrative decisions,” said Chief Justice David K. Thomson. “Having regional water courts will be particularly important during periods of sustained severe drought when water disputes likely will become more frequent and can impact agricultural users, communities and businesses across many counties.”

The Court’s order establishes a regional structure for water courts more closely aligned with the boundaries of New Mexico’s stream systems. Designated water judges will preside over water law cases in a particular region. Previously, there was a water law judge in each of the state’s 13 judicial districts.

The water courts will handle cases involving conflicts over water usage, special water districts such as irrigation districts, and appeals of decisions by the Office of the State Engineer, including transfers of water rights, change in the use of water rights and applications for new wells.

The new water court structure does not affect the adjudication of water rights within a specific stream system or basin. These cases determine who legally owns the right to use water from a particular source and in what amount.

“The new water court structure will help judges develop more specialized subject matter expertise in water issues covering large regions of the state,” said Justice C. Shannon Bacon, who led the reorganization effort for the Court. “New Mexicans will benefit from having regional courts resolve disputes over water that can involve many interconnected technical issues.”

Under the [Court’s order that takes effect on Oct. 1](#):

- Water courts are divided into [three regions](#), each encompassing one or more stream systems.

- Five district court judges are appointed to serve as water court judges in the three regions. The water judges will hear water cases in addition to other cases on their dockets.
- The water judges will have extensive legal and technical training. They will be required to attend annual training in water law and earn at least seven continuing education credits in water law annually, including in the areas of tribal water law and water rights in the state.
- A designated court clerk in each region will oversee the filing and administrative management of water cases filed in those regions.
- Water cases must be filed in the district court of the county in which the disputed water or point of water diversion is located.

Water Region 1 encompasses north-central and northwestern New Mexico. It comprises nine counties in the First, Second, Eleventh and Thirteenth Judicial Districts. Albuquerque, Santa Fe and Farmington are among the communities in the region, which includes the San Juan and Chama rivers and portions of the Rio Grande. First Judicial District Chief Judge Bryan Biedscheid is the region's designated water judge.

Region 2 covers southwestern New Mexico, including Doña Ana County. The region is made up of the eight counties in the Third, Sixth and Seventh Judicial Districts. Las Cruces, Deming and Silver City are among the communities in the region, which includes portions of the Rio Grande and the Gila River systems. Sixth Judicial District Chief Judge Jarod Hofacket and Third Judicial District Judge Manuel Arrieta are the designated water judges in the district.

Region 3 covers the eastern half of the state. It consists of 16 counties in the Fourth, Fifth, Eighth, Ninth, Tenth and Twelfth Judicial Districts. Las Vegas, Tucumcari, Raton, Taos, Clovis, Portales, Roswell, Artesia, Carlsbad and Hobbs are in the region, which includes the Canadian and Pecos rivers and the northernmost portion of the Rio Grande. Fifth Judicial District Judge Dustin Hunter is the district's designated water judge.

Second Judicial District Court Judge Erin O'Connell will serve as an alternate water judge, who can preside over cases as needed in any of the regions. The parties in a water case can excuse a judge only in limited circumstances under the Supreme Court's order restructuring water courts.

Retired Court of Appeals Judge James Wechsler will continue to preside over general stream adjudications in state court to determine the legal scope of individual water rights in certain hydrogeologic areas of the state, such as the lower Rio Grande and the Pecos River.

Judge Hofacket will continue to preside over the adjudication of the Animas Underground Basin in southwestern New Mexico.

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Chief Justice David K. Thomson



Justice C. Shannon Bacon