

**PROPOSED REVISIONS TO THE RULES OF CIVIL PROCEDURE FOR THE
DISTRICT COURTS
PROPOSAL 2026-039**

March 6, 2026

On September 30, 2025, the Supreme Court provisionally adopted new Rule 1-077.2 NMRA. The new rule took effect on October 1, 2025. The Supreme Court Clerk's Office has recommended formal adoption of new Rule 1-077.2 for the Supreme Court's consideration.

If you would like to comment on the proposed new rule set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

[NEW MATERIAL]

1-077.2. Water court structure and procedure.

A. **Establishment of water regions.** The state shall be divided into the following three water regions:

(1) Water Region 1 (WR1): encompassing the First, Second, Eleventh, and Thirteenth Judicial Districts;

(2) Water Region 2 (WR2): encompassing the Third, Sixth, and Seventh Judicial Districts; and

(3) Water Region 3 (WR3): encompassing the Fourth, Fifth, Eighth, Ninth, Tenth, and Twelfth Judicial Districts.

B. **Appointment of water judges.** The Supreme Court shall appoint five district court judges to preside over water cases in the three water regions as follows: one in WR1; two in WR2; one in WR3; and one alternate. The Supreme Court shall establish the appointment of water judges to the water regions by Supreme Court order. The water judges currently designated to preside over existing water cases shall continue to serve until a successor is appointed by Supreme Court order.

C. **Assignment and excusal.**

(1) Water judges may not be excused under Rule 1-088.1 NMRA or NMSA 1978, Section 38-3-9.

(2) A party may seek disqualification of a water judge only under Article VI, Section 18 of the New Mexico Constitution.

D. **Jurisdiction.** Water judges shall hear cases that implicate or invoke:

- (1) NMSA 1978, Sections 72-1-1 to 72-20-103;
- (2) NMSA 1978, Sections 73-1-1 to 73-20-19;
- (3) administrative appeals from the Office of the State Engineer under Section

72-7-1; and

- (4) cases involving significant impairment of a water right under Section 72-

12-28.

E. **Water rights adjudications.** Judges selected to preside over stream adjudications filed under Section 72-4-15 in the First, Third, Fifth, Eleventh, and Thirteenth Judicial Districts and over the Animas Underground Basin adjudication in the Sixth Judicial District, shall continue to preside over those adjudications until further Supreme Court order.

F. **Venue, filing, and case management.**

(1) All water cases shall be filed in the district court of the county where the disputed waters or point of diversion is situated.

(2) The clerk of that court shall direct the case to the water clerk of the appropriate water region.

(3) The case number generated in the judicial district where the dispute originates shall be retained, and the caption of all pleadings filed in the case shall include a suffix reflecting the new water region using the format (WATER REGION X).

(4) A sub case type of “Water Region X” shall be applied to the case record.

(5) Parties and attorneys shall comply with foregoing requirements as well as the service and filing requirements set forth in Rules 1-004, 1-005, 1-005.1, and 1-005.2 NMRA.

G. **Case priority.** Water cases shall be heard in addition to matters on the regular docket of the assigned water judge and shall receive the same priority as juvenile and children’s court matters.

H. **Water court clerks.** One clerk shall be assigned to each water region to oversee the filing and administrative case management of the water cases for their designated region.

I. **Education and training.**

(1) Water judges, and the designated water law liaisons from the appellate courts, shall annually attend water law training identified by the Court Education Institute.

(2) Water judges shall earn a minimum of seven (7) continuing legal education credits annually in water law, including, but not limited to, credits related to tribal water law and/or water rights in New Mexico.

[Provisionally adopted by Supreme Court Order No. S-1-RCR-2025-00162, effective October 1, 2025.]