

Determining the Status of Your Domestic Water Rights

At the real estate closing for the purchase of your property, or earlier in connection with the contract of sale, you should have received two documents relating to your well, a Well Record, and the Application to Appropriate. If you have misplaced them, and they are not with your Warranty Deed or closing papers, I would recommend you contact the real estate agents that handled the transaction, to see if they still have the records in their files. Without at least one of these documents, it will be difficult to track down your well. (See para 11 below).

1. Assuming you have the Application to Appropriate, look in the upper right corner for the file number. It will look like UP-00968, which is your well number at the OSE. (UP stands for Upper Pecos) The Well Record should also have this number in the second paragraph where it refers to the Permit No.
2. Find a computer with internet access and a web browser, and enter the following address: <http://nmwrrs.ose.state.nm.us/nmwrrs/index.html>
3. On this web page, entitled “New Mexico Water Rights Reporting System” look for “Point of Diversion (POD) by Location, which as of this writing was the 4th bullet point down in the highlighted box.
4. Click on the Point of Diversion text, and the browser will take you to: <http://nmwrrs.ose.state.nm.us/nmwrrs/wellSurfaceDiversion.html>, and a sub-page entitled Point of Diversion By location Report Selection.
5. In the POD Basin drop down box, select Upper Pecos, and enter the number portion of your well record number in the “POD Nbr” box.
6. Click on the “View POD Report” button at the bottom of the page, and the program will retrieve a document called Point of Diversion by Location. In the upper left corner of this page is a title called “WR File Nbr” with a blue text link, the text being your well record number. Click on this number.
7. That will return another page called “Water Rights Summary. Under “Owner” it will give you the name(s) of the owner of record. If your name is listed there, you have already filed a change of ownership (unless, of course, you were the original applicant) Through “get image list” link you can also get scanned copies of all documents in your file.
8. If your name does not appear as Owner, then you will need to file a Change of Ownership request. Note the name of the owner, and download copies of the Water Rights Summary, Well Record and Application to Appropriate. (the latter two may be found when you click on “get image list,” although they may not be identified exactly by those titles.)

9. Navigate to: http://www.ose.state.nm.us/water_info_rights_apps_forms.html and scroll down a ways, where you can find a brochure that describes Change of Ownership, and a form entitled "Change of Ownership of Water Right (Individual)" Download the brochure and that form, and complete the form as instructed in the brochure.
10. You will also need to go the the County Clerk's Office and get certified copies of all Warranty Deeds in the chain of title from the owner listed in the OSE records to you. You will need these to file the Change of Ownership referred to above. Once you receive the Change of Ownership back from the OSE, you can complete the Quit Claim Deed.
11. If you can not find any well records, it will be difficult, as you can not search by your address, only by the Well Record number, the OSE Owner of Record name, which you may not know, the Driller's name or by geographic coordinates. You have two options at this point. Go to the County Clerk's Office and prepare a chain of title going back to 1980, and search each name that owned the property. The other approach is to have Gene Solyntjes or Joe Zebrowski determine the geographic coordinates of the well, and ask Joe Zebroski to do an area search for you. Unfortunately, the OSE relies on geographic data supplied by the well driller, and some of that is woefully inaccurate, sometimes as much as a few miles! Thus there may be a large number of wells turn up in the search, and the Owners of these wells will need to be cross checked against the owners in your chain of title, until you find the match.