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Application Requirements for Landowner Non-Navigable Public Water Segment

Landowners interested in seeking Certification of their Non-Navigable Public Water Segment must submit all of the following items to the Director, NM Department of Game and Fish for evaluation:

- Name of owner, address, telephone number, name of property or ranch, name of the contact person authorized to grant written permission to access property;
- Current recorded property deed(s) or other written, recorded instruments of title and a complete legal description of property(s); county; name(s) of non-navigable public water, stream or river on property; a map of sufficient size and detail to allow the identification of potential access points to water and access roads to be located by someone unfamiliar with the area shall be included;
- Proof of publication of notice of application for certification for three consecutive weeks in a newspaper of general circulation in the county where the property is located;
- Substantial evidence which is probative of the waters, watercourse or river's being non-navigable at the time of statehood, on a segment-by-segment basis. This may include any reports to the US department of Interior from the Territorial Governor(s) of New Mexico, any pre-statehood cases discussing the navigability or non-navigability of New Mexico's watercourses or rivers, any title opinion or other expert opinion, and any other evidence that may be probative.

An Application shall be accepted for further consideration if it includes the required contents without regard to the merits of the Application. An Application shall not be refused for technical reasons. Refused Applications may be amended, supplemented, and resubmitted and then reconsidered by the Department and Director in accord with the deadlines set forth in the NMAC Rules for an original application. Refused Applications can be appealed.

An accepted Application shall be forwarded by the Department to the Director so that a determination can be made by the Director whether the application meets the requirements set forth in 19.31.22.8 NMAC. The Director shall have 60 days to make a written determination and recommendation or a written rejection to the Commission. Within 180 days after the Director issues a written determination and recommendation to the Commission, the Commission will take a final vote at Regular Meeting or Special Meeting, subject to availability of time and time constraints on a meeting agenda.

This Application form does not modify the NMAC Rules applicable to such Applications. If there is a conflict between this Application and the applicable NMAC Rules, the NMAC Rules control.

Landowners are strongly encouraged to review the NMAC Rules applicable to such Applications and seek independent counsel as needed.