

IN THE DISTRICT COURT OF CHAVES COUNTY

STATE OF NEW MEXICO

STATE OF NEW MEXICO, on the)
relation of S. E. REYNOLDS,)
State Engineer, and PECOS)
VALLEY ARTESIAN CONSERVANCY)
DISTRICT,)

Plaintiffs,)

vs.)

L. T. LEWIS, et al.,)
UNITED STATES OF AMERICA,)

Defendants.)

and)

STATE OF NEW MEXICO, on the)
relation of S. E. REYNOLDS,)
State Engineer, and PECOS)
VALLEY ARTESIAN CONSERVANCY)
DISTRICT,)

Plaintiffs,)

vs.)

HAGERMAN CANAL CO., et al.,)

Defendants.)

Nos. 20294 and 22600

CONSOLIDATED

DISTRICT COURT
CHAVES COUNTY, N.M.
FILED In My Office

May 30, 1978

[Signature]
CLERK OF THE DISTRICT COURT
BY _____

SUPPLEMENTAL COMPLAINT

COMES NOW the plaintiff, State of New Mexico, ex rel. S. E. Reynolds, State Engineer, and in supplement of the pleadings in this cause states:

1. The allegations of the plaintiff, State of New Mexico, ex rel. S. E. Reynolds, State Engineer, in its Petition and Amended Supplemental Petition in Cause No. 20294, its Petition in Cause No. 22600, and its Consolidation Petition in Cause Nos. 20294 and 22600, consolidated, are hereby adopted and incorporated by reference.

2. That plaintiff's relator, S. E. Reynolds, is the duly appointed State Engineer of the State of New Mexico, charged by law with supervision of the apportionment of the public waters of the state.

3. That subsequent to the filing of the Petitions herein in Cause Nos. 22600 and 20294, and the Consolidated Petition in Nos.

22600 and 20294, consolidated, the Carlsbad Irrigation District on March 11, 1976, formally requested that the Office of the State Engineer administer the waters of the Pecos River pursuant to the doctrine of prior appropriation.

4. That the waters of the Roswell Artesian Underground Water Basin naturally discharge to the Pecos River.

5. That the surface and underground waters of the Rio Hondo Stream System, the Roswell Artesian Underground Water Basin, and the Pecos River and its other tributaries are hydrologically interrelated, constituting, in whole, the public surface and underground waters of the Pecos River Stream System.

6. That said surface and underground waters of the Pecos River Stream System belong to the public and are subject to appropriation for beneficial use only in the manner provided by law.

7. That some of the rights to the use of the public surface waters of the Pecos River above the Carlsbad Irrigation District's point of diversion, including the rights of the Carlsbad Irrigation District, have heretofore been adjudicated in the United States District Court for the District of New Mexico in Cause No. 712 Equity, styled United States of America v. Hope community Ditch, and resulting in a final decree dated May 8, 1933, called the Hope Decree.

8. That the rights to the use of the public waters of the Roswell Artesian Underground Water Basin, which waters constitute a substantial amount of the historically available supply of the waters of the Pecos River, have heretofore been adjudicated in this action.

9. That the enforcement of priorities under the Hope Decree would not improve the water supply of any user and would reduce the water supply available to a large number of users.

10. That until the rights to the use of the public surface and underground waters of the Pecos River Stream System heretofore not adjudicated herein are adjudicated in this action, plaintiff's relator will be unable to supervise the apportionment of the said public waters in accordance with law.

WHEREFORE, plaintiff, State of New Mexico, ex rel. S. E.

Reynolds, State Engineer, respectfully prays:

1. That the Court name additional parties from time to time as it appears necessary for the determination and adjudication of the water rights of the Pecos River Stream System;

2. That each defendant be required to appear before the Court and describe fully and in detail what rights, if any, he claims to the use of the waters of the said Pecos River Stream System, and more specifically to state:


- a. When said water right was initiated;
- b. Purpose for which it is used;
- c. The amount of water necessary for the beneficial use for which it was appropriated;
- d. Source of water;
- e. If a water right for irrigation is claimed, the lands to which it is appurtenant;
- f. Such other matters as may be necessary to define a particular right and its priority;

3. That the Court determine and define the water rights of each of the several defendants, as against the State of New Mexico and inter sese, and enter its decree stating:

- a. The water rights adjudged each party;
- b. The source, priority, amount, purpose, periods, and place of use of each right;
- c. The specific tracts of land to which water rights for irrigation are appurtenant;
- d. Such other matters as may be necessary to define a particular right and its priority;

4. That the Court enter its Order enjoining all illegal use of surface and underground waters of the Pecos River Stream System, and where necessary require measuring devices in order to facilitate administration;

5. That the Court enter such preliminary, interlocutory, and final orders as are necessary to a final determination and adjudication of the water rights of the Pecos River Stream System.



RICHARD A. SIMMS
Special Assistant Attorney General
State Engineer Office
Bataan Memorial Building
Santa Fe, New Mexico 87503