

IN THE DISTRICT COURT OF CRAVES COUNTY

STATE OF NEW MEXICO

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

Plaintiff, )

v. )

No. 20294

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, )

v. )

No. 22600

HAGERMAN CANAL CO., et al., )

CONSOLIDATED

Defendants. )

CONSOLIDATED PETITION

COME NOW the Plaintiffs, by and through their attorneys,  
and by leave of the Court, file this their Consolidated Petition,  
and allege:

I.

That S. E. Reynolds is the duly appointed, qualified  
and acting State Engineer of the State of New Mexico and maintains  
this action on behalf of the State of New Mexico in said capacity.

II.

That the plaintiff, Pecos Valley Artesian Conservancy  
District, was created to conserve where necessary the waters  
of the Roswell Artesian Basin and has concurrent power and  
authority with the state engineer to enforce the statutes and  
rules and regulations provided thereunder insofar as the waters  
of the Roswell Artesian Basin are affected and that this action

is necessary in order to conserve the waters of said artesian basin and in order to prevent waste.

III.

That all of the underground waters in the Roswell Artesian Basin belong to the public and are subject to appropriation for beneficial use only in the manner provided by law.

IV.

That the water rights of the Roswell Basin have been adjudicated herein.

V.

That the Hondo River and its surface and groundwater tributaries are public waters and constitute a major source of re-charge to the Roswell Basin and are tributary thereto.

VI.

That Plaintiffs are informed and believe that new appropriations are being made from the Hondo River and its tributaries, and future appropriations therefrom are contemplated, which appropriations will adversely affect the re-charge of the Roswell Basin and the water rights which have been adjudicated herein and that all diversions and uses of water by and from the Hondo River Stream System affect the Roswell Artesian Basin and the water supply of those parties herein owning water rights in the Roswell Artesian Basin.

VII.

That by order of this Court the State Engineer has undertaken a Hydrographic Survey of the Hondo River and its tributaries pursuant to New Mexico Stats. § 75-4-2, et seq. (1953).

VIII.

That a Hydrographic Survey is being conducted and prepared by the State Engineer, and when portions of said survey are completed, they will be filed in this Court. Plaintiffs hereby ask the Court to order upon motion of the State Engineer the naming of such additional parties whose interests may be

IX.

That it is neither practical nor feasible for the Court to hear all of the remaining testimony in this cause, and that such exceptional conditions exist as require the appointment of a Special Master to hear the evidence and make recommended findings of fact and conclusions of law to this Court.

i.

That until such time as the water rights of each of the above-mentioned additional defendants are determined and defined as against each other, the State of New Mexico, and as against the rights previously adjudicated herein, the right to the use of water from the Hondo River and the Roswell Basin will remain unclear and uncertain.

WHEREFORE, Plaintiffs, pray:

1. That this Court appoint its Special Master to take evidence and make his report on all remaining questions of fact and law, which report shall resolve all such general and specific issues of fact, and to make such findings of fact and conclusions of law as may to him appear necessary and proper:

2. That the above-mentioned additional defendants be required to appear before the Court to describe fully and in requisite detail what rights, if any, they claim to the use of water in the Hondo River and its tributaries, and more specifically:

- a. To legally describe the point of diversion of claimed surface waters;
- b. To legally describe the location of wells pertaining to underground claims;
- c. To state the amount of water claimed;
- d. To state when the said water right was initiated;
- e. To state the purpose for which the water is used;
- f. To state the amount of water necessary for the beneficial use for which it was appropriated;

