

FIFTH JUDICIAL DISTRICT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

FIFTH JUDICIAL DISTRICT  
CHAVES COUNTY, NM  
PUBLIC OFFICE

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DE LORENZO  
CLERK DISTRICT COURT

STATE OF NEW MEXICO ex rel. )  
STATE ENGINEER and PECOS VALLEY )  
ARTESIAN CONSERVANCY DISTRICT, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
L.T. LEWIS, et al., and )  
UNITED STATES OF AMERICA, )  
et al. )  
Defendants. )

Nos. 20294 and 22600  
Consolidated  
Carlsbad Basin Section  
Carlsbad Irrigation District Section

**ORDER DIRECTING ADDITIONAL SERVICE AND PUBLICATION  
OF NOTICE AND OFFER AND EXTENDING TIME FOR FILING OBJECTIONS**

THIS MATTER having come before the Court on the State's Motion for Order Directing Additional Service filed herein on December 6, 1995, the Court having considered the Motion and finding it is well taken,

Now, Therefore,

IT IS ORDERED BY THE COURT that the State's motion to shorten the time for filing responses to the Motion for Order Directing Additional Service to seven (7) days is granted. It is further ordered that the following additional service and extension of time for filing objections be provided:

1. The State shall serve the (a) February 3, 1995 Notice, (b) optional form of Notice of Objections, (c) Carlsbad Project Stipulated Offer of Judgment, (d) this Order and (e) State's Report and Proposed Initial Pretrial Order on Carlsbad Project Water Right Claims, filed on August 31, 1995 on any water right claimant in the Pecos River stream system not previously served with the notice of the Offer and whose name and address are provided in writing to

counsel for the State by December 22, 1995.

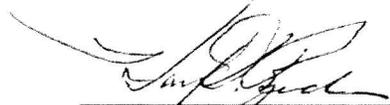
2. The State shall serve the documents described in paragraph 1 no later than December 29, 1995.

3. After its execution by the Court Clerk, the State shall cause to be published the Supplemental Notice attached hereto as Exhibit A once a week for four consecutive weeks in the following newspapers:

Carlsbad Daily Current Argus  
Roswell Daily Record  
Ruidoso News  
Lincoln County News  
DeBaca County News  
Santa Rosa News  
Las Vegas Optic  
Albuquerque Journal  
Santa Fe New Mexican

4. Claimants who are served in accordance with paragraphs 2 and 3 above shall have until January 31, 1996 to file objections to the Offer.

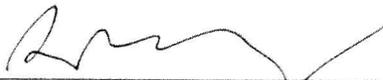
5. The State shall file a certificate of service and affidavits of publication regarding any additional service and publication performed under this Order.



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HARL D. BYRD  
District Judge Pro Tempore

Submitted by:



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Rebecca Dempsey  
Special Assistant Attorney General  
State Engineer Office  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-6150

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SUPPLEMENTAL NOTICE

**TO: ALL DEFENDANTS IN THE PECOS RIVER STREAM SYSTEM WATER RIGHT ADJUDICATION AND TO ALL PERSONS CLAIMING WATER RIGHTS IN THE PECOS RIVER STREAM SYSTEM, INCLUDING ITS TRIBUTARIES AND UNDERGROUND BASINS, WITHIN THE STATE OF NEW MEXICO.**

You are hereby notified that the adjudication or determination of the water rights for the Carlsbad Project has been initiated by Stipulated Offer of Judgment entered into by the United States ("US"), Carlsbad Irrigation District ("CID"), and State of New Mexico. The purpose of this Supplemental Notice is to inform all defendants in the Pecos River stream system water right adjudication and all water rights claimants in the Pecos River stream system of their right to contest all or any part of the water rights claimed for the Project and the manner in which they may preserve that right.

The Stipulated Offer of Judgment sets forth the rights of the US and CID to divert, impound and store public surface waters of the Pecos River stream system. The Offer describes the claimed purposes (irrigation, domestic and livestock uses), sources (Pecos River mainstem and Black River), points of diversion (Avalon Dam and junction of CID Black River Canal with

*Exhibit A*

Black River), place of use (25,055 acres within the Project boundaries), annual diversion amounts (the lesser of 125,200 acre feet or quantity of water necessary to supply an annual depletion of 55,572 acre feet) and priorities (Pecos River - July, 1887 for part and July, 1888 for part; Black River - 1889). The Offer also describes the claimed storage reservoirs for the Project, i.e. Lake Avalon, Brantley Lake, Lake Sumner and Santa Rosa Lake, listing their purposes, source, locations, amount of water and priorities.

Copies of the Stipulated Offer of Judgment containing in full the elements of the claimed water rights for the Carlsbad Project and a form which may be utilized for filing a notice of objection to the Offer may be obtained from the New Mexico State Engineer Offices in Roswell (505) 622-6467 and Santa Fe, New Mexico (505) 827-6150.

If you do not wish to contest any part of the water rights claimed for the Project, you do not have to take any action. If you wish to contest all or any part of the water rights claimed for the Project, you must file your objections with the Fifth Judicial District Court clerk no later than January 31, 1996 at the following address: District Court Clerk, Fifth Judicial District Court, P.O. Box 1776, Roswell, NM 88201. Any defendant in the Pecos River stream system adjudication or claimant to water rights in the Pecos River stream system who does not file an objection shall be forever barred from making any subsequent objections to the water rights claimed for the Project.

Notice of this action was previously provided in March, 1995. ANY PERSON WHO HAS ALREADY FILED AN OBJECTION TO THE PROJECT OFFER MAY NOT FILE ANY ADDITIONAL OBJECTION.

The name of the plaintiff State of New Mexico's attorney is Rebecca Dempsey, Special

Assistant Attorney General. State Engineer Office whose address and phone number are P. O. Box 25102, Santa Fe, NM 87504-5102, (505) 827-6150.

Witness my hand and seal of the Fifth Judicial District Court, County of Chaves, State of New Mexico.

Bee J. Clem, District Court Clerk

By: \_\_\_\_\_