

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT COURT

2012 OCT 15 AM 11:59

STATE OF NEW MEXICO, *ex rel.*  
STATE ENGINEER  
and PECOS VALLEY ARTESIAN  
CONSERVANCY DISTRICT,

DISTRICT COURT

Nos. 20294 and 22600 Consolidated

Plaintiffs,  
vs.

Hon. James J. Wechsler  
Presiding Judge

L.T. LEWIS, *et al.* and  
UNITED STATES OF AMERICA,

Carlsbad Irrigation District Section,  
Membership Phase

Defendants,  
and

CV-WH-03-01

STATE OF NEW MEXICO, *ex rel.*  
STATE ENGINEER  
and PECOS VALLEY ARTESIAN  
CONSERVANCY DISTRICT,

Plaintiffs,  
vs.

HAGERMAN CANAL CO., *et al.*,

Defendants.

**NOTICE OF OPPORTUNITY TO ASSERT OMITTED CLAIM FOR RIGHT TO  
GROUNDWATER AS A SUPPLEMENTAL SUPPLY TO SURFACE WATER RIGHTS  
IN THE CARLSBAD IRRIGATION DISTRICT**

TO: ALL CLAIMANTS IN THE CARLSBAD IRRIGATION DISTRICT (hereinafter  
"CID") WHO MAY OWN A RIGHT TO GROUNDWATER AS A SUPPLEMENTAL  
SUPPLY TO SURFACE WATER RIGHTS (hereinafter "Supplemental Right") THAT WAS  
NOT RECOGNIZED IN THE CID ADJUDICATION.

Each claimant in the CID who receives this Notice is offered this sole opportunity to assert a  
claim to a Supplemental Right in the CID.

IF YOU OWN A SUBFILE THAT WAS NOT ADJUDICATED A SUPPLEMENTAL RIGHT  
AND YOU HAVE INFORMATION SUGGESTING YOUR SUBFILE MIGHT HAVE SUCH  
A RIGHT, YOU MUST FOLLOW THE INSTRUCTIONS BELOW:

1. You must, on or before **November 19, 2012**:

(a) File, either in person or by mail, the attached Rule 1-060(B)(6) Motion Requesting Adjudication of Omitted Supplemental Right (“Rule 1-060 Motion”) with the Court at the following address:

Fifth Judicial District Court  
Chaves County Courthouse  
400 N. Virginia Street  
P.O. Box 1776  
Roswell, NM 88202

(b) Serve a duplicate copy of the Rule 1-060 Motion, either in person or by mail, on the Office of the State Engineer at the following address:

Gary Storm  
Office of the State Engineer  
Litigation and Adjudication Program  
130 South Capitol Place  
P.O. Box 25102  
Santa Fe, NM 87504-5102

2. You must, **within 30 days** after you file your Rule 1-060 Motion, deliver to the Office of the State Engineer for inspection and copying, all deeds, abstracts of title, and other documents of title relevant to determining whether a supplemental right should be adjudicated for the subfile in which you claim such a right. The documents must be submitted to the Roswell Office of the State Engineer at the following address:

Office of the State Engineer  
District II  
1900 West Second Street  
Roswell, NM 88201-1712

or to a representative of the Roswell Office at a field office hosted each Monday, except holidays, at:

Eddy County Office Complex  
Second Floor  
101 West Greene Street  
Carlsbad, NM 88220

If you have questions you may contact Gary Storm, attorney for the State of New Mexico, at 1-800-928-3766 (press 2 at the voice prompt).

YOU MUST FILE THE RULE 1-060 MOTION WITH THE CLERK OF THE FIFTH JUDICIAL DISTRICT AND MAIL A COPY TO THE OFFICE OF THE STATE ENGINEER IN SANTA FE BY **NOVEMBER 19, 2012**, AT THE ADDRESSES LISTED ABOVE

AND

DELIVER WITHIN 30 DAYS THEREAFTER COPIES OF ALL DEEDS, ABSTRACTS OF TITLE, OR OTHER DOCUMENTS RELEVANT TO DETERMINING WHETHER A SUPPLEMENTAL RIGHT SHOULD BE ADJUDICATED FOR YOUR SUBFILE TO THE OFFICE OF THE STATE ENGINEER IN ROSWELL.

**IF YOU FAIL TO COMPLY WITH THE FOREGOING REQUIREMENTS YOU WILL FORFEIT THE OPPORTUNITY TO ASSERT A CLAIM FOR AN OMITTED SUPPLEMENTAL RIGHT.**

In providing this opportunity to claim a supplemental right, **the State is making no suggestion or representation that you actually do own an unrecognized supplemental right or that the State will recognize your claim.** Rather this is notice that you have a limited and final opportunity to claim a supplemental right, if you believe you own one, and have the State investigate that claim.

If you submit your Rule 1-060 Motion and the required documents to the Office of the State Engineer, the State Engineer will use the information you provide to determine whether you in fact have a supplemental right. If you do own a supplemental right, you will be required to meet with representatives of the Roswell Office of the State Engineer to sign and have notarized a Change of Ownership form and possibly other administrative documents. Thereafter you will join with the State in filing a proposed order with the Court that will recognize and adjudicate your supplemental right.

If the State Engineer determines that you do not have a supplemental right, you will be provided an opportunity to discuss the matter with the State and provide evidence that the supplemental right does exist. If, after the discussions, you still disagree with the State's determination, the Court will determine whether you have a supplemental right.

**THIS IS YOUR FINAL AND ONLY OPPORTUNITY TO ESTABLISH A CLAIM TO OWNERSHIP OF A SUPPLEMENTAL RIGHT IN THE CID.**

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, *ex rel.*  
STATE ENGINEER  
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Defendants.

Nos. 20294 and 22600 Consolidated

Hon. James J. Wechsler  
Presiding Judge

Carlsbad Irrigation District Section,  
Membership Phase

Court No.: As stated in Part A(2) \_\_\_\_\_  
Subfile No.: As stated in Part A(2) \_\_\_\_\_

**RULE 1-060(B)(6) NMRA MOTION REQUESTING ADJUDICATION OF OMITTED  
SUPPLEMENTAL RIGHT**

**Fill out one form for each subfile for which you make a claim to a right to groundwater as a supplemental supply to surface water rights (“supplemental right”). Please type or print legibly.**

The undersigned claims a right to use water within the Carlsbad Irrigation District (“CID”) and files this Motion under Rule 1-060(B)(6) NMRA to reopen the Subfile Order described herein based on a claim for a supplemental right which was not recognized in the Subfile Order.

**Part A: Your Information**

1. Full name or names, mailing address, and telephone number with area code:

\_\_\_\_\_  
\_\_\_\_\_

2. The subfile number and court number for the surface water right owned by you for which you claim a supplemental right. Your subfile number and court number can be found in Appendix H to the Proposed Partial Final Judgment and Decree on Surface Water Rights and Supplemental Rights in the Membership Phase of the Carlsbad Irrigation District Section of the Pecos River Stream System Adjudication. (Please also write the subfile and court numbers in the spaces provided above.)

Subfile Number: \_\_\_\_\_

Court Number: \_\_\_\_\_

**Part B: Support for Defendant’s Claim to a Supplemental Right** (Explain in as much detail as possible the grounds upon which you are asserting a claim for a supplemental right. Attach additional pages if necessary.):

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**Part C: Attachments:** In support of this Claim for a Supplemental Right, the Defendant attaches hereto:

1. Title instruments as follows:

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2. Other supporting documents, as follows:

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**Part D: Notice to Defendant and Defendant Acknowledgements:**

1. **THE DEFENDANT HAS BEEN INFORMED THAT FAILURE TO SUBMIT THIS MOTION WILL FORECLOSE ANY FUTURE OPPORTUNITY TO ESTABLISH A CLAIM TO OWNERSHIP OF A SUPPLEMENTAL RIGHT IN THE CID.**

2. **YOU ARE RESPONSIBLE FOR KEEPING YOUR CONTACT INFORMATION CURRENT IF YOU WISH TO RECEIVE NOTICE REGARDING THESE PROCEEDINGS. If you change your mailing address you must file your change of address with the Court and the Office of the State Engineer.**

**Part E: Filing this Motion**

1. This Motion must be filed with the Court, either in person or by mail, to be received by the Court, no later than **November 19, 2012**, at the following address:

Fifth Judicial District Court  
Chaves County Courthouse  
400 N. Virginia Street  
P.O. Box 1776  
Roswell, NM 88202

2. At the same time this Motion is filed with the Court, a duplicate copy of this Motion must be served, either in person or by mail, on:

Gary Storm  
Office of the State Engineer  
Litigation and Adjudication Program  
130 South Capitol Place  
P.O. Box 25102  
Santa Fe, NM 87504-5102

Respectfully submitted,

Defendant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

Defendant Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant Phone: \_\_\_\_\_

**ONE PERSON WILL NEED TO SIGN AND DATE THE CERTIFICATE OF SERVICE BELOW:**

**CERTIFICATE OF SERVICE**

I certify that I have caused a copy of the above to be sent to the following persons in person or by U.S. mail, postage prepaid, on \_\_\_\_\_, 2012.

Fifth Judicial District Court  
Chaves County Courthouse  
400 N. Virginia Street  
P.O. Box 1776  
Roswell, NM 88202

Gary Storm  
Office of the State Engineer  
Litigation and Adjudication Program  
130 South Capitol Place  
P.O. Box 25102  
Santa Fe, NM 87504-5102

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_