

Faint stamp: FRI OCT 12 2012 10:00 AM DISTRICT COURT CLERK

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT COURT

2012 OCT 15 PM 12:00

DISTRICT COURT CLERK

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

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 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**

Defendants who were adjudicated a surface water right or a right to groundwater as a supplemental supply to surface water rights (hereinafter "supplemental right") appurtenant to lands located within the boundaries of the Carlsbad Irrigation District ("CID"), and their successors in interest, are notified that a 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 ("Proposed Decree") was filed with the State of New Mexico's Motion for Entry of 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, in the Fifth Judicial District Court on October 15, 2012. The complete text of the Proposed Decree is included at the end of this Notice.

The filing of the Proposed Decree initiated an *Inter Se* Proceeding in which Defendants are offered the opportunity to object to any orders adjudicating the water rights of other Defendants to beneficially use surface water and supplemental rights appurtenant to lands located within the boundaries of the CID.

**This *Inter Se* Proceeding is the only opportunity for Defendants who were adjudicated surface water rights and supplemental rights in the CID and their successors in interest to object to the determination of the surface water rights and supplemental rights of other Defendants and their successors in interest that are described in Appendix D to the Proposed Decree (which can be found at the website and locations listed below).**

After resolving any objections, the Court will enter a Partial Final Decree<sup>1</sup> that binds all Defendants and their successors in interest to the final adjudication of all surface water rights and supplemental rights within the boundaries of the CID.

## **HISTORY OF THE PROCEEDINGS**

This cause of action is part of the general adjudication of all rights to divert, impound, store, and beneficially use the public surface and underground waters of the Pecos River Stream System that was initiated in April 9, 1956, and entitled State v. Lewis.

On December 10, 2004, the Court entered a Partial Final Decree (“Project Phase Decree”) adjudicating between and among the United States, the State of New Mexico (“State”), the Carlsbad Irrigation District (the “CID”), the Pecos Valley Artesian Conservancy District (the “PVACD”), and all persons claiming water rights in the CID: (a) the maximum allowable annual diversion and storage rights of the CID and the United States regarding certain waters of the Pecos River Stream System and (b) the right of the CID to deliver surface water to its Members.<sup>2</sup> (For ease of reference, the term “Members” refers to the Members of CID who were joined to the CID adjudication as defendants as well as their successors in interest.)

Prior to entry of the Project Phase Decree, the Court had determined in a series of orders (the “Threshold Orders”) that the Members are the beneficial owners of Project water rights but that the nature and extent of their beneficial interest is governed by certain federal and state laws, the

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<sup>1</sup> 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 (the “Partial Final Decree”).

<sup>2</sup> Attached to the Project Phase Decree as an exhibit is a Settlement Agreement (“Settlement”) executed on March 25, 2003 among the State, the CID, the United States, and the PVACD. The Settlement Agreement is a part of and incorporated into the Project Phase Decree.

consent or other final orders in all subfile proceedings, the rules and regulations of the CID, and any applicable contracts among the CID and its Members. The Threshold Orders are included in their entirety in Appendix E to the Proposed Decree. The Project Phase Decree and the Threshold Orders are binding on the Members of CID, their successors in interest, and any other persons claiming water rights in the CID. In addition, under the Project Phase Decree, no party to the Settlement shall present any claim or objection in the Membership Phase or any *Inter Se* phase of the adjudication that is inconsistent with the Project Phase Decree.<sup>3</sup>

The Project Phase Decree determined two elements of the surface water rights of the Members: priority and amount of water. The remaining elements of the Members' surface water rights (including location and amount of irrigated acreage, purposes of use, and sources of water), and the Members' rights to groundwater as a supplemental supply to surface water rights ("supplemental rights") remained for determination in the so-called "Membership Phase" of the adjudication of the CID Section of the Pecos River.

In the Membership Phase, the State joined the Members as defendants and adjudicated, by means of consent orders, default judgments, or other final orders (collectively "Subfile Orders"), each Member's individual water rights. The Subfile Orders are binding on the Members who were joined as defendants and their successors in interest.

**The final stage of the CID Section will be the entry of a Partial Final Decree, which will be binding on all CID water right owners and their successors in interest, whether or not they participated in the *Inter Se* process.**

#### **INSTRUCTIONS IF YOU WISH TO PARTICIPATE IN *INTER SE* PROCEEDINGS**

**If you own water rights in the CID, this is your only opportunity to exercise your right to file certain objections to the Proposed Decree and to offer evidence to the Court in support of those objections.**

The Project Phase Decree has determined a number of issues to which no one may object and which are binding on all owners of surface water and supplemental rights in the CID.

For surface water rights in the CID Section, objections can only be made to the location and amount of irrigated acreage. Objections **cannot** be made to determinations of purposes of use; sources of water; priority dates; irrigation water requirements; project diversion requirement and storage rights of the United States; delivery rights of the CID; and the diversion, delivery, and apportionment of CID water among CID Members.

For supplemental rights, objections can only be made to the points of diversion, priority dates, and location and amount of irrigated acreage. Objections **cannot** be made to the purpose of use and amount of water.

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<sup>3</sup> Settlement Parties' Joint Declaration of Settlement Implementation entered June 11, 2009.

You **cannot** object to your own adjudicated water right.

Copies of the Proposed Decree and Appendices, and hydrographic survey maps showing the location of all tracts described in the Decree, shall be made available for public inspection at the offices of the CID in Carlsbad at the following address:

Carlsbad Irrigation District  
5117 Grandi Road  
Carlsbad, NM 88220

Copies shall be made available for public inspection at the Office of the State Engineer's ("OSE") Offices at the following addresses:

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

Office of the State Engineer  
Litigation and Adjudication Program  
130 South Capitol Place  
Santa Fe, NM 87504-5102

The Proposed Decree is also available on the OSE website at:

<http://www.ose.state.nm.us/LAP/CID/decreed.html>.

Copies shall be made available for public inspection at the Fifth Judicial District Court in the Eddy County Court House in Carlsbad and the Chaves County Court House in Roswell at the following addresses:

Fifth Judicial District Court  
Eddy County Courthouse  
102 North Canal #240  
Carlsbad, NM 88220

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

All Defendants and their successors in interest may file objections to the water rights of other individuals, as described in Appendix D of the Proposed Decree which can be viewed at the OSE website or one of the locations listed above.

If you choose not to exercise this **sole** opportunity to object to the water rights of other individuals, you do not need to take any further action. After any objections to the Proposed Decree are resolved by the Court, you will be bound by the provisions of the Proposed Decree.

## **HOW TO FILE AN OBJECTION**

If you wish to object, you or your attorney must file an objection with the Fifth Judicial District Court of New Mexico.

**Objections must be filed on the form that accompanies this Notice entitled *Inter Se Objection to Water Rights Used Within the CID (“Inter Se Objection”)*.** This form may also be obtained from the OSE website or one of the locations listed above.

The *Inter Se* Objection must identify the case and subfile numbers of the person making the objection, the case and subfile numbers of the water rights objected to, and the adjudicated owner of that water right. You can locate your case and subfile numbers and those of other CID Members by consulting the Indices in Appendix H which can be viewed on the OSE website or one of the locations listed above. The first of these Indices is organized alphabetically by owner name. More detailed information about each Defendant’s water rights can be found in Appendix D of the Proposed Decree which is also available on the OSE website or one of the locations listed above. The person making the objection must provide a brief explanation of the reason for the objection and sign the *Inter Se* Objection form.

*Inter Se* Objections must be filed in person or by mail and must 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

At the same time, a copy of the *Inter Se* Objection must be served 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

## **PARTICIPATION IN SUBFILES IN WHICH OBJECTIONS ARE FILED**

On or before December 19, 2012, the State of New Mexico will:

- (a) serve a copy by certified mail of the applicable *Inter Se* Objection on each Defendant whose subfile is the subject of an objection; and

(b) file a Report with the Court identifying each Subfile in which an *Inter Se* Objection is filed and make copies of the report available for inspection at the locations and website described above.

Defendants whose subfiles are the subject of an objection and all persons who filed an *Inter Se* Objection in that subfile **must** participate in the court proceedings to resolve the objection.

Defendants **may** (but are **not** required to) participate in the resolution of *Inter Se* Objections filed in Subfiles in which they did not file an *Inter Se* Objection provided they file a Notice of Intent to Participate with the Court by January 18, 2013. A copy of a Notice of Intent to Participate form accompanies this Notice and copies of Notices of Intent to Participate will also be available at the OSE website or one of the locations listed above.

Defendants will **only** be notified by certified mail if an *Inter Se* Objection is filed in their own subfile. Defendants can determine whether an *Inter Se* Objection has been filed in another subfile only by examining the Report filed by the State at the OSE website or one of the locations listed above.

### **MANDATORY SCHEDULING CONFERENCE**

The Court will conduct a scheduling and pretrial conference in the Fifth Judicial District Court in Carlsbad for the purpose of establishing the procedure to be used for resolving *Inter Se* Objections. Each Defendant who timely files an *Inter Se* Objection and each Defendant whose subfile is the subject of an objection and each person who files a Notice of Intent to Participate, **MUST** attend the scheduling conference. Those who, without good cause, fail to attend shall be barred from participating in *Inter Se* Proceedings. The Court shall serve notice of the scheduling conference on all persons whose attendance is required by first class mail approximately 30 days prior to the conference.

**All persons having water rights in the CID and their successors in interest will be bound by the outcome of the proceedings to resolve *Inter Se* Objections.**

### **FOR ADDITIONAL INFORMATION**

For additional information regarding this Notice or the Proposed Decree, you may call or write any of the following persons:

Gary B. Storm, Cynthia Sully  
Special Assistant Attorneys General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
505-827-6150; 505-827-3887 (fax)

Carlsbad Irrigation District  
5117 Grandi Road  
Carlsbad, NM 88220  
575-236-6390

**FULL TEXT OF PROPOSED DECREE:**

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL 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,

Defendants,  
and

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

Plaintiffs,  
vs.

HAGERMAN CANAL CO., *et al.*,

Defendants.

Nos. 20294 and 22600 Consolidated

Hon. James J. Wechsler  
Presiding Judge

Carlsbad Irrigation District Section,  
Membership Phase

CV-WH-03-01

**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**

THIS MATTER comes before the Court upon the Motion of the State of New Mexico, *ex rel.* State Engineer, (the “State”) for entry of a 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 (the “Partial Final Decree”) filed

on October 15, 2012. The Court, having considered the Motion and orders previously filed or entered, and being fully advised in the premises, FINDS:

- A. The Court has jurisdiction over the subject matter and parties.
- B. This case is a general adjudication of all rights to divert, impound, store, and beneficially use the public surface and underground waters of the Pecos River Stream System.
- C. This Decree is entered in accordance with NMSA 1978, § 72-4-19 (1907), for all surface water rights and rights to groundwater as a supplemental supply to surface water rights (hereinafter “supplemental rights”) appurtenant to lands located within the boundaries of the Carlsbad Irrigation District (the “CID”).

D. This Decree does not determine, affect, or adjudicate any other claims to the right to use groundwater within the boundaries of the CID. Those claims will be adjudicated in separate proceedings in the Carlsbad Underground Water Basin Section of this adjudication.

E. On December 10, 2004, the Court entered a Partial Final Decree (“Project Phase Decree”) adjudicating between and among the United States, the State, the CID, the Pecos Valley Artesian Conservancy District (the “PVACD”), and all persons claiming water rights in the CID: (a) the maximum allowable annual diversion and storage rights of the CID and the United States regarding certain waters of the Pecos River Stream System and (b) the right of the CID to deliver surface water to its Members.<sup>1</sup> (For ease of reference, the term “Members” refers to the Members of CID who were joined to the CID adjudication as defendants as well as their successors in interest.) Prior to entry of the Project Phase Decree, the Court had determined in a series of orders (the “Threshold Orders”) that the Members are the beneficial owners of Project

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<sup>1</sup> Attached to the Project Phase Decree as an exhibit is a Settlement Agreement (“Settlement”) executed on March 25, 2003, among the State, the CID, the United States, and the PVACD. The Settlement Agreement is a part of and incorporated into the Project Phase Decree.

water rights but that the nature and extent of their beneficial interest is governed by certain federal and state laws, the consent or other final orders in all subfile proceedings, the rules and regulations of the CID, and any applicable contracts among the CID and its Members. The Threshold Orders are included in their entirety in Appendix E to this Decree. The Project Phase Decree and the Threshold Orders are binding on the Members of CID, their successors in interest, and any other persons claiming water rights in the CID.

F. The Project Phase Decree determined two elements of the surface water rights of the Members: priority and amount of water. The remaining elements of the Members' surface water rights (including location and amount of irrigated acreage, purposes of use, and sources of water), and the Members' supplemental rights remained for determination in the so-called "Membership Phase" of the adjudication of the CID Section of the Pecos River. In the Membership Phase, the State joined the Members as defendants and adjudicated, by means of consent orders, default judgments, or other final orders (collectively "Subfile Orders"), each Member's individual water rights. The Court has entered Subfile Orders in all subfile proceedings in the CID Section and the Membership Phase of the CID Section adjudication is complete.

G. The Project Phase Decree and the Threshold Orders are binding on the Members of CID, their successors in interest, and any other persons claiming water rights in the CID. In addition, under the Project Phase Decree, no party to the Settlement shall present any claim or objection in the Membership Phase or any *Inter Se* phase of the adjudication that is inconsistent with the Project Phase Decree.<sup>2</sup> Each filed individual Subfile Order is binding between the

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<sup>2</sup> Settlement Parties' Joint Declaration of Settlement Implementation entered June 11, 2009.

Defendant and any successor in interest (“Defendant”) and the State, and is binding among all Members and their successors in interest upon the entry of this Decree.

H. Under the Order Establishing Procedures for Conducting *Inter Se* Proceedings and Adjudicating Omitted Supplemental Rights in the Membership Phase of the CID Section of the Pecos River Stream System Adjudication entered on September 25, 2012, the State, on October 15, 2012, commenced *Inter Se* Proceedings by filing a Motion for Entry of 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 (the “Motion for Decree”). In the Motion for Decree, the State requested that the Court enter this Partial Final Decree adjudicating all surface water rights and all supplemental rights associated with those surface rights.

I. The Motion for Decree initiated the *Inter Se* Proceedings in which all Defendants were provided with an opportunity to file *Inter Se* Objections to certain aspects of the Subfile Orders. Specifically, those persons were permitted to file *Inter Se* Objections to: (a) those elements of other Defendants’ surface water rights that were not determined by the Project Phase Decree and (b) to all elements of other Defendants’ supplemental rights. *Inter Se* Objections challenging the Project Phase Decree were not permitted.

J. Additionally, the State informed the Court that, as it was preparing to initiate an *Inter Se* Proceeding, it discovered that the Subfile Orders of some Defendants did not adjudicate a supplemental right even though those Defendants may in fact have been entitled to such a right. The *Inter Se* Proceedings included a process that allowed Defendants who may own a subfile that had not already been adjudicated a supplemental right, an opportunity to assert a claim to a supplemental right.

K. The Court held hearings that resolved all *Inter Se* Objections and all supplemental right claims.

L. Throughout the course of these proceedings, all Defendants were provided with legally sufficient notice of all proceedings to adjudicate their water right claims and legally sufficient notice of all *Inter Se* Proceedings.

M. The CID Section *Inter Se* Proceeding is complete and all claims to the surface water rights and supplemental rights in the CID Section have been determined and adjudicated by the Court. The Appendices to this Decree, and the Addendum to those Appendices, summarize both: (a) the elements of the surface water rights that were adjudicated by the Project Phase Decree and (b) the elements of the surface water rights and supplemental rights that were adjudicated by the Subfile Orders, as those rights may have been modified by any orders amending or correcting Subfile Orders, as well as any final orders entered during *Inter Se* Proceedings.

N. Beneficial use is the basis, the measure, and the limit of all water rights determined in this Decree. This Decree is a final adjudication of all surface water rights and supplemental rights beneficially used on lands located within the CID and is binding between and among the State and all Defendants and their successors in interest.

O. The right to object to this Decree by parties to other sections of the Pecos River Stream System adjudication is expressly reserved until this Court orders further *Inter Se* Proceedings for those specific sections or for the Pecos River Stream System generally.

P. The water rights adjudicated herein may in the future be subject to general *Inter Se* Proceedings that involve all adjudicated water rights of the Pecos River Stream System and its tributaries.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. All rights to the use of surface water and all rights to groundwater as a supplemental supply to surface water rights appurtenant to lands located within the boundaries of the CID, as set forth in previously filed orders and summarized in the Appendices and Addendum to the Appendices attached hereto, are finally adjudicated by this Decree. The Subfile Orders or other Court orders that determine those water rights are expressly approved and confirmed as valid as of the date of the entry of the individual Subfile Order or other Court order.

2. The Appendices and Addendum to the Appendices are incorporated by reference as though fully set forth herein. In the event there is a discrepancy between a description of water rights set forth in the Appendices and Addendum to the Appendices and the specific Subfile Order or other Court order that determines that right, the specific order is controlling.

3. The Defendants whose water rights are adjudicated herein, and their successors in interest, are hereby enjoined from diverting, impounding, storing, or using the public surface and underground waters of the Pecos River Stream System except in strict accordance with this Decree and such other orders of the Court that may be entered in this cause.

4. There is no just reason for delay and the Court hereby expressly directs entry of this Decree as a final judgment as authorized by Rule 1-054(B) NMRA.

5. Jurisdiction is retained to determine and adjudicate *Inter Se* Proceedings between any or all of the Defendants in the CID Section and any or all defendants in other sections of the Pecos River Stream System.

IT IS SO ORDERED.

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HON. JAMES J. WECHSLER  
Presiding Judge

Respectfully Submitted By:

Approved By:

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GARY B. STORM, CYNTHIA SULLY  
Special Assistant Attorneys General  
Office of the State Engineer  
P. O. Box 25102  
Santa Fe, NM 87504 5102  
Attorneys for Plaintiff State of New Mexico,  
*ex rel.* State Engineer

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STEPHEN E. SNYDER, Special Master

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL 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,

Defendants.

Nos. 20294 and 22600 Consolidated

Hon. James J. Wechsler  
Presiding Judge

Carlsbad Irrigation District Section,  
Membership Phase

Court No.: As stated in Part B \_\_\_\_\_  
Subfile No.: As stated in Part B \_\_\_\_\_

**INTER SE OBJECTION TO WATER RIGHTS USED WITHIN THE CID**

**Fill out one form for each subfile to which you object. Please type or print legibly.**

The undersigned claims a right to use water within the Carlsbad Irrigation District (“CID”) and files this *Inter Se* Objection to the water rights as set forth in the Appendix 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 (“Proposed Decree”).

**Part A: Your Information:**

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

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

2. The subfile number and court number of your water right. (Your subfile number and court number can be found in the Indices in Appendix H to the Proposed Decree):

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

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

**Part B: Water Right to Which You Object:** The subfile number, court number, owner, and information about the water right can be found in Appendices D and F, and the Indices in Appendix H to the Proposed Decree. (Please also write the subfile and court numbers in the spaces provided above.)

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

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

Name of Owner(s): \_\_\_\_\_

Basis of this Objection: \_\_\_\_\_

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

**Part C: Notice to Claimant and Claimant Acknowledgements:**

1. **IF YOU CHOOSE NOT TO COMPLETE THIS FORM, YOU WILL RECEIVE NO FURTHER OPPORTUNITY TO FILE OBJECTIONS TO THE DETERMINATION OF WATER RIGHTS DESCRIBED IN THE PROPOSED DECREE.**

2. You affirm that you (or your attorney) will attend a mandatory scheduling and pretrial conference to be held at a time and place to be announced in order to be allowed to participate in the resolution of *Inter Se* Objections. Further procedures for resolving *Inter Se* Objections will be determined at the conference.

3. **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 D: Filing this Objection**

1. This Objection must be filed with the Court, either in person or by mail, and must 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 Objection is filed with the Court, a duplicate copy of this Objection 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

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

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT COURT

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

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

Defendants.

Nos. 20294 and 22600 Consolidated

Hon. James J. Wechsler  
Presiding Judge

Carlsbad Irrigation District Section,  
Membership Phase

Court No.: As stated in Part B(1) \_\_\_\_\_

Subfile No.: As stated in Part B(1) \_\_\_\_\_

### NOTICE OF INTENT TO PARTICIPATE

**This form is to be used to notify the Court of your intent to participate in the resolution of an *Inter Se* Objection filed by another party. You must fill out a separate form for each subfile in which an *Inter Se* Objection was filed.**

The undersigned states as follows:

#### **Part A: Your Information**

I own an interest in the following water right in the Carlsbad Irrigation District. 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 (“Proposed Decree”):

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

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

#### **Part B: The *Inter Se* Objection in which you wish to participate:**

1. An *Inter Se* Objection has been filed to the water right described in the Subfile Order (the “Subfile Order”) in the following subfile. The subfile number and court number can be found in Appendix H to the Proposed Decree. (Please also write the subfile and court numbers in the spaces provided above.)

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

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

2. I do **NOT** object to the adjudication of the water right in the manner described in the Subfile Order but I intend to participate in the court proceeding to resolve the *Inter Se* Objection to that water right.

**Part C: Your Contact Information**

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Name of Claimant Filing Notice of Intent to Participate

---

Signature of Claimant or Claimant's Attorney

---

Street or P.O. Address

---

City, State and Zip Code

---

Telephone Number with Area Code

**Part D: Filing this Notice**

1. To participate in the resolution of above described *Inter Se* Objections you must file this Notice with the Court, either in person or by mail, to be received by the Court, no later than **January 18, 2013**, 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 Notice is filed with the Court, a duplicate copy of this Notice 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