

FIFTH JUDICIAL DISTRICT  
CHAVES COUNTY NM  
PLEASANT OFFICE

2012 DEC -4 AM 11:41

KEVIN D. CROWLEY  
DISTRICT COURT CLERK

FIFTH JUDICIAL DISTRICT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

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

Plaintiffs, )

v. )

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

Defendants, )

and )

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

Plaintiffs, )

v. )

HAGERMAN CANAL CO., *et al.*, )

Defendants. )

Nos. 20294 and 22600  
Consolidated  
Hon. James J. Wechsler  
Presiding Judge

Carlsbad Irrigation District  
Membership Phase

Court No. CV-WH-03-01

**AFFIDAVIT OF PUBLICATION**

# Affidavit of Publication

State of New Mexico,  
County of Eddy, ss.

**Kathy McCarroll**, being first duly sworn,  
on oath says:

That she is the Classified Supervisor of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

October 21	2012
October 28	2012
November 4	2012
November 11	2012

That the cost of publication is **\$2,027.44** and that payment thereof has been made and will be assessed as court costs.

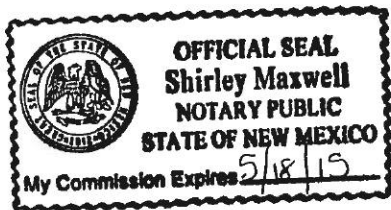
*Kathy McCarroll*

Subscribed and sworn to before me this

20th day of November, 2012

*Shirley Maxwell*

My commission expires 5/18/15  
Notary Public



October 21, 28, November 4, & 11, 2012

STATE OF NEW MEXICO  
COUNTY OF CHAVES  
FIFTH JUDICIAL DISTRICT  
COURT

STATE OF NEW MEXICO,  
ex rel.  
STATE ENGINEER and PE-  
COS VALLEY ARTESIAN  
CONSERVANCY DISTRICT,  
Plaintiffs,  
vs.

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

STATE OF NEW MEXICO,  
ex rel.  
STATE ENGINEER and PE-  
COS 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

**NOTICE OF PROPOSED  
PARTIAL FINAL JUDG-  
MENT 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 ADJU-  
DICATION**

**THIS NOTICE IS DIRECT-  
ED** to all 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 Dis-  
trict ("CID"), and their  
successors in interest;

AND

All unknown heirs of any  
deceased person who, in  
his or her lifetime, was  
adjudicated a surface  
water right or a supple-  
mental right appurtenant  
to lands located within  
the boundaries of the  
CID;

Defendants who were  
adjudicated a surface wa-  
ter right or a supplemen-  
tal right appurtenant to  
lands located within the  
boundaries of the  
Carlsbad Irrigation Dis-  
trict ("CID"), and their  
successors in interest, are  
notified that a Proposed  
Partial Final Judgment  
and Decree on Surface  
Water Rights and Supple-  
mental Rights in the  
Membership Phase of the  
Carlsbad Irrigation Dis-  
trict Section of the Pecos  
River Stream System Ad-  
judication ("Proposed De-  
cree") was filed with the  
State of New Mexico's  
Motion for Entry of Partial  
Final Judgment and De-  
cree on Surface Water  
Rights and Supplemental  
Rights in the Membership  
Phase of the Carlsbad Irri-  
gation 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 ap-  
purtenant to lands locat-  
ed within the boundaries  
of the CID.

This *Inter Se* Proceeding  
is the only opportunity  
for Defendants who were  
adjudicated surface wa-  
ter rights and supplemen-  
tal rights in the CID  
and their successors in  
interest to object to the  
determination of the sur-  
face water rights and  
supplemental rights of  
other Defendants and  
their successors in inter-  
est that are described in  
Appendix D to the Pro-  
posed Decree (which can  
be found at the website  
and locations listed be-  
low).

After resolving any objec-  
tions, the Court will enter  
a Partial Final Judgment  
and Decree on Surface  
Water Rights and Supple-  
mental Rights in the  
Membership Phase of the  
Carlsbad Irrigation Dis-  
trict Section of the Pecos  
River Stream System Ad-  
judication that binds all  
Defendants and their suc-  
cessors in interest to the  
final adjudication of all  
surface water rights and  
supplemental rights with-  
in the boundaries of the  
CID.

**HISTORY OF THE  
PROCEEDINGS**

This cause of action is  
part of the general adju-  
dication of all rights to di-  
vert, 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 Irri-  
gation District (the  
"CID"), the Pecos Valley  
Artesian Conservancy  
District (the "PVACD"),  
and all persons claiming  
water rights in the CID;  
(a) the maximum allow-  
able annual diversion and  
storage rights of the CID  
and the United States re-  
garding certain waters of  
the Pecos River Stream  
System and (b) the right  
of the CID to deliver sur-  
face water to its Mem-  
bers. (For ease of refer-  
ence, the term "Mem-  
bers" refers to the Mem-  
bers of CID who were  
joined to the CID adju-  
dication as defendants as  
well as their successors in  
interest.) Attached to the  
Project Phase Decree as  
an exhibit is a Settlement  
Agreement ("Settle-  
ment") 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.  
Prior to entry of the Pro-  
ject Phase Decree, the

Members are the ben-  
eficial owners of Project  
water rights but that the  
nature and extent of their  
beneficial interest is gov-  
erned by certain federal  
and state laws, the con-  
sent or other final orders  
in all subfile proceedings,  
the rules and regulations  
of the CID, and any appli-  
cable contracts among  
the CID and its Members.  
The Threshold Orders are  
included in their entirety  
in Appendix E to the Pro-  
posed Decree. The Pro-  
ject 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 ad-  
dition, (as directed by the  
Settlement Parties' Joint  
Declaration of Settlement  
Implementation entered  
June 11, 2009), under the  
Project Phase Decree, no  
party to the Settlement  
shall present any claim or  
objection in the Mem-  
bership Phase or any *Inter Se*  
phase of the adjudication  
that is inconsistent with  
the Project Phase Decree.

The Project Phase Decree  
determined two elements  
of the surface water  
rights of the Members:  
priority and amount of  
water. The remaining ele-  
ments of the Members'  
surface water rights (in-  
cluding location and  
amount of irrigated acre-  
age, purposes of use, and  
sources of water), and the  
Members' rights to  
groundwater as a supple-  
mental supply to surface  
water rights ("supplemen-  
tal 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 Mem-  
bers as defendants and  
adjudicated, by means of  
consent orders, default  
judgments, or other final  
orders (collectively  
"Subfile Orders"), each  
Member's individual wa-  
ter rights. The Subfile Or-  
ders are binding on the  
Members who were  
joined as defendants and  
their successors in inter-  
est.

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 own-  
ers and their successors  
in interest, whether or  
not they participated in  
the *Inter Se* process.

**INSTRUCTIONS IF YOU  
ISH TO PARTICIPATE IN  
INTER SE PROCEEDINGS**

If you own water rights  
in the CID, this is your  
only opportunity to exer-  
cise your right to file cer-  
tain 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 supple-  
mental rights in the CID.

For surface water rights  
in the CID Section, objec-  
tions can only be made to  
the location and amount  
of irrigated acreage. Ob-  
jections cannot be made  
to determinations of pur-  
poses of use; sources of  
water; priority dates; irri-  
gation water require-  
ments; project diversion  
requirement and storage  
rights of the United  
States; delivery rights of  
the CID; and the diver-  
sion, delivery, and ap-  
portionment of CID water  
among CID Members.

For supplemental rights,  
objections can only be  
made to the points of di-  
version, priority dates,  
and location and amount  
of irrigated acreage. Ob-  
jections cannot be made  
to the purpose of use and  
amount of water.

You cannot object to your  
own adjudicated water  
right.

Copies of the Proposed  
Decree and Appendices,  
and hydrographic survey  
maps showing the loca-  
tion 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 Grand Road  
Carlsbad, NM 88220

Copies shall be made  
available for public in-  
spection at the Office of  
the State Engineer's  
("OSE") Offices at the fol-  
lowing 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/decree.html>.

Copies shall be made  
available for public in-  
spection at the Fifth Judi-  
cial 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 Court-  
house  
400 N. Virginia Street  
Roswell, NM 88202

All Defendants and their  
successors in interest  
may file objections to the  
water rights of other indi-  
viduals, as described in  
Appendix D of the Pro-  
posed Decree, which can  
be viewed at the OSE  
website or one of the lo-  
cations listed above.

If you choose not to exer-  
cise 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 Pro-  
posed Decree are re-  
solved by the Court, you  
will be bound by the pro-  
visions 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 entitled *Inter Se* Objection to Water Rights Used Within the CID ("*Inter Se* Objection").** This form may 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 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. Notice of Intent to Participate forms will 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, New Mexico  
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 STATE 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 de-

river surface water to its Members. (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.) 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. 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 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, (as directed by the Settlement Parties' Joint Declaration of Settlement Implementation entered June 11, 2009), 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. Each filed individual Subfile Order is binding between the 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(8) 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.**

HON. JAMES J.  
WECHSLER  
Presiding Judge

Respectfully Submitted  
By:

GARY B. STORM,  
CYNTHIA SULLY  
Special Assistant  
Attorneys General  
Office of the State Engineer  
P. O. Box 25102  
Santa Fe, NM 87504  
E102  
Attorneys for Plaintiff  
State of New Mexico,  
ex rel. State Engineer

Approved By:

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Special Master  
505-827-6150; 505-827-  
3887 (fax)