

FIFTH JUDICIAL DISTRICT COURT
CHAVES COUNTY, NM
FILED IN NY OFFICE

FIFTH JUDICIAL DISTRICT COURT
COUNTY OF CHAVES
STATE OF NEW MEXICO

Nos. 20294 and 22600
Consolidated

2015 OCT -9 AM 9:26

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

Hon. James J. Wechsler
Presiding Judge

KATHLEEN J. HARRIS
DISTRICT COURT CLERK

Pecos River Stream System
Cow Creek Section

vs.

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

Court No. CV-WS-19000001

**NOTICE OF ADJUDICATION OF WATER RIGHTS IN THE
COW CREEK SECTION OF THE PECOS RIVER STREAM SYSTEM**

PLEASE TAKE NOTICE THAT:

I. *IN REM* JURISDICTION

Pending before this Court is a proceeding for the adjudication of water rights in the Cow Creek Section of the Pecos River Stream System Adjudication. An adjudication is a lawsuit in which a court formally identifies and judicially determines the elements of all the water rights in a stream system. *See* NMSA 1978, § 72-4-19.

The Court has *in rem* jurisdiction of all water rights in the Pecos River, including Cow Creek. All orders entered by the Court when exercising its *in rem* jurisdiction are binding on all water rights claimants within Cow Creek, regardless of whether they have been served and joined as parties, participated in, or received actual notice of a particular court proceeding.

II. PRIOR NOTICE OF COURT PROCEEDINGS

YOU ARE REQUIRED TO SUBSCRIBE TO A MONTHLY ADJUDICATION REPORT IN ORDER TO RECEIVE PRIOR NOTICE OF ALL COURT PROCEEDINGS AND DEADLINES. YOU WILL NOT RECEIVE ANY FURTHER CORRESPONDENCE FROM THE COURT UNLESS

YOU TAKE FURTHER ACTION AND SUBSCRIBE TO THE MONTHLY ADJUDICATION REPORT BY NOVEMBER 30, 2015, AS EXPLAINED IN THIS NOTICE.

III. FURTHER ACTION TO TAKE: SUBSCRIPTION TO MONTHLY ADJUDICATION REPORT

On the first Friday of every month, the Clerk of the Court will prepare a Monthly Adjudication Report ("Monthly Report") containing:

- (i) the time and location of all upcoming hearings,
- (ii) all deadlines for responding to motions or other documents filed with the Court,
- (iii) a chronological listing of all documents filed with the Court since the publication of the last Monthly Report,
- (iv) a brief summary of the motions listed in the Monthly Report.

The Monthly Report will be served on all persons who file with the Clerk a form entitled "SUBSCRIPTION TO MONTHLY ADJUDICATION REPORT" ("Subscription Form"). The Monthly Report will be served without charge by email on those persons who request service by email on their Subscription Forms. The Monthly Report will be served by first class mail on those persons who request service by mail upon payment of the required annual fee, currently set at \$60.00, to cover the cost of copying and mailing the Monthly Report. The fee will not be prorated for partial years. Parties who are unable to pay the annual fee may include with their Subscription Form a request for waiver of the annual fee on the form provided by the Court. If this Notice of Adjudication is served on you by mail, the Subscription Form is attached as Attachment A, and the request for waiver is attached as Attachment B. If the Notice of Adjudication is served on you by publication, copies of the Subscription Form and request for waiver may be printed from the Court's Cow Creek Adjudication website (<http://cowcreek.nmcourts.gov/>), or a party may request a copy from the Fifth Judicial District Court of the State of New Mexico by phone (575) 622-2212, or email rosdmjn@nmcourts.gov.

To file your Subscription Form for the Monthly Report, complete Attachment A, and if applicable Attachment B, and mail the completed form(s) to the Clerk of the Fifth Judicial District Court at the following address:

Office of the Clerk, Civil Division
Attention: Pecos Water Rights Adjudication
Fifth Judicial District Court of the State of New Mexico
P.O. Box 1776
Roswell, NM 88202-1776

To receive notice of all Court proceedings and deadlines, Attachment A must be filed with the Clerk by 5:00 p.m., by November 30, 2015. Water rights claimants who file their Subscription Forms after November 30, 2015, shall be deemed to have waived their right to any notice issued prior to the filing of their form.

IV. RIGHT TO PARTICIPATE IN AND BINDING EFFECT OF COURT PROCEEDINGS

If you claim a water right in the Cow Creek Section:

1. You have the right to participate in all Court proceedings PROVIDED YOU FILE THE REQUIRED DOCUMENTS WITH THE COURT AND ATTEND ALL MANDATORY COURT HEARINGS.
2. If you fail to respond in writing to certain Court documents or fail to attend a mandatory court hearing, YOU SHALL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO A HEARING AND TO HAVE CONSENTED TO THE DECISIONS OF THE COURT.

Except in those circumstances where NMSA § 72-4-17 requires that the Court have personal jurisdiction over a particular water rights claimant, notice of all filing deadlines and Court hearings will be provided ONLY by means of the Monthly Report, distributed to all persons who file a Subscription Form with the Clerk of the Court. See Section III above.

V. PROCEDURAL ORDER, EXPEDITED *INTER SE* AND STREAM SYSTEM PROCEEDINGS

In the Cow Creek Section, the Court will exercise its *in rem* jurisdiction by entering a procedural order that will govern the adjudication of water rights in Cow Creek; by conducting one or more stream system proceedings; and by conducting separate expedited *inter se* proceedings for each water right.

More specifically:

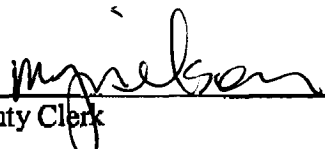
1. The Procedural Order will specify certain actions water rights claimants must take to have their water rights claim adjudicated.
2. When conducting a stream system proceeding, the Court will resolve an issue that directly affects all or a significant number of water rights regardless of whether all claimants in Cow Creek have been joined and served with process.
3. When conducting an expedited *inter se* proceeding, the Court will resolve a water rights claim both as between the State and the water rights claimant and as between the water rights claimant and all other claimants in Cow Creek.

VI. ADDITIONAL INFORMATION

For information regarding public information meetings or any other additional information contact the Office of the State Engineer:

Office of the State Engineer
Litigation and Adjudication Program
Concha Ortiz y Pino Building,
130 S. Capitol Dr.
Santa Fe, New Mexico
(505) 827-6150

Clerk of the Fifth Judicial District

By: 
Deputy Clerk

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Cow Creek Section

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

Court No. CV-WS-19000001

**MONTHLY ADJUDICATION REPORT
(ATTACHMENT A)**

The undersigned hereby subscribes to the Monthly Adjudication Report for the Cow Creek Section of the Pecos River Stream System Adjudication.

1. Do you (or, if you are an attorney, your client) claim a water right in the Cow Creek Section?

Yes _____ No _____

2. Service by email or first class mail (check one):

_____ I request that the Monthly Adjudication Report be served upon me by email at the following email

address: _____ . Reenter email address to confirm _____

_____ I request that the Monthly Adjudication Report be mailed to be by first class mail at the following address and a money order for \$60.00 made payable to the Clerk of the Court for the annual subscription fee or a request for a waiver of the fee is attached:

Claimant's Name(s)

Street or P. O. Box No. City State Zip

3. Duty to keep information current:

I understand that my subscription to the Monthly Adjudication Report will be automatically terminated if I fail to maintain a current deliverable email address or mailing address with the Clerk or if I fail to pay the annual subscription fee for reports served by first class mail.

4. Filing instructions:

Please file this Subscription Form by November 30, 2015, with the Office of the Clerk, Attention: Pecos Water Rights Adjudication, Fifth Judicial District, P.O. Bo x1776, Roswell, NM 88202-1776.

Signature(s): _____ Date: _____

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**REQUEST FOR WAIVER OF FEE FOR SUBSCRIPTION BY MAIL TO MONTHLY
ADJUDICATION REPORT
(ATTACHMENT B)**

The undersigned hereby requests that the annual fee the Court charges for a subscription by first class mail to the Monthly Adjudication Report for the Cow Creek Section be waived.

In making this request, I represent that:

(a) I do not have access to email and

(b) After comparing my available funds and annual gross income to my on-going monthly expenses,
I am unable to pay the annual fee.

Signature(s): _____

Date: _____

Mailing Address:

First and Last Name (Printed)

Street or P.O. Box No.

City State Zip Code

Please file this Request for Waiver of Fee with the Subscription Form with the Office of the Clerk,
Attention: Pecos Water Rights Adjudication, Fifth Judicial District, P.O. Box 1776, Roswell, NM
88202-1776.