

FIFTH JUDICIAL DISTRICT COURT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

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

Nos. 20294 and 22600  
Consolidated

Hon. James J. Wechsler  
Presiding Judge

vs.

Pecos River Stream System  
Carlsbad Section

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

No. D-504-WH-03-001240

**INTREPID STATEMENT OF CLAIM  
IN THE EXPEDITED *INTER SE* ADJUDICATION OF INTREPID'S WATER RIGHTS**

Intrepid Potash-New Mexico, LLC and Intrepid Potash, Inc. (collectively "Intrepid") respectfully provide this statement of their water rights claims in this expedited *inter se* adjudication of Intrepid's water rights under File Numbers SP-302, SP-1856, SP-1955, SP-1942, SP-2045, C-791 and C-1217 through C-1217-S ("Water Rights") to determine the validity, nature and extent of the Water Rights, i.e., the elements of the water rights—priority, amount, purpose and place of use of the Water Rights. *See* NMSA 1978, § 72-4-19.

Intrepid claims and seeks an adjudication decree from the adjudication court for 34,315.374 acre-feet diversion and 19,836 acre-feet consumptive use of previously licensed Pecos River Water Rights for industrial use in the amounts shown on the table below. Intrepid also claims and seeks an adjudication decree from the adjudication court of the amounts granted in State Engineer Permit SP-302 issued on December 3, 1982, which grants Intrepid an Additional Place of Use in the N1/2 of Section 17, T23S R29E for Intrepid to divert and consumptively use 362 acre-feet per annum for industrial purposes from wells C-1217 and C-1217-S located in the NW1/4 NW1/4 SW1/4 Section 13, T23S R28E and in the SE1/4 NW1/4 SE1/4 Section 16, T23S R29, respectively.

<b>Intrepid's Pecos River Water Rights</b>						
<b>Water Right</b>	<b>Priority Date</b>	<b>Point of Diversion</b>		<b>Place of Use</b>	<b>Quantity (acre-feet)</b>	
		<b>Surface Water</b>	<b>Groundwater</b>		<b>Diversion</b>	<b>Consumptive</b>
SP-1942	February 2, 1931	NW1/4 SE1/4 Sec. 11 T23S R28E	Permit C-791 (well C-1217); NW1/4 NW1/4 SW1/4 Sec. 13 T23S R28E	NE1/4 Sec 13 T23S R28E	10,859.500	10,859.500
SP-302	March 26, 1883	NW1/4SE1/4 Sec. 11 T23S R28E	Permit C-791 (well C-1217); NW1/4 NW1/4 SW1/4 Sec. 13 T23S R28E	NE1/4 Sec 13 T23S R28E	4,639.500	4,639.500
SP-2045	June 8, 1934	NW1/4SE1/4 Sec. 11 T23S R28E	None	NE1/4 Sec 13 T23S R28E	18,099.174	3,619.800
SP-1955 & SP-1856 Combined	July 1, 1929	NW1/4SE1/4 Sec. 11 T23S R28E	Permit C-791 (well C-1217); NW1/4 NW1/4 SW1/4 Sec. 13 T23S R28E	NE1/4 Sec 13 T23S R28E	566.400	566.400
	May 22, 1931				150.800	150.800
<b>TOTAL</b>					<b>34,315.374</b>	<b>19,836.000</b>