

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., 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 Section
Inter se

No. D-504-WH-3-001240

Intrepid Potash-New Mexico, LLC
Intrepid Potash, Inc.

**NOTICE OF EXPEDITED *INTER SE* PROCEEDING AND
DEADLINE FOR FILING NOTICE OF INTENT TO PARTICIPATE**

**TO: ALL PERSONS, KNOWN AND UNKNOWN, CLAIMING A RIGHT TO USE THE
SURFACE OR UNDERGROUND WATERS OF THE CARLSBAD SECTION OF THE
PECOS RIVER STREAM SYSTEM.**

YOU ARE HEREBY NOTIFIED that the Fifth Judicial District Court, Chaves County, State of New Mexico, is conducting an expedited *inter se* proceeding to adjudicate the claims of Intrepid Potash-New Mexico, LLC and Intrepid Potash, Inc. (“Intrepid”) to divert or impound and beneficially use water in the Carlsbad Section of the Pecos River Stream System. Any person who seeks to participate in the expedited *inter se* proceeding must file a Notice of Intent to Participate form with the Fifth Judicial District Court and serve the State of New Mexico by **February 12, 2020.**

Intrepid claims and seeks an adjudication judgment and decree of its water rights under State Engineer 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. *See* NMSA 1978, § 72-4-19. Intrepid claims and seeks an adjudication judgment and decree for the diversion of 34,315.374 acre-feet per year and consumptive use of 19,836 acre-feet per year of the previously licensed Water Rights for industrial use. Intrepid also claims and seeks an adjudication judgment and decree of the amounts granted in State Engineer Permit SP-302 issued on December 3, 1982, for 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.

A copy of (1) Intrepid’s detailed Statement of Claim, (2) the Stipulated Scheduling Order that governs the expedited *inter se* proceeding, and (3) the Notice of Intent to Participate form are available at the following locations: the Office of the State Engineer website at <https://www.ose.state.nm.us> under “Hot Topics;” the Office of the State Engineer, 130 South Capitol St., Concha Ortiz y Pino Building, Santa Fe, NM; and the Water Rights District II Office, 1900 West Second St., Roswell, NM. You can also contact Kelly Smith at 505-827-6150 or kelly.smith@state.nm.us.

If you wish to participate in the expedited *inter se* proceeding, you or your attorney must file a Notice of Intent to Participate form with the New Mexico Fifth Judicial District Court by **February 12, 2020** at the following address: Clerk of the Fifth Judicial District Court, Attention: Pecos Water Rights Adjudication, P.O. Box 1776, Roswell, NM 88202-1776.

You must also serve the Notice of Intent to Participate form with the State of New Mexico by **February 12, 2020** as follows: (1) deliver in person to the Office of the State Engineer, Pecos Adjudication Bureau, 130 South Capitol St., Concha Ortiz y Pino Building, Santa Fe, NM, or (2) mail to the Office of the State Engineer, Pecos Adjudication Bureau, P.O. Box 25102, Santa Fe, NM 87504-5102. Organizations and entities such as corporations, partnerships, associations, and trusts may only appear if represented by an attorney licensed to practice law in New Mexico.

THIS WILL BE YOUR ONLY RIGHT TO PARTICIPATE IN OR OBJECT TO THE DETERMINATION OF THE CLAIMED WATER RIGHTS DESCRIBED ABOVE. ALL CLAIMANTS TO WATER RIGHTS IN THE CARLSBAD SECTION OF THE PECOS RIVER STREAM SYSTEM WILL BE BOUND BY THE OUTCOME OF THE EXPEDITED *INTER SE* PROCEEDINGS.