

STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT

STATE OF NEW MEXICO <i>ex rel.</i>)	No. D-623-CV 2005-00054
NEW MEXICO STATE ENGINEER,)	Honorable J.C. Robinson
)	
Plaintiff,)	ANIMAS UNDERGROUND WATER
vs.)	BASIN ADJUDICATION
)	
ROSETTE, INC., <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

STATE OF NEW MEXICO’S NOTICE OF INTENT TO EXCLUDE DOMESTIC AND LIVESTOCK WATER RIGHTS

The State of New Mexico (“State”), in response to the Special Master’s Order Denying Without Prejudice the State of New Mexico’s Motion for Consolidated Adjudication of Domestic and Livestock Water Rights and Order to Show Cause, filed January 9, 2017 (“Order”), hereby submits this Notice of Intent to Exclude Domestic and Livestock Water Rights. The basis of this Notice is as follows:

1. On October 3, 2016, the State filed a Motion for Consolidated Adjudication of Domestic and Livestock Water Rights and Order to Show Cause (“Motion”), setting forth a proposed procedure for adjudicating domestic and livestock water rights that are on record with the New Mexico Office of the State Engineer but were omitted from the Animas Underground Basin hydrographic survey.
2. During the December 14, 2016, hearing on the Motion, the State and Special Master discussed the possibility of not adjudicating the omitted domestic and livestock rights.
3. Pursuant to the Order, the State was directed to file by February 15, 2017, a motion proposing a revised procedure for adjudicating those rights.

4. The State has reviewed legal issues relating to the adjudication of domestic and livestock rights, and has determined that it is unnecessary to adjudicate them in this proceeding.

5. The State will file with the Court a motion to adopt its proposal for excluding these domestic and livestock rights from the adjudication of the Animas Underground Basin by May 12, 2017.

Respectfully submitted,

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Electronically Filed
By: /s/Susan C. Kery
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to counsel of record via the Court's Odyssey File & Serve System this 13th day of February, 2017.

/s/Susan C. Kery
SUSAN C. KERY