

STATE OF NEW MEXICO'S FY 2015 RULE 71.3 REPORT
PECOS ADJUDICATION BUREAU

July 25, 2014

Matters To Be Completed Prior to Preparation of Final Decree
(Highlighting indicates the State's priorities for fiscal year 2015.)

Total Bureau Staff FTE and Contractor Resources: ~~FY 2010 12.65~~
~~FY 2011 10.20~~
~~FY 2012 9.15~~
~~FY 2013 7.95~~
~~FY 2014 9.35~~
FY 2015 8.50

I. PECOS ADJUDICATION (STAFF & CONTRACT RESOURCES: ~~12.65 10.20 9.15 7.95 9.35 8.50~~)

A. Gallinas River (Staff & Contract Resources: ~~6.10 3.85 3.75 4.60 4.10 3.50~~)

- ~~1. Update of hydrographic survey for unadjudicated surface water irrigation subfiles. Completed FY 2010~~
- ~~2. Primary subfile work. Completed FY 2010~~
- ~~3. Acequia motions to intervene in individual subfiles. Completed FY 2010~~
- ~~4. Show cause proceedings for no rights. Completed FY 2010~~
- ~~5. Omitted claims as required by procedural order. Completed FY 2010~~
- ~~6. Acequia motion regarding irrigation water requirements. Completed FY 2011~~
- ~~7. Defendant motions to reopen subfile orders. Completed FY 2011~~
- ~~8. Acequias' claims to surface water rights. Completed FY 2012~~
- ~~9. Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues). Completed FY 2013~~
- ~~10. Litigation of subfiles contested on issues other than acreage. Completed FY 2013~~
- ~~11. Mediation of contested subfiles — disputed acreage claims only — [Completed 2014](#)~~
- 12. Litigation of contested subfiles — disputed acreage claims only.**
- ~~13. Determination of Project Diversion Requirement [Completed FY 2014](#)~~
- ~~14. Resolution of Acequias' motion regarding priority dates. [Completed FY 2014](#)~~
- 15. Reconciliation of maps and orders for *inter se*.**
16. Section *Inter se* and partial final decree.

B. Roswell Underground Water Basin (Staff & Contract Resources: ~~0.50 0.20 0.00 0.10 2.85 2.13~~)

- ~~1. Defendant motions to reopen subfile orders in Pecos Supplemental. Completed FY 2010~~
- ~~2. Mendenhall claim. Completed FY 2010~~
- ~~3. Review of 1000+ PVACD relation back claims to determine adjudication status. Completed FY 2013~~
- 4. Non subfile general motion litigation (e.g. procedural, scheduling and standing issues.)**
- 5. Identification of water rights subject to relation back claims.**
- 6. Determination of current status of water right.**
- 7. Identification of owners of water rights subject to relation back claims.**
- 8. Notification of relation back proceeding to claimants.**
9. Litigation of contested relation back claims.

C. City of Las Vegas Remand Proceeding to Determine the City's Equitable Water Right
(Staff & Contract Resources: ~~0.25 0.05 0.05 0.05 0.03 0.06~~)

- ~~1. Mediation among CLV, acequias, and State related to remand. Mediation ceased FY 2011~~

2. ~~Issues of parties and notice of possible settlement.~~ Mediation ceased FY 2011

3. ~~Issues arising from implementation of possible settlement.~~ Mediation ceased FY 2011

4. ~~Issues of form and enforcement of final order on remand.~~ Mediation ceased FY 2011

5. **Litigation of City's Claim**

D. Carlsbad Irrigation District (Staff & Contract Resources: ~~2.00 1.20 1.15 1.45 1.35~~ 0.92)

1. ~~Litigation of contested subfile (1 remaining).~~ Completed FY 2010

2. ~~State motions to amend multiple consent orders~~ Completed FY 2010

3. ~~Reconciliation of previously adjudicated acreage with CID assessed acreage.~~ Completed FY 2010

4. ~~State motion to amend supplemental groundwater right priority dates.~~ Completed FY 2011

5. ~~State motion to amend acreage in multiple subfiles to conform to 1927 permit.~~ Completed FY 2010

6. **Adjudication of supplemental rights**

7. **Reconciliation of maps and orders for *inter se*.**

8. **Section *inter se* and partial final decree**

E. Upper Pecos Surface Water (Staff and Contract Resources: ~~0.00 2.15 2.65 0.45 1.0~~ 1.64)

1. **Hydrographic survey of surface water uses in the Upper Cow Creek subsection.**

2. **Preparation of hydrographic survey report.**

3. **Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues)**

4. **Primary subfile work.**

5. Litigation of contested subfiles—disputed acreage claims only.

6. Hydrographic survey of surface water uses in remaining unsurveyed tributaries of the Upper Pecos.

7. Primary subfile work for remaining unsurveyed areas.

8. Litigation of contested subfiles—disputed acreage claims only for remaining unsurveyed areas.

9. Litigation of all subfiles contested on issues other than acreage.

10. Reconciliation of maps and orders for *inter se*.

11. Section *inter se* and partial final decree.

F. Hondo Stream System and Underground Water Basin (Staff and Contract Resources: ~~0.00 0.65 0.65 0.55 0.02~~ 0.04)

1. **Review of 685 subfiles to determine adjudication status and update database.**

2. Updated hydrographic survey of surface and groundwater uses on Rio Hondo.

3. Primary subfile work.

4. Litigation of contested subfiles.

5. Updated hydrographic survey of surface and groundwater uses on Rio Ruidoso.

6. Primary subfile work.

7. Litigation of contested subfiles.

8. Updated hydrographic survey of surface and groundwater uses on Rio Bonito.

9. Primary subfile work.

10. Litigation of contested subfiles.

11. Federal proprietary claims.

12. Mescalero Apache claims on Rio Felix.

13. Reconciliation of maps and orders for *inter se*.

14. Section *inter se* and partial final decree.

G. Upper Pecos Groundwater (Staff and Contract Resources: ~~0.00 1.65 0.35 0.35~~ 0.00)

1. Completion of hydrographic survey of Upper Pecos ground water uses including expansion areas.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Primary subfile work.
4. Litigation of contested subfiles-disputed acreage claims only.
5. Litigation of subfiles contested on issues other than acreage.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

H. Fort Sumner Irrigation District (Staff & Contract Resources: ~~0.85~~ 0.55 0.50 0.40 0.0 0.20)

1. ~~Determination of irrigated acreage and assessed acreage.~~ Completed FY 2010
2. Analysis of potential approaches to irrigation district adjudication.
3. Irrigation water requirements including conversion of Hope decree flow rate.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

I. Carlsbad Underground Water Basin (Staff & Contract Resources: ~~2.95~~ 0.00 0.00 0.00)

1. Hydrographic survey of groundwater uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Primary subfile work.
4. Litigation of contested subfiles.
5. Reconciliation of maps and orders for *inter se*.
6. Section *inter se* and partial final decree.

J. Black River

1. Hydrographic survey of surface water uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Irrigation water requirements.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.

K. Peñasco Underground Water Basin

1. Hydrographic survey of surface and groundwater uses in Upper Peñasco.
2. Updated hydrographic survey of surface and groundwater uses in Lower Peñasco, including but not limited to Bluewater Creek and Agua Chiquito.
3. Mescalero Apache water rights on Rio Peñasco.
4. Irrigation water requirements.
5. Primary subfile work.
6. Litigation of contested subfiles.
7. Reconciliation of maps and orders for *inter se*.
8. Section *inter se* and partial final decree.

L. Pecos Miscellaneous

1. Hydrographic survey of surface and groundwater.
2. Primary subfile work.
3. Litigation of contested subfiles.
4. Irrigation water requirements.
5. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree

Pecos Adjudication Bureau -- Adjudication Sections and Resources Allocated								
Adjudication Section	Staff Atty FTE	Contract Atty FTE	Staff Para-legal FTE	Contract Paralegal	Tech & Field Staff FTE	HSMB Staff	Data Staff FTE	Section Totals
<i>A. Gallinas River</i>	0.90	0.07	0.55		1.95		0.04	3.51
<i>B. Roswell Underground Water Basin</i>	0.30	0.70	0.20		0.90		0.03	2.13
<i>C. Las Vegas Remand</i>	0.05		0.01		0		0	0.06
<i>D. Carlsbad Irrigation District</i>	0.45		0.05		0.40		0.02	0.92
<i>E. Upper Pecos Surface Water</i>	0.30		0.08		1.25		0.01	1.64
<i>F. Hondo Underground Water Basin</i>		0.03	0.01		0			0.04
<i>G. Upper Pecos Underground Water</i>								0.00
<i>H. Fort Sumner Irrigation District</i>	0.10				0.10			0.20
<i>I. Carlsbad Underground Water Basin</i>								0.00
<i>J. Black River</i>								0.00
<i>K. Penasco Underground Water Basin</i>								0.00
<i>L. Pecos Miscellaneous</i>								0.00
Category Totals – All Sections	2.10	0.80	0.90	0.00	4.60	0.00	0.10	8.50