

NEW MEXICO OFFICE OF THE STATE ENGINEER

**IMMATURE PECAN ORCHARDS\*  
NOTICE OF INTENT TO DEMONSTRATE BENEFICIAL USE OF WATER SUPPORTING A  
FARM DELIVERY REQUIREMENT (FDR) GREATER THAN 4.5 ACRE-FEET PER ACRE PER YEAR**

In accordance with Final Judgment and Settlement Agreement, SS 97-101  
Case No. CV-96-888, Lower Rio Grande Stream Adjudication

**Filing deadline for Notice of Intent: December 31, 2011**  
**Filing deadline for submission of supporting evidence: March 31, 2019**

\*NOTE: Applies only to pecan orchards not existing as of March 31, 2008, but in place prior to March 31, 2009

**1. SUBFILE NUMBER(S) FOR WHICH CLAIM WILL BE MADE:**

(If you have received documents regarding your water rights, the number(s) will appear on those documents. Otherwise you may call the Office of the State Engineer at 575-524-6330 to obtain the number(s).)

\_\_\_\_\_  
\_\_\_\_\_

**2. SUBFILE OWNER(S):**

\_\_\_\_\_  
\_\_\_\_\_

**3. PLACE OF USE (A, B or C required, or attach map identifying immature pecan orchard):**

A. USRS Map No. \_\_\_\_\_ Tract No. \_\_\_\_\_, or EBID Parcel No(s).

\_\_\_\_\_  
\_\_\_\_\_

B. Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ of Unit/Tract of \_\_\_\_\_ Subdivision,  
Map Code(s) \_\_\_\_\_, or  
County Parcel No.(s) \_\_\_\_\_  
recorded in \_\_\_\_\_ County.

C. Within the land area of the following legal description:

Subdivision Section (1/4s) Township Range Acres

\_\_\_\_\_  
\_\_\_\_\_

**TOTAL ACRES CLAIMED:** \_\_\_\_\_  
**Map attached:** Yes \_\_\_ No \_\_\_

**4. PRELIMINARY LIST OF WELLS ON WHICH CLAIM WILL BE BASED:**

(State Engineer file number or hydrographic survey number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. SETTLEMENT PROVISIONS REGARDING FDR GREATER THAN 4.5 AFAY FOR IMMATURE PECAN ORCHARDS:**

Subject to the provisions of paragraph e, below, as well as paragraphs a-d of the Settlement Agreement, for combined surface water and groundwater rights, and groundwater-only rights, a FDR greater than 4.5 afay, but not to exceed 5.5 afay, may be adjudicated subject to supporting evidence of beneficial use of water.

e. Immature Pecan Orchards:

i. Pecan orchards not existing as of March 31, 2008, but in place prior to March 31, 2009, shall be considered and referred to herein as "immature pecan orchards" for the purposes of this Settlement Agreement. The existence of an immature pecan orchard shall be presumed by evidence of pecan orchard crop patterns in satellite or other aerial imagery taken prior to March 31, 2009, or as soon as practical thereafter. Such presumption may be rebutted by reliable evidence of the planting of an immature pecan orchard prior to March 31, 2009.

ii. Persons with adjudicated water rights for irrigation of immature pecan orchards at the FDR of 4.5 afay who wish to establish a FDR greater than 4.5 afay, but not to exceed 5.5 afay, shall provide the State Engineer their written consent to the terms of this Settlement Agreement and, in addition, file with the State Engineer a notice of intent to develop a FDR greater than 4.5 afay on or before December 31, 2011. Such water right owners shall submit proof of their beneficial use of water to irrigate the pecan orchard(s) in question to the State Engineer not later than March 31, 2019. Upon receiving such proof of beneficial use, and after such use has been confirmed by a field inspection by State Engineer staff, the State Engineer shall issue to such water right owners a license for a FDR greater than 4.5 afay, but not to exceed 5.5 afay, based upon the demonstrated beneficial use of water in excess of 4.5 afay.

By: \_\_\_\_\_  
Signature of applicant filing notice

Mailing address of person filing notice:

or

\_\_\_\_\_  
Signature of representative, filing on behalf of:

\_\_\_\_\_  
Phone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Date: \_\_\_\_\_

**Mail this form, or hand-deliver it if you would like a receipt, to the Office of the State Engineer,  
Litigation and Adjudication Program, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005  
Phone No. 575-524-6330**

Received By: \_\_\_\_\_

For Use by OSE Staff Only	
Date NIIP Filed:	(Deadline: 12/31/2011)
Date Supporting Evidence Filed:	(Deadline: 3/31/2019)

*10 x 1 50.11*