

NEW MEXICO OFFICE OF THE STATE ENGINEER

**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: June 30, 2012**

**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).)

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

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

(State Engineer file number or hydrographic survey number)

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**4. SETTLEMENT PROVISIONS REGARDING FDR GREATER THAN 4.5 AFAY:**

Subject to the provisions of paragraphs a, b and c, below, 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.

- a. For purposes of fast-track approval by the State of a FDR greater than 4.5 afay, the State shall consider groundwater meter records on file with the OSE and EBID surface water delivery records from the same year, along with affidavits from the water right owners asserting they have diverted more than 4.5 afay and/or site-specific NMSU studies, demonstrating that the total application of water placed to beneficial use has been in excess of 4.5 afay. In the fast-track calculation of surface water and groundwater delivery data for establishment of a FDR in excess of 4.5 afay, the State shall consider the reported surface water delivered to those lands, limited to the annual EBID surface water allotment for the year in question.
- b. As supporting evidence of beneficial use of water for establishment of a FDR in excess of 4.5 afay, the State shall consider evidence of reported surface water deliveries in excess of the annual EBID allotment to the extent it makes the existence of groundwater deliveries in amounts sufficient to establish a FDR in excess of 4.5 afay more probable than it would be without the evidence.
- c. Irrigated lands under the same ownership or management may combine the actual beneficial use amount for each farm to establish an area-weighted average FDR greater than 4.5 afay but not to exceed 5.5 afay.

ID Number: NI-\_\_\_\_\_  
(For OSE Use Only)

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

or

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

\_\_\_\_\_  
Mailing address of person filing notice:

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

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

\_\_\_\_\_  
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 NI Filed:	(Deadline: 12/31/2011)
Date Supporting Evidence Filed:	(Deadline: 6/30/2012)
Fast Track type submission	(yes or no)

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