

This rule was filed as Orders No. 031, 055, 075 and 092.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 26 SURFACE WATER
PART 10 DECLARATION OF PECOS VALLEY SURFACE WATER DISTRICT, PECOS RIVER
STREAM SYSTEM

19.26.10.1 ISSUING AGENCY: Office of State Engineer.
[Recompiled 8/30/02]

19.26.10.2 SCOPE: [RESERVED]
[Recompiled 8/30/02]

19.26.10.3 STATUTORY AUTHORITY: [RESERVED]
[Recompiled 8/30/02]

19.26.10.4 DURATION: [RESERVED]
[Recompiled 8/30/02]

19.26.10.5 EFFECTIVE DATE: [RESERVED]
[Recompiled 8/30/02]

19.26.10.6 OBJECTIVE: [RESERVED]
[Recompiled 8/30/02]

19.26.10.7 DEFINITIONS: [RESERVED]
[Recompiled 8/30/02]

19.26.10.8 DECLARATION OF LOWER PECOS WATER DISTRICT OF PECOS RIVER STREAM
SYSTEM: Order No. 31.

A. WHEREAS the United States district court for the district of New Mexico handed down a decree on May 9, 1933, entitled "The United States of America, plaintiff, vs. Hope community ditch, et al, defendants., no. 712 Equity" defining the rights of the several parties to the use of water along the Pecos river in New Mexico and some of its tributaries, and

B. WHEREAS, on the 6th day of May, 1935, said court relinquished jurisdiction of said cause to the state engineer, and

C. WHEREAS, the district court for the fifth judicial district of the state of New Mexico handed down a decree on June 7, 1931, in cause No. 5144, defining the rights from Pecos river, exclusive of Black river, for the lands below lake Avalon and north of the Texas New Mexico boundary, and

D. WHEREAS, certain water rights along Black river were defined by the district court for the fifth judicial district in cause no. 112, by decree issued January 3, 1912, and by certain court orders related thereto, and

E. WHEREAS, in order to properly distribute the waters of the lower Pecos river in De Baca, Chaves and Eddy counties, New Mexico, the employment of a water master in and for said sub-district of the Pecos river stream system is necessary;

F. NOW, THEREFORE, I. John H. Bliss, duly appointed and qualified state engineer of the state of New Mexico, in accordance with Section 77-301 New Mexico Statutes, 1941 Annotated, do hereby declare the lower Pecos sub-district of the Pecos river system as hereinafter described to be a water district in the state of New Mexico for the purpose of administration and distribution of the waters thereof. The limits of the water district subject to the jurisdiction of the water master are as follows:

(1) the Pecos river from the mouth of Buffalo creek in township 1 south, range 26 east to the New Mexico-Texas state line,

(2) Salt creek below the mouth of Cienega del Macho;

(3) Rio Felix downstream from Hagerman canal;

(4) Rio Penasco downstream from the west line of township 18 south, range 26 east;

(5) the Black river stream system.

G. WITNESS my hand and official seal this 1st day of July 1952, John H. Bliss, State Engineer.

[Recompiled 8/30/02]

19.26.10.9 DECLARATION OF PECOS RIVER WATER DISTRICT OF PECOS RIVER STREAM SYSTEM: Order No. 55.

A. WHEREAS, the United States district court for the district of New Mexico handed down a decree on May 9, 1933, entitled "The United States of America, plaintiff, vs. Hope community ditch, et al, defendants, No. 712 equity" defining the rights of the several parties to the use of water along the Pecos river in New Mexico and some of its tributaries, and

B. WHEREAS, on the 6th day of May, 1935, said court relinquished jurisdiction of said cause to the state engineer, and

C. WHEREAS, the district court for the fifth judicial district of the state of New Mexico handed down a decree on June 7, 1931, in cause no. 5144, defining the rights from the Pecos river, exclusive of Black river, for the lands below lake Avalon and north of the Texas-New Mexico boundary, and

D. WHEREAS, certain water rights along Black river were defined by the district court for the fifth judicial district in cause no. 112, by decree issued January 3, 1912, and by certain court orders related thereto, and

E. WHEREAS, in order to properly distribute the waters of the Pecos river in San Miguel, Guadalupe, De Baca, Chaves and Eddy counties, New Mexico, the employment of a water master in and for said sub-district of the Pecos river stream system is necessary, and

F. WHEREAS, on July 1, 1952, the lower Pecos water district was declared by the state engineer, and

G. WHEREAS, it is now found to be necessary to administer a larger area of the Pecos river than has heretofore been administered under the declaration of July 1, 1952;

H. NOW, THEREFORE, I, S. E. Reynolds, duly appointed and qualified state engineer of the state of New Mexico, in accordance with Section 75-3-1, New Mexico Statutes Annotated, 1953, do hereby declare the Pecos river sub-district of the Pecos river system as hereinafter described to be a water district in the state of New Mexico for the purpose of administration and distribution of the waters thereof. The limits of the water district subject to the jurisdiction of the water master are as follows:

(1) the Pecos river from the mouth of Cow creek in section 24, township 14 north, range 13 east, to the New Mexico-Texas state line;

(2) the Rio Agua Chiquita stream system and the Santa Rosa swamps;

(3) Salt creek below the mouth of Cienega del Macho;

(4) the Rio Hondo and tributaries (including the northern canal system of the Hagerman irrigation company) downstream from the west line of range 24 east.

(5) Rio Felix, downstream from the Hagerman canal;

(6) Rio Penasco, downstream from the west line of township 18 south, range 26 east;

(7) Black river stream system.

I. WITNESS, my hand and official seal, this the 20th day of January 1956, S. E. REYNOLDS, State Engineer.

[Recompiled 8/30/02]

19.26.10.10 DECLARATION OF PECOS VALLEY SURFACE WATER DISTRICT PECOS RIVER STREAM SYSTEM: Order No. 75.

A. WHEREAS, the United States district court for the district of New Mexico handed down a decree on May 9, 1933, entitled "The United States of America, plaintiff, vs. Hope community ditch, et al, defendants, no. 712 equity" defining the rights of the several parties to the use of water along the Pecos river in New Mexico and some of its tributaries, and

B. WHEREAS, on the 6th day of May, 1935, said court relinquished jurisdiction of said cause to the state engineer, and

C. WHEREAS, the district court for the fifth judicial district of the state of New Mexico handed down a decree on June 7, 1931, in cause no. 5144, defining the rights from the Pecos river, exclusive of Black river, for the lands below lake Avalon and north of the Texas-New Mexico boundary, and

D. WHEREAS, certain water rights along Black river were defined by the district court for the fifth judicial district in cause no. 112, by decree issued January 3, 1912, and by certain court orders related thereto, and

E. WHEREAS, in order to properly distribute the waters of the Pecos river in Guadalupe, De Baca, Chaves and Eddy counties., New Mexico, the employment of a watermaster in and for said sub-district of the Pecos river stream system is necessary, and

F. WHEREAS, on July 1, 1952, the lower Pecos water district was declared by the state engineer,
and
G. WHEREAS, on January 20, 1956, the Pecos river water district was declared by the state engineer,
and
H. WHEREAS, it is now found to be necessary for the economical and satisfactory apportionment of water, to administer a smaller area of the Pecos river than has heretofore been administered under the declaration of January 20, 1956;
I. NOW THEREFORE, I, S. E. Reynolds, duly appointed and qualified state engineer of the state of New Mexico, in accordance with Section 75-3-1, New Mexico Statutes Annotated, 1953, do hereby declare the Pecos valley surface water district of the Pecos river stream system as hereinafter described to be a water district in the state of New Mexico to be effective July 1, 1959, for the purpose of administration and distribution of the waters thereof. The limits of the water district subject to the jurisdiction of the watermaster are as follows:
(1) the Pecos river from the south line of the Jose Perea grant (being in section 20, township 9 north, range 21 east, N.M.P.M., as extended into said Jose Perea, grant) to the New Mexico-Texas state line;
(2) the Rio Agua Chiquita stream system, the Rio Agua Negra stream system downstream from U.S. highway 54 in Section 29, township 8 north, range 21 east and the area known as the Santa Rosa swamps;
(3) Salt Creek below the south of Cienega del Macho;
(4) the Rio Hondo and tributaries (including the northern canal system of the Hagerman irrigation company) downstream from the west line of range 24 east;
(5) Rio Felix, downstream from the Hagerman canal;
(6) Rio Penasco downstream from the west line of township 18 south, range 26 east;
(7) Black river stream system.
J. WITNESS my hand and official seal, this the 11th day of May 1959, S. E. Reynolds, State Engineer.
[Recompiled 8/30/02]

19.26.10.11 DECLARATION OF PECOS VALLEY SURFACE WATER DISTRICT PECOS RIVER STREAM SYSTEM: Order No. 92.

A. WHEREAS, the United States district court for the district of New Mexico handed down a decree on May 9, 1933, entitled "The United States of America, plaintiff, vs. Hope community ditch, et al, defendants, no. 712 Equity" defining the rights of the several parties to the use of water along the Pecos river in New Mexico and some of its tributaries, and
B. WHEREAS, on the 6th day of May, 1935, said court relinquished jurisdiction of said cause to the state engineer, and
C. WHEREAS, the district court for the fifth judicial district of the state of New Mexico handed down a decree on June 7, 1931, in cause No. 5144, defining the rights from the Pecos river, exclusive of Black river, for the lands below lake Avalon and north of the Texas-New Mexico boundary, and
D. WHEREAS, certain water rights along Black river were defined by the district court for the fifth judicial district in cause no. 112, by decree issued January 3, 1912, and by certain court orders related thereto, and
E. WHEREAS, in order to properly distribute the waters of the Pecos river in Guadalupe, De Baca, Chaves and Eddy counties, New Mexico, the employment of a watermaster in and for said sub-district of the Pecos river stream system is necessary, and
F. WHEREAS, on July 1, 1952, the lower Pecos water district was declared by the state engineer,
and
G. WHEREAS, on January 20, 1956, the Pecos river water district was declared by the state engineer,
and
H. WHEREAS, on May 11, 1959, the Pecos valley surface water district was declared by the state engineer, and
I. WHEREAS, it is now found to be necessary for the economical and satisfactory apportionment of water, to administer a smaller area of the Pecos river than has heretofore been administered under the declaration of May 11, 1959;
J. NOW THEREFORE, I, S. E. Reynolds, duly appointed and qualified state engineer of the state of New Mexico, in accordance with Section 75-3-1, New Mexico Statutes Annotated, 1953, do hereby declare the Pecos valley surface water district of the Pecos river stream system as hereinafter described to be a water district in the wstate of New Mexico to be effective July 1, 1963, for the purpose of administration and distribution of the waters thereof. The limits of the water district subject to the jurisdiction of the watermaster are as follows:

(1) the Pecos river from the section line dividing sections 19 and 30, township 8 north, range 22 east, N.M.P.M., to the New Mexico-Texas state line;

(2) the Rio Agua Negra stream system downstream from U.S. highway 54 in section 29, township 8 north, range 21 east, to its mouth;

(3) Salt creek below the mouth of Cienega del Macho;

(4) the Rio Hondo and tributaries (including the northern canal system of the Hagerman irrigation company) downstream from the west line of range 24 east;

(5) Rio Felix, downstream from the Hagerman canal;

(6) Rio Penasco, downstream from the west line of township 18 south, range 26 east;

(7) Black river stream system.

K. WITNESS my hand and official seal, this 4th day of June 1963, S. E. Reynolds, State Engineer.
[Recompiled 8/30/02]

HISTORY OF 19.26.10 NMAC:

Pre-NMAC History:

Order No. 31, Declaration of Lower Pecos Water District of Pecos River Stream System, originally filed with the Supreme Court Law Library 7/1/52. Filed with the State Records Center 6/27/91.

Order No. 55, Declaration of Pecos River Water District of Pecos River Stream System, originally filed with the Supreme Court Law Library 1/20/56. Filed with the State Records Center 6/27/91.

Order No. 75, Declaration of Pecos Valley Surface Water District Pecos River Stream System, originally filed with the Supreme Court Law Library 5/11/59. Filed with the State Records Center 6/27/91.

Order No. 92, Declaration of Pecos Valley Surface Water District Pecos River Stream System, originally filed with the Supreme Court Law Library 6/4/63. Filed with the State Records Center 6/27/91.

History of Repealed Material: [RESERVED]