

FIFTH JUDICIAL DISTRICT
COUNTY OF CHAVES
STATE OF NEW MEXICO

JUN 16 1995

STATE OF NEW MEXICO, ex rel.)
S.E. REYNOLDS, State Engineer)
and PECOS VALLEY ARTESIAN)
CONSERVANCY DISTRICT,)

BEE J. CLEM, CLERK

Plaintiffs,)

vs.)

L.T. LEWIS, et al.,)
UNITED STATES OF AMERICA,)

Nos. 20294 and 22600
Consolidated

Defendants,)

and)

STATE OF NEW MEXICO, ex rel,)
S.E. REYNOLDS, State Engineer)
and PECOS VALLEY ARTESIAN)
CONSERVANCY DISTRICT,)

Plaintiffs,)

vs.)

HAGERMAN CANAL CO., et al.,)

Defendants.)

**ORDER ADOPTING PROCEDURES TO RESOLVE ISSUES RE PROPOSED
STIPULATED OFFER OF JUDGMENT FILED JUNE 22, 1994, BY AND AMONG
PLAINTIFF, THE UNITED STATES OF AMERICA, AND THE CARLSBAD
IRRIGATION DISTRICT**

THIS MATTER, having come on for consideration by the Court in connection with the adoption of procedures to resolve issues raised by (1) objections to the proposed Stipulated Offer of Judgment filed herein on June 22, 1994, by and among the State

of New Mexico, ex rel State Engineer (**State**), the United States of America (**United States**), and the Carlsbad Irrigation District (**CID**) in connection with water rights for the Carlsbad Project (there having been some 913 objections filed); and (2) the May 30, 1995, motion of the defendants **United States** and **CID** requesting a ruling from this Court regarding the adequacy of notice given in connection with proceedings to determine whether the Stipulated Offer of Judgment should be approved, the sufficiency of service of said notice, whether service of said notice and the Stipulated Offer of Judgment satisfy due process requirements, and whether any decree which is entered adjudicating water rights for the Carlsbad Project is binding upon all water users in the Pecos River Stream System or is only binding upon those users who have been made defendants in this adjudication proceeding through personal service of summons and complaint; the Court deeming it necessary to adopt procedures by which the issues posed by said objections and motion may be resolved; and the Court being otherwise sufficiently advised in the premises.

IT IS THEREFORE ORDERED that:


1. Counsel for defendants **United States** and **CID** shall contact other counsel in these proceedings and discussions shall be had as to appropriate procedures and the manner of handling disposition of the issues raised by the objectors and put before the Court by the **United States** and the **CID** in their aforesaid motion. The discussion should include defining and clarifying the issues, the submission of memoranda briefs and establishing time tables for the submission of such briefs, and submitting alternate dates to the Court for settings of hearings to consider oral arguments. These

procedures shall be implemented as expeditiously as possible, and, in any event, a status report submitted to the Court by June 9, 1995. Counsels' suggestions and recommendations in order to resolve the issues in connection with the motion shall be coordinated with counsel for the **State**, LeRoy R. Warren, Esq., for inclusion in a report as required in ¶3 below.

2. All counsel shall expeditiously review the objections that have been filed in connection with the proposed Stipulated Offer of Judgment and submit comments and suggestions to the Court concerning the manner and most expeditious method of resolving the issues involved. The State shall take the lead concerning these matters. Factual and legal issues should be identified and procedures agreed upon, or issues concerning procedures submitted to the Court concerning discovery, the filing of memoranda briefs, pretrial conferences, deadlines for submissions and other timetables and matters so that all of the issues may be expeditiously resolved.

3. Counsel for the **State**, LeRoy R. Warren, Esq., shall coordinate, collect, and consolidate the suggestions and recommendations of counsel made pursuant to ¶1 and 2, of this order for submission to the Court.

4. Mr. Warren, shall provide the Court with a status and progress report of all action taken under this order by June 30, 1995.



HARL D. BYRD
District Judge Pro Tempore