

FIFTH JUDICIAL DISTRICT
COUNTY OF CHAVES
STATE OF NEW MEXICO

FEB 03 1995

BEE J. CLEM, CLERK

STATE OF NEW MEXICO ex rel.)
STATE ENGINEER and PECOS)
VALLEY ARTESIAN CONSERVANCY)
DISTRICT,)

Plaintiffs,)

vs.)

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

Defendants,)

and)

STATE OF NEW MEXICO ex rel.)
STATE ENGINEER and PECOS)
VALLEY ARTESIAN CONSERVANCY)
DISTRICT,)

Plaintiffs,)

vs.)

HAGERMAN CANAL CO., et al.,)

Defendants.)

Nos. 20294 and 22600
Consolidated

Carlsbad Irrigation
District Section

Carlsbad Basin Section

ORDER

THIS MATTER having come before the court on plaintiff State of New Mexico's (state's) Motion for Order Extending Time and Establishing Notice, Objection, and Publication Procedures, counsel of record having been apprised of said motion and the form of this order, and the court being advised in the premises, the court hereby finds:

1. Additional time is needed by the state to complete the Section II.B.1. requirements of the pretrial order in the above-titled action entered May 9, 1994.

2. The notice attached hereto as Exhibit 1 adequately informs defendants in the Pecos River stream system water right adjudication and all persons claiming water rights in the Pecos River stream system of their right to object to all or any part of the Carlsbad Project water right claims described in the Stipulated Offer of Judgment entered into by the state, United States of America, and the Carlsbad Irrigation District.

3. The notice of objections form attached hereto as Exhibit 2 provides a satisfactory optional means by which objections to the Stipulated Offer of Judgment may be filed with the court by defendants in the Pecos River stream system water right adjudication and persons claiming water rights in the Pecos River stream system.

THEREFORE, IT IS ORDERED THAT:

1. The time in which plaintiff State of New Mexico shall complete the Section II.B.1. requirements of the pretrial order in the above-titled action entered May 9, 1994, is extended to April 1, 1995.

2. Plaintiff State of New Mexico shall utilize and mail the form of notice attached hereto as Exhibit 1 for the notice required by paragraph 1. of this order.

3. Plaintiff State of New Mexico shall utilize and mail the form of notice of objections attached hereto as Exhibit 2 as part of the notice required by paragraph 1. of this order.

4. Plaintiff State of New Mexico shall cause the notice and Stipulated Offer of Judgment regarding the Carlsbad Project water

right claims entered into by the state, United States of America, and Carlsbad Irrigation District to be published once a week for four consecutive weeks in newspapers of general circulation in the Pecos River stream system, including the Carlsbad Daily Current Argus, Roswell Daily Record, Ruidoso News, Lincoln County News, DeBaca County News, Santa Rosa News, and Las Vegas Optic. Additionally, the motion and Stipulated Offer of Judgment shall be published once a week for four consecutive weeks in the Albuquerque Journal and the Santa Fe New Mexican. All publications of the notice and Stipulated Offer of Judgment shall also state that the notice of objections form referenced in the notice may be obtained from the New Mexico State Engineer Offices in Roswell and Santa Fe, New Mexico. The last publication in each newspaper shall be at least twenty (20) days prior to the date set for any prehearing conferences and other hearings conducted to review objections timely filed, to adopt appropriate procedures for consideration and determination of said objections, and to adopt appropriate scheduling orders in connection therewith.



HARL D. BYRD
District Judge Pro Tempore

FIFTH JUDICIAL DISTRICT
COUNTY OF CHAVES
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Carlsbad Irrigation
District Section

Carlsbad Basin Section

NOTICE

TO: ALL DEFENDANTS IN THE PECOS RIVER STREAM SYSTEM WATER RIGHT
ADJUDICATION AND TO ALL PERSONS CLAIMING WATER RIGHTS IN THE
PECOS RIVER STREAM SYSTEM, INCLUDING ITS TRIBUTARIES AND
UNDERGROUND BASINS, WITHIN THE STATE OF NEW MEXICO

This notice is provided pursuant to the pretrial order of the
court entered May 9, 1994, and the order of the court entered
February 3, 1995, both in the above-titled action.

You are hereby notified that the adjudication or determination of the water right claims of the United States of America and the Carlsbad Irrigation District for the Carlsbad Project has been initiated by a Stipulated Offer of Judgment entered into by the State of New Mexico, United States of America, and Carlsbad Irrigation District, a copy of which accompanies this notice.

The purpose of this notice is to inform all defendants in the Pecos River stream system water right adjudication and all water rights claimants in the Pecos River stream system whose water right interests may be affected by the water rights claimed for the Carlsbad Project and described in the Stipulated Offer of Judgment of (1) their right to contest all or any part of the those described water right claims and (2) the manner in which they may preserve that right.

If you do not wish to contest all or any part of the water rights claimed for the Carlsbad Project and described in the Stipulated Offer of Judgment, you do not have to take any action.

If you wish to contest all or any part of the water rights claimed for the Carlsbad Project and described in the Stipulated Offer of Judgment, you must file your objections with the Fifth Judicial District Court clerk. A notice of objections form accompanies this notice, should you wish to use the form for your objections. Objections must be sent or delivered to the Fifth Judicial District Court clerk for filing no later than Monday, May 9, 1995, at the following address:

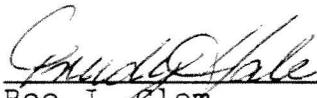
Bee J. Clem
District Court Clerk
Fifth Judicial District Court
Chaves County Courthouse
P.O. Box 1776
Roswell, NM 88201

You are further notified that after notice to persons filing objections, prehearing conferences and other hearings will be conducted to review objections timely filed, to adopt appropriate procedures for consideration and determination of said objections, and to adopt appropriate scheduling orders in connection therewith.

Failure by defendants in the Pecos River stream system water right adjudication and persons claiming water rights in the Pecos River stream system to file objections as required by this notice shall forever bar their subsequent objections to the water rights claimed for the Carlsbad Project and described in the Stipulated Offer of Judgment.

Before April 1, 1995, this notice and the accompanying Stipulated Offer of Judgment shall also be published once a week for four consecutive weeks in newspapers of general circulation in the Pecos River stream system, including the Carlsbad Daily Current Argus, Roswell Daily Record, Ruidoso News, Lincoln County News, DeBaca County News, Santa Rosa News, and Las Vegas Optic. The notice and Stipulated Offer of Judgment shall also be published once a week for four consecutive weeks in the Albuquerque Journal and the Santa Fe New Mexican. All publications of the notice and Stipulated Offer of Judgment shall also state that the notice of objections form referenced in the notice may be obtained from the

New Mexico State Engineer Offices in Roswell and Santa Fe, New Mexico.

by: 

Bee J. Clem
District Court Clerk
Fifth Judicial District Court
Chaves County Courthouse
P.O. Box 1776
Roswell, NM 88201
(505) 622-2212

into by the State of New Mexico, United States of America, and Carlsbad Irrigation District may affect my water rights. I contest all or part of the water rights claimed for the Carlsbad Project and described in the Stipulated Offer of Judgment. Please send me notices of all prehearing conferences and other hearings scheduled to review objections timely filed, to adopt appropriate procedures for consideration and determination of said objections, and to adopt appropriate scheduling orders in connection therewith. My objections are summarized below.

Objections

(Additional pages may be added if needed)

Name (Print) : _____
Representing : _____
Address : _____
Phone : _____
Signature : _____

Date: _____