

SEP 03 1996

BEE J. CLEM, CLERK

FIFTH JUDICIAL DISTRICT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

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.	)
_____	)

Nos. 20294 and 22600
Consolidated
Carlsbad Basin Section
Carlsbad Irrigation District Section

**Order Granting State's Motion to Consolidate in Part**

THIS MATTER comes before the Court on the State's Motion to Consolidate Member and Project Adjudications in Part. The State's Motion seeks an order consolidating the adjudication of the water rights of the United States and Carlsbad Irrigation District ("CID") in the Carlsbad Project ("Project Adjudication") with the adjudication of the water rights of the members of the CID in connection with the Project, as to two issues:

(1) whether the water rights in the Project are owned by the United States, the CID or the members of the CID, and

(2) if water rights are owned by the members of the CID, whether the elements of the water rights which are common to the Project should be adjudicated the same for all those who have an ownership interest in the Project waters.

Having considered the briefs filed by the State, the United States, CID and defendants represented by W.T. Martin, Esq., having determined that oral arguments are not necessary and having set forth its decision in the letter opinion dated August 20, 1996, the Court hereby finds that the State's Motion is well taken and should be granted.

IT IS THEREFORE ORDERED as follows:

(1) the State's Motion to Consolidate Member and Project Adjudications in Part is granted and the Project and Member adjudications are consolidated for the determination of the two issues listed above;

(2) the time for briefing the issue of ownership of the water rights in the Project (Legal Threshold Issue No. 3), commences in accordance with the provisions already established in the February, 1996 Pretrial Order (page 6) entered in the Project adjudication, i.e. initial briefs should be filed no later than October 24, 1996;

(3) the State will serve this Order on all members of the CID and on all counsel and parties *pro se* in the Project adjudication who are on the service lists for the Legal Threshold and Offer Issues;

(4) upon its issuance by the Court Clerk, the State will cause the Notice of Consolidation which is attached hereto to be published once a week for four weeks in the Carlsbad Daily Argus;

(5) in addition to the service requirements established in the February, 1996 Pretrial Order for the Project adjudication, any party to the Project adjudication filing an initial brief on Legal Threshold Issue No. 3 must also serve that brief on any party to the member adjudication who files and serves a brief or written comment in accordance with the Notice of Consolidation, upon receipt of that member's brief or written comment; and

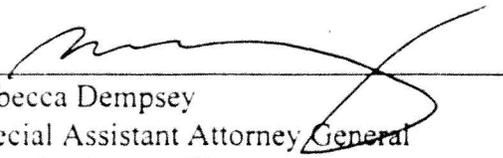
(5) the State's Ex Parte Motion to Publish Notice of Hearing of State's Motion to Consolidate is denied.



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HARL D. BYRD  
District Judge Pro Tempore

Submitted by:

  
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Approved as to Form:

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