

FIFTH JUDICIAL DISTRICT
COUNTY OF CHAVES
STATE OF NEW MEXICO

FIFTH JUDICIAL DISTRICT
CHAVES COUNTY, NM
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JEE J. O'LEEM
DISTRICT COURT CLERK

STATE OF NEW MEXICO, *ex rel.*)
OFFICE OF THE STATE ENGINEER)
And PECOS VALLEY ARTESIAN)
CONSERVANCY DISTRICT,)

Plaintiffs,)

V.)

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

Defendants.)

Nos. 20294 and 22600
Consolidated

Hon. Harl D. Byrd
District Judge P ro Tempore

PROJECT ADJUDICATION
Carlsbad Project-Project Offer
Carlsbad Basin General File

COPY

ORDER

Order Regarding Joint Motion to Extend Stay for
Additional Ninety Days Involving Project Adjudication

THIS MATTER comes before the Court on the JOINT MOTION FOR EXTENSION OF THE 90 DAY STAY OF PROJECT ADJUDICATION (Joint Motion) filed by counsel for the State of New Mexico, ex rel. the Office of the State Engineer, the Carlsbad Irrigation District, the United States, the Pecos Valley Artesian Conservancy District, the Brantleys and New Mexico State University requesting the Court extend for an additional ninety-day period the Stay, previously granted by the Court on June 9, 2000, of litigation involving Project Offer issues to allow for settlement negotiations to be conducted.

Counsel for the Tracys filed DEFENDANTS TRACY'S OPPOSITION TO JOINT MOTION FOR EXTENSION OF THE NINETY-DAY STAY OF PROJECT ADJUDICATION (Tracy's

Opposition) opposing the Joint Motion and requesting that adjudication of Project Offer issues proceed forthwith.

Having considered the Joint Motion, the Tracy's Opposition and the arguments of counsel, IT IS THEREFORE ORDERED:

1. That counsel for the parties shall submit to the Court on October 4, 2000, a status report on the progress of the negotiations. This status report shall be submitted jointly by counsel, or if counsel are unable to agree on a joint submission, counsel may submit individual status reports.

2. The contents of the status report, or reports as the case may be, shall include:

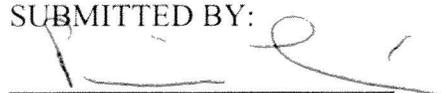
- A. Discussion of what has occurred in the negotiations and where the negotiations stand;
- B. Recommendations as to how the Court should proceed if it appears a negotiated settlement can be reasonably anticipated;
- C. Recommendations as to how the Court should proceed if it appears a negotiated settlement cannot be reasonably anticipated;
- D. Positions of the respective parties regarding the United States' expression of intent to pursue an interlocutory appeal and the scope of issues to be embraced by such an appeal;
- E. Preliminary general comments of the respective parties regarding "further submissions by Counsel" identified by the Court beginning on page I 1 of the Court's Draft Summary of Submissions and Scheduling Order Re Remaining Issues and Controversies - Threshold Legal Issue No. 3; and
- F. Any recommendations for further proceedings for the Court's consideration on which the Court might take action upon in order to pursue a more expeditious resolution of the Project Offer adjudication.

Upon receipt and review of the status report(s), the Court will rule upon the Joint Motion.

09-30-2000


HARL D. BYRD
District Judge Pro Tempore

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