

MAY 20 2002

BEE J. CLEM, CLERK

FIFTH JUDICIAL DISTRICT
COUNTY OF CHAVES
STATE OF NEW MEXICO

STATE OF NEW MEXICO, <u>ex rel.</u> ,)	Nos. 20294 and 22600
STATE ENGINEER and)	Consolidated
PECOS VALLEY ARTESIAN)	
CONSERVANCY DISTRICT,)	Hon. Harl D. Byrd
)	District Judge Pro Tempore
Plaintiffs,)	
)	Carlsbad Basin Section
vs.)	
)	
L.T. LEWIS, et al., and)	
UNITED STATES OF AMERICA)	
)	
Defendants.)	

**NOTICE REGARDING PARTICIPATION IN THE
OFFER PHASE OF THE ADJUDICATION**

**TO: DEFENDANTS WHO FILED A STATEMENT OF INTENT TO
PARTICIPATE IN BRIEFING AND HEARING ON OBJECTIONS**

This Notice Regarding Participation in the Offer Phase of the Adjudication is provided pursuant to Court Order signed May 17, 2002. A copy of the Order (without exhibits) is enclosed.

You are hereby notified that the adjudication is moving into the Offer Phase. In 1996, you returned a Statement of Intent to Participate in Briefing and Hearing on Objections. On that form you indicated your intention to participate in the Offer Issues. Offer Issues will be decided in the Offer Phase. A copy of the list of Offer Issues as they existed at the time of the Court's Order dated February 26, 1996 is enclosed for your review. The list of Offer Issues is subject to discussion and possible modification in the pretrial proceedings of the Offer Phase.

ENCLOSED IS A STATEMENT OF INTENT TO PARTICIPATE IN THE OFFER PHASE. The Statement includes places for you to designate whether you wish to (a) participate in the Offer Phase, (b) participate in preparation of a proposed Supplemental Pretrial Order, or (c) not participate and be removed from the service list for the Offer Phase. You are not required to participate, but **if you still wish to participate in the Offer Issues you must complete, sign and return the enclosed Statement of Intent to Participate in the Offer Phase within thirty (30) days.**

FAILURE TO TIMELY RETURN THE STATEMENT OF INTENT TO PARTICIPATE IN THE OFFER PHASE WITHIN THIRTY (30) DAYS WILL BE DEEMED A RESPONSE THAT YOU DO NOT WISH TO PARTICIPATE. YOU WILL THEN BE REMOVED FROM THE SERVICE LIST AND FROM FURTHER NOTICE OF PROCEEDINGS IN THE OFFER PHASE.

If you elect not to participate in the Offer Phase, you may still review pleadings filed by others and orders of the Court at the designated public repositories. The public repositories are located at:

Ms. Georgia Gomez, Clerk
420 Parker, Suite 5
Santa Rosa, NM 88453

Carlsbad Irrigation District
201 S. Canal
Carlsbad, NM 88220

De Baca County Courthouse
P.O. Box 910
Ft. Sumner, NM 88119

Ms. Trudy Hale, Clerk
5th Judicial District
P.O. Box 1776
Roswell, NM 88201

Pecos Valley Artesian
Conservancy District
P.O. Box 1346
Roswell, NM 87103

If you elect to participate in the Offer Phase, you must abide by the rules for Limitations on Service found in the Court's Order dated February 26, 1996. A copy of the rules for Limitations on Service is enclosed. The Limitations on Service, paragraph g., provides that FAILURE TO FILE A BRIEF OR OTHER PLEADING RELATED TO THE ISSUES WILL BE DEEMED A WAIVER OF FURTHER NOTICE OF PROCEEDINGS AS TO THE OFFER ISSUES.

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