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FIFTH JUDICIAL DISTRICT
CHAVES COUNTY NM
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BEJ J. CLEM
DISTRICT COURT 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.,)
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

Hon. Harl D. Byrd
District Judge *Pro Tempore*

Carlsbad Irrigation
District Section

SUPPLEMENTAL ORDER

This Supplemental Order Amends Paragraph 5 Of The Court's Order Served On June 27, 2002 To Provide That Oral Arguments In Connection With The Brantleys' Motion To Establish A Schedule And Trial Date For Adjudication Of Its Water Rights (Brantleys' Motion) Will Be Held During A Telephone Conference Among Counsel And The Court And Conditionally Grants The Request Of The Carlsbad Irrigation District (CID) That It Be

**Dropped From The Service List In Any Matters Involving Individual Offers
Of The Office Of the State Engineer To Members of CID In Connection With
Their Water Rights Claims In The Membership Phase Of These Proceedings**

THIS MATTER comes before the Court on its own initiative concerning the amendment of paragraph 5 of the Court's Order served on June 27, 2002 concerning oral arguments in connection with the Brantleys' Motion to establish a schedule and trial date for the adjudication of their water rights in order to provide that oral arguments will be held during a telephone conference among counsel for the Brantleys, the State and the Court.

This Supplemental Order is also entered in connection with the request of CID that it be dropped from the service list in any matters involving individual offers made by the Office of the State Engineer to members of CID in connection with their water rights claims in the Membership Phase of these proceedings.

The Court being sufficiently advised in the premises,

IT IS THEREFORE ORDERED THAT:

1. Paragraph 5 of the Court's June 27, 2002 order is deleted and the following substituted therefor:
 5. On or before July 17, 2002, counsel for Delaware Ranch and the State shall confer and submit alternate dates and a time for a telephone conference with the Court at which time oral arguments will be presented to the Court in connection with the Brantleys' Motion. Counsel shall also submit recommendations to the Court concerning the amount of time which should be allocated to each party for oral arguments.
2. CID is not a party to the Membership Phase of these proceedings with respect to

receiving offers of judgment from the State or participating in any of the individual offer phases; therefore, CID's request that it be dropped from the service list concerning any matters involving individual offers made by the Office of the State Engineer to members of CID in the Membership Phase of these proceedings is granted. CID, however, is granted leave and requested to participate in any matters that may adversely affect the interests of CID. Further, CID may hereafter be requested by the Court to participate from time to time, in aspects of the Membership Phase of these proceedings which overlap with matters arising in connection with the Project (Offer) Phase of these proceedings when deemed appropriate by the Court.

3. Except as set forth in paragraphs 1 and 2 of this order, the terms and provisions of the Court's Order served on June 27, 2002 shall continue in force and effect.



HARL D. BYRD
DISTRICT JUDGE *PRO TEMPORE*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that he caused to be mailed, postage prepaid, a copy of the foregoing order to counsel and repositories specified on attached Exhibit A on this 3rd day of July, 2002.



Harl D. Byrd
District Judge *Pro Tempore*

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