

FIFTH JUDICIAL DISTRICT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.	)	
State Engineer	)	
and PECOS VALLEY ARTESIAN	)	
CONSERVANCY DISTRICT,	)	Nos. 20294 and 22600
	)	Consolidated
Plaintiffs,	)	
	)	Hon. Harl D. Byrd
vs.	)	District Judge <i>Pro Tempore</i>
	)	
L.T. LEWIS, et al.,	)	
UNITED STATES OF AMERICA,	)	Carlsbad Irrigation District Section
	)	
Defendants,	)	Membership Phase
	)	
and	)	
	)	
STATE OF NEW MEXICO, ex rel.,	)	
State Engineer	)	
and PECOS VALLEY ARTESIAN	)	
CONSERVANCY DISTRICT,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HAGERMAN CANAL CO., et al.,	)	
	)	
Defendants.	)	

**ORDER**

**This Order Acknowledges Receipt of Objections, Comments and Suggestions Concerning the Court's Order Setting Forth the Proper Manner of Quantifying the Water Rights of Members of CID and Adopts a Form of Agreement and Consent Order and Decree for Use in Connection with the Determination of Their Water Rights and Approves Counsel for the State's Recommendation that the Procedure in Connection with the**

**Submissions of Offers of Judgment and Acceptances Thereof by  
Members of CID Eliminate the Necessity of Simultaneously  
Obtaining a Consent Order of the Court**

THIS MATTER comes on for consideration by the Court in connection with the objections, comments and recommendations of counsel for the State and certain parties appearing *pro se* concerning the Court's order setting forth the proper manner of quantifying the water rights of members of CID and adopting a form of agreement and consent order and decree for use in connection with the determination of their water rights filed on August 1, 2002 (Court's August 2002 Order) and the approval of counsel for the State's recommendation that the procedure in connection with the submission of offers of judgment by the State to members of Carlsbad Irrigation District (CID) and the acceptance thereof eliminate the requirement that a consent or approval order of the Court be obtained at the time the offer is accepted.

The objections, comments or suggestions permitted by the Court's August 2002 Order at p. 12 received by counsel for the State and the Court have been reviewed and the content thereof duly noted.

The Court having considered the aforesaid submissions and being otherwise sufficiently advised in the premises, FINDS AND CONCLUDES that:

1. Matters concerning the priority and quantity of the water rights of members of CID cannot and will not be determined until completion of the Project (Offer) Phase of these proceedings.
2. Counsel's recommendation that the procedure in connection with the submission of offers of judgment by the State to members of CID and the acceptance thereof eliminate the

necessity of obtaining a consent or approval order of the Court at the time an offer has been accepted should be and it is hereby approved.

Matters concerning obtaining a consent or approval order of the Court in connection with offers of judgment by the State and acceptance thereof by members of CID will be deferred until after the determination of priority dates and quantities of water in the Project (Offer) Phase of these proceedings.

3. Except as herein specified, all matters set forth in the Court's August 2002 Order should be and they are hereby ratified, confirmed and approved.

IT IS SO ORDERED.

Counsel for the State is requested to serve a copy of this order upon all parties appearing *pro se* in the Membership Phase of these proceedings including those who have submitted comments to the Court's August 2002 Order.



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 forgoing ORDER to counsel and repositories specified on attached Exhibit A on this 8<sup>th</sup> day of October, 2002.



HARL D. BYRD  
DISTRICT JUDGE *PRO TEMPORE*

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Harl D. Byrd

October 8, 2002

Ms. Trudy Hale  
Deputy Clerk  
Fifth Judicial District Court  
P O Box 1776  
Roswell, NM 88202-1776

**Re: State v. Lewis et al., Chaves County Cause No. 20294 and 22600  
Consolidated, Carlsbad Irrigation District, Carlsbad Basin Section — Filing  
of Order Acknowledges Receipt of Objections, Comments and Suggestions  
concerning the Court's Order Setting Forth the Proper Manner of  
Quantifying the Water Rights of Members of CID and Adopting a Form of  
Agreement and Consent Order and Decree for Use in Connection with the  
Determination of Their Water Rights and Approving Counsel for the State's  
Recommendation that the Procedure in Connection with the Submissions of  
Offers of Judgment and Acceptances Thereof by Members of CID Eliminate  
the Necessity of Simultaneously Obtaining a Consent Order of the Court**

Dear Trudy:

Enclosed please find executed original of the above-captioned order with Exhibit A  
attached for filing.

If anyone desires conformed copies, they should make arrangements directly with you.

Thank you for your cooperation and assistance.

Very truly yours,



Harl D. Byrd

HDB/jes  
cc w/enc

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