

FEB 12 2003

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.,)
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

Honorable Harl D. Byrd
District Judge *Pro Tempore*

Carlsbad Basin Section
Carlsbad Irrigation District Section
Project (Offer) Phase

ORDER

**This Order Amends the Pretrial Order
for the Carlsbad Project Water Rights Claims**

THIS MATTER comes on for consideration by the Court in connection with the
amendment of the Pretrial Order for Carlsbad Project Water Rights Claims (Pretrial Order) filed

in these proceedings on February 26, 1996. The Court having considered the recommendations of Committee Counsel and being otherwise sufficiently advised in the premises;

IT IS ORDERED THAT the Carlsbad Project Pretrial Order should be and it is hereby revised as follows:

1. Committee Counsel Membership

The Court ratifies and confirms that the membership of Committee Counsel shall consist of the following attorneys:

Stuart D. Shanor Esq., Chairperson

David W. Gehlert Esq

Stephen L. Hernandez Esq

Christopher Schatzman Esq

Fred Hennighausen Esq

W. T. Martin Esq

2. Functions of Committee Counsel

Committee Counsel shall submit recommendations to the Court concerning procedural and other matters which arise from time to time requiring action by the Court and respond to matters specifically referred by the Court to Committee Counsel for recommendations

3. Amendments re Extensions of Time

The portion captioned **EXTENSIONS OF TIME**, p. 9 is deleted and the following substituted therefor:

Motions for an extension of time and continuance of trial and other settings are not favored. Motions will be determined with due regard to the facts and circumstances that exist at the time the motion is filed.

When counsel commit to the performance of acts concerning submissions to the Court, they will be considered bound by such commitments and motions for extensions of time will not be granted unless reasonably required and the delay is attributable to a cause reasonably beyond the control of movant.

4. Amendments Re Public Repositories

The portion captioned **PUBLIC REPOSITORIES OF INFORMATION** (pp. 9 and 10) is deleted. In connection with recommending that this portion of the Pretrial Order be revised, Committee Counsel noted:

1. The Pretrial Order established Public Repositories wherein pleadings, briefs, notices of hearing and orders filed in the above styled and numbered cause would be available to the general public for inspection during the course of these proceedings;

2. The Repositories so established were located as follows:

- (a) The Guadalupe County Courthouse (the “Guadalupe Repository”).
- (b) The De Baca County Courthouse (the “De Baca Repository”).
- (c) The Pecos Valley Artesian Conservancy District (the “PVACD Repository”).
- (d) The Carlsbad Irrigation District (the “CID Repository”).
- (e) The Chaves County District Court (the “District Court Repository”).

3. The volume of documents deposited in the Repositories is now resulting in a hardship by virtue of the lack of filing space in two of the Repositories, namely, the Guadalupe Repository and the De Baca Repository.

4. The Guadalupe Repository and the De Baca Repository have not been used by the public to any significant extent since they were established. Committee Counsel have

recommended to the Court that the Guadalupe Repository and the De Baca Repository be discontinued and that the Clerks of those two discontinued Repositories be instructed to refer public inquiries to the Clerk of the Chaves County District Court. Committee Counsel's Proposed Order, pp.1 and 2.

5. Court's Findings of Fact

The Court adopts the determinations of Committee Counsel and further finds:

A. That the Guadalupe Repository and the De Baca Repository, because of space limitations, can no longer effectively operate for the purposes for which the Repositories were established.

B. That the needs of the public will be adequately served by continuing the PVACD Repository, the CID Repository and the District Court Repository.

C. That the Guadalupe Repository and the De Baca Repository should be terminated and the documents heretofore filed therein be discarded by the respective Clerks.

D. That the Pretrial Order be amended to eliminate the Guadalupe Repository and the De Baca Repository.

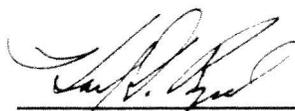
IT IS, THEREFORE, ORDERED as follows:

1. The Guadalupe Repository and the De Baca Repository are hereby terminated.
2. The Clerks of the Guadalupe Repository and the De Baca Repository are hereby authorized to discard documents heretofore deposited in the Repository.
3. The Guadalupe Repository and De Baca Repository are hereby deleted from the service responsibilities of parties and counsel in these proceedings.
4. The PVACD Repository, the CID Repository and the District Court Repository

shall continue as Repositories for public access to documents in these proceedings.

5. The Pretrial Order is hereby amended to conform to the Orders herein set forth.

6. Counsel for the State is requested to serve a copy of this order upon all counsel and parties appearing *pro se* in the Project (Offer) Phase of these proceedings and file an appropriate Certificate of Service.



HARL D. BYRD
DISTRICT JUDGE *PRO TEMPORE*