

ENDORSED COPY:
ORG. FILED DIST. COURT

FEB 13 2004

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,)

Nos. 20294 and 22600
Consolidated

vs.)
L. T. LEWIS, et al.,)
UNITED STATES OF AMERICA,)
Defendants,)

Honorable David W. Bonem
District Judge *Pro Tempore*

and)
STATE OF NEW MEXICO, ex rel.)
State Engineer)
and PECOS VALLEY ARTESIAN)
CONSERVANCY DISTRICT,)
Plaintiffs,)

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

vs.)
HAGERMAN CANAL CO., et al.,)
Defendants.)

**ORDER TO SHOW CAUSE
(COVER SHEET FOR ORDER TO SHOW CAUSE)**

TO: (INSERT NAME AND ADDRESS OF PERSONS TO WHOM ORDER TO SHOW CAUSE IS ADDRESSED. IF A PERSON TO WHOM THE ORDER IS ISSUED HAS COUNSEL OF RECORD, INSERT THE NAME AND ADDRESS OF THAT COUNSEL BELOW THE NAME AND ADDRESS OF PERSON TO WHOM THE ORDER IS ISSUED. THE ORDER SHOULD BE MAILED TO BOTH THE PERSON TO WHOM IT IS ISSUED AND THEIR COUNSEL OF RECORD, IF ANY.)

The attached Order to Show Cause in the above referenced matter has been issued in your name because you have either (1) filed a Statement of Intent to File Objection in response to the Notices mailed to Water Rights Claimants on the Pecos River Stream System by the State and CID or (2) you have not withdrawn the Objections previously filed with the Clerk of the Court pertaining to the Stipulated Offer of Judgment between the CID, the United States, and the State filed with the Court on June 22, 1994 and consented to the entry of the proposed Partial Final Decree.

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,)	Nos. 20294 and 22600
)	Consolidated
vs.)	
L.T. LEWIS, et al.,)	Honorable David W. Bonem
UNITED STATES OF AMERICA,)	District Judge <i>Pro Tempore</i>
Defendants,)	
)	Carlsbad Basin Section
and)	Carlsbad Irrigation District
STATE OF NEW MEXICO, ex rel,)	Sub- Section
State Engineer)	Project (Offer) Phase
and PECOS VALLEY ARTESIAN)	
CONSERVANCY DISTRICT,)	
Plaintiffs,)	
)	
vs.)	
HAGERMAN CANAL CO., et al.,)	
Defendants.)	

ORDER TO SHOW CAUSE

TO: (1) Those persons who have filed Statements of Intent to File Objection in response to the Notices mailed to Water Rights Claimants on the Pecos River Stream System by the State and CID and (2) those persons who have not withdrawn the Objections that they previously filed with the Clerk of the Court pertaining to the Stipulated Offer of Judgment between the CID, the United States, and the State filed with the Court on June 22, 1994 and consented to the entry of the proposed Partial Final Decree.

You are one of the persons describe above. Therefore, the Court has directed that this Order to Show Cause be served upon you and that you file an Objection with the Court to Show Cause why the proposed Partial Final Decree, filed with the Court on March 28, 2003, should not be entered and made final and binding upon them. If you do not wish to object to all or any part of the water rights that would be adjudicated by the proposed Partial Final Decree, or to object to the terms of the Settlement Agreement incorporated therein, or to take any further part in these proceedings, you do not have to take any further action.

Pursuant to the terms of the Scheduling and Procedural Order entered by the Court on October 2, 2003, you have until March 31, 2004 to file with the Court and serve on the attorneys listed below, a statement setting forth with particularity the grounds for your objection to the entry of the proposed Partial Final Decree, together with a statement setting forth with particularity objections to: the Negotiating Parties' legal authority to enter the agreements contained in such Decree or the Settlement Agreement incorporated therein, or how your water rights will be adversely affected by the priority, amount, purpose, periods and place of use, together with other conditions as set forth in the proposed Partial Final Decree. Said Statements of Objection also shall include, to the extent available to you, a summary of the evidence you will present in support of the objection.

The Court will hold a scheduling and prehearing conference on April 15, 2004 to review all Statements of Objection that have been filed and to: establish a pretrial scheduling order; clarify, simplify and consolidate the issues presented; consolidate hearings on all issues where possible; establish a schedule and procedures for discovery; and, address such other matters as may aid in disposition of the objections. The Court also will establish a schedule for hearings so that determinations can be made on the Objections as expeditiously as possible.

At such hearings, persons filing Statements of Objections shall bear the initial burden to make a *prima facie* showing how their water rights will be adversely affected by entry of the Partial Final Decree. Upon such a showing, the CID, PVACD, U.S. and State (collectively, the "Negotiating Parties") shall have the burden of overcoming such a *prima facie* case by a preponderance of the evidence that such persons will not be adversely affected by entry of the Partial Final Decree. If the Court determines that entry of the proposed Partial Final Decree will adversely affect valid water rights of a person making such a *prima facie* case, the Court will afford the Negotiating Parties an opportunity to propose terms or conditions in the Partial Final Decree which would prevent or ameliorate such effect without further notice to water rights claimants on the Pecos River, other than those who have filed an Objection that has not otherwise been dismissed for failure to comply with the procedures set forth in the Court's October 2, 2003 Scheduling and Procedural Order.

Any person who files a Statement of Objection who does not fully comply with the procedural requirements governing the hearing of all objections filed with the Court are subject to having their objections dismissed.

STATEMENTS OF OBJECTION MUST BE FILED WITH THE CLERK OF THE COURT AND SERVED ON THE COUNSEL FOR THE NEGOTIATING PARTIES AT THE ADDRESSES SET FORTH BELOW.

Bee J. Clem, District Court Clerk
Fifth Judicial District Court
P.O. Box 1776, Roswell, NM 88202-1776
1597 South Main, Roswell, NM 88203
ATTN: Pecos River Stream System Water Rights Adjudication - Statement of Objection

ORDER TO SHOW CAUSE

Attorneys' Addresses: (a copy of this Statement must be served by mail or in person on each of the attorneys listed below):

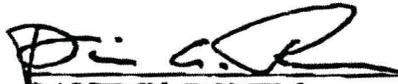
Christopher G. Schatzman
Special Assistant Attorney General
Office of the State Engineer
PO Box 25102
Santa Fe, NM 87504-5102
Attorney for the State of New Mexico

Stuart D. Shanor, Esq.
Hinkle, Hensley, Shanor & Martin
P.O. Box 10
Roswell, NM 88202
Attorney for Pecos Valley Artesian
Conservancy District

Steven Hernandez, Esq.
Beverly J. Singleman, Esq.
Hubert & Hernandez, P.A.
P.O. Drawer 2857
Las Cruces, NM 88004-2857
Attorneys for Carlsbad Irrigation District

David W. Gehlert, Esq.
United States Department of Justice
999 18th St., Suite 945 N
Denver, CO 80202
Attorney for the United States

IT IS SO ORDERED.



DAVID W. BONEM
DISTRICT JUDGE *PRO TEMPORE*

ORDER TO SHOW CAUSE



FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
CHAVES COUNTY

BEE J. CLEM
Clerk of the District Court

P.O. Box 1776
Roswell, New Mexico 88202-1776
Phone (505) 622-2212
Fax (505) 624-9590

FAX TRANSMITTAL
DISTRICT COURT CLERK FAX NO. (505) 624-9510

DATE : 2/13/04
TO : Chris Schatzman
ADDRESS : _____
FAX NO. : _____
SUBJECT : DSC
FROM : BEE J CLEM
DISTRICT COURT CLERK, CHAVES COUNTY
FIFTH JUDICIAL DISTRICT COURT
P.O. BOX 1776
ROSWELL, NM 88202-1776
BY: Gloria, DEPUTY CLERK

TOTAL NUMBER OF PAGES TO FOLLOW: 4

NOTE: IF YOU DO NOT RECEIVE ALL THE PAGES, OR THE MATERIAL IS NOT READABLE, PLEASE CALL THE DISTRICT COURT CLERK'S OFFICE IN ROSWELL, NEW MEXICO, AT (505) 622-2212.