

**ENDORSED COPY:
ORG. FILED DIST. COURT**

SEP 15 1995

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., and)
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**

**Carlsbad Irrigation
District Section -
Carlsbad Basin Section**

ORDER

THIS MATTER having come before the Court on plaintiff State of New Mexico's (state's) Motion for Adoption of Report and for Order Setting Hearing on Issues, Initial Pretrial Order, and Controls for Conduct of Adjudication, counsel of record having been apprised of said motion and the form of this order, and the Court being advised in the premises, the Court hereby finds that:

1. The adjudication of the water right claims of the United States of America (United States) and the Carlsbad Irrigation District (CID) for the Carlsbad Project has been initiated by a stipulated offer of judgment (Offer) entered into among the state, United States and CID, filed June 22, 1994.

2. Objections to the Offer have been filed with the Clerk of the Fifth Judicial District Court.

3. The United States and CID have filed a motion requesting that the Court rule upon the adequacy of the notice given by the state to water right claimants in the Pecos River stream system concerning filing of objections to the Offer and the sufficiency of the adjudication process and proceedings in connection with the consideration of the Offer by the Court.

4. Counsel of record have identified a number of issues that have arisen from the aforesaid objections and motion and have recommended a procedure and schedule for their resolution, all of which are described in the report attached to the motion.

5. It is necessary to conduct a hearing for the following purposes:

A. Formulating, clarifying, and narrowing the issues in connection with the aforesaid objections and motion, including those identified in the report attached to the state's motion and such additional issues, if any, as may be encompassed in the objections and which are identified during the course of the hearing.

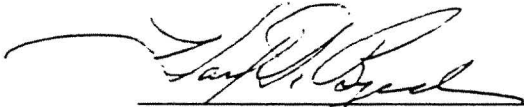
B. Considering the adoption of recommendations of counsel contained in the report attached to the state's motion and those made at the hearing and incorporating them into a pretrial order so that the

aforesaid objections and motion may be expeditiously determined.

- C. Establishing such other controls, case management procedures and schedules deemed appropriate for the efficient, expeditious determination of all other issues and controversies among the parties concerning the Offer.

THEREFORE, IT IS ORDERED THAT:

1. A hearing for the aforesaid purposes is set for October 23, 1995, commencing at the hour of 9:00 o' clock a.m. in the Pearson Auditorium at the New Mexico Military Institute, 101 West College Boulevard, Roswell, New Mexico, and shall continue thereafter until completed.
2. State counsel shall serve copies of this order, the state's motion with report attached, and the proposed initial pretrial order to be considered at said hearing on all persons filing objections to the Offer or their counsel of record.



HARL D. BYRD
District Judge Pro Tempore