

**INDICES AND GENERAL ORDERS**

**For**

**Addendum To Final Judgment and Decree On Non-Federal Water Rights  
UNITED STATES DISTRICT COURT  
STATE OF NEW MEXICO, et al. v. MOLYCORP, INC., et al.  
RED RIVER ADJUDICATION  
CIV. NO. 72-9780 JC**

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Copies of general Orders attached at the back of this book:

Order (Establishes duty, ten-year averaging & domestic use for Llano Ditch)

Order (Adopts Special Master's Report on duties of water)

Order Adopting Unopposed Findings of the November, 9 1992 Master's Report  
(Establishes improved water duty for certain ditches)

Order Amending Priority Date (For Acequia Madre del Rito de La Lama)

Order Amending Priority Date (For Acequia Madre del Cerro de Guadalupe)

Order Amending Priority Date (For Cabresto Community Ditches)

Memorandum Opinion (Regarding Cerro Ditch improved priority date)

Order Re Motion of West Latir Ditch (Confirms Cerro Ditch improved priority date)

Stipulation (Between Molycorp, the State of New Mexico and the United States on  
instream flow claims, and other agreements between Molycorp and the United States)

Order Approving Stipulation

Order (Excludes de minimis uses)

## Explanatory Notes

### Owner Index

The Owner Index is organized alphabetically and is limited to the ownership information available to the Court. Below each owner name is the list of subfiles with which the owner is associated, and the page number of the Addendum where subfile information is found. Example;

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### Subfile Index

The Subfile Index contains the same information as the Owner Index but is organized by subfile number. Page numbers in the index refer to the Addendum. Example;

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### RG Number Index

This index is organized by RG number, a file number assigned to groundwater by the New Mexico Office of the State Engineer. Page numbers refer to the Addendum. RG numbers in the Addendum are generally located in the Point of Diversion Box.

### Subfile Documents Index

This index does not refer the user to the Addendum, rather it refers the user to the Court record. It is organized by subfile number. For each subfile, it lists the relevant Offers of Judgment, Special Master's Reports and Orders, along with their respective docket numbers and filing dates.

### List of General Orders

These Orders, while not subfile specific, affect elements of individual subfiles. They are organized by docket number. General Orders which substantively affect individual subfile rights are included at the end of this booklet (see Table of Contents).

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1.03.025	Default Subfile Order	174.13	09/10/1974
1.03.026	Default Subfile Order	174.14	09/10/1974
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1.03.028B	Default Subfile Order	236.1	01/27/1975
1.03.029	Order	153.168	08/05/1974
1.03.030	Order	153.166	08/05/1974
1.03.031	Order	153.164	08/05/1974
1.03.032	Default Subfile Order	174.17	09/10/1974
1.03.033	Order	153.138	08/05/1974
1.03.034	Order	153.162	08/05/1974
1.03.035	Default Subfile Order	174.18	09/10/1974
1.03.036	Default Subfile Order	174.19	09/10/1974
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1.05.007	Default Subfile Order	236.2	01/27/1975
1.05.008	Order	153.88	08/05/1974
1.05.009	Order	153.86	08/05/1974
	Order to Correct	483	03/03/1976
1.05.010	Order	153.84	08/05/1974
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1.05.016	Default Subfile Order	174. 23	09/10/1974
1.05.016E	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.05.017	Order	153.104	08/05/1974
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	Order	2460	08/04/1998
1.05.018	Order	153.102	08/05/1974
1.05.019	Order	153.100	08/05/1974
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	Order	2460	08/04/1998
1.05.021	Order	260. 3	02/21/1975
	Order to Correct	276	04/16/1975
	Order	2561	02/12/1999
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1.05.022	Order	153. 84	08/05/1974
	Amended Subfile Order	2301	11/10/1993
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1.05.022W	Special Master's Report	1944	11/09/1992
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1.05.024	Default Subfile Order	174. 25	09/10/1974
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1.05.050	Order	153. 66	08/05/1974
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1.05.052	Order	153. 46	08/05/1974
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1.05.075A	Order	153. 54	08/05/1974
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1.05.075C	Order	153. 50	08/05/1974
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1.05.083	Default Subfile Order	174. 39	09/10/1974
1.05.084	Default Subfile Order	174. 40	09/10/1974
1.05.085	Default Subfile Order	236. 6	01/27/1975
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1.05.089	Order	153.124	08/05/1974
1.05.090	Default Subfile Order	174. 41	09/10/1974
1.05.091	Default Subfile Order	174. 42	09/10/1974
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1.05.093	Default Subfile Order	174. 43	09/10/1974
1.05.094	Order	153. 24	08/05/1974
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1.05.096	Order	153. 22	08/05/1974
1.05.097	Order	153. 20	08/05/1974
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1.06.006A	Default Subfile Order	289. 2	04/16/1975
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1.06.010	Order	692	11/03/1978
1.06.011	Order	206.186	11/26/1974
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1.06.013B	Order	654. 8	09/16/1977
1.06.013C	Default Subfile Order	679	08/15/1978
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1.06.013K	Order	654. 14	09/16/1977
1.06.013L	Default Subfile Order	681	08/15/1978
1.06.014	Default Subfile Order	174. 44	09/10/1974
1.06.015	Default Subfile Order	174. 45	09/10/1974
1.06.016	Default Subfile Order	174. 46	09/10/1974
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1.06.017	Default Subfile Order	267	03/07/1975
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1.06.017A	Default Subfile Order	174. 47	09/10/1974
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1.06.018	Default Subfile Order	267. 2	03/07/1975
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1.06.020	Default Subfile Order	174. 48	09/10/1974
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1.06.021	Default Subfile Order	174. 49	09/10/1974
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1.06.022	Order	153.172	08/05/1974
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	Special Master's Report	1944	11/09/1992
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1.06.022B	Order	584	08/12/1976
1.06.022C	Special Master's Report	1944	11/09/1992
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	Order	2545	01/07/1999
1.06.023	Default Subfile Order	174. 50	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.06.024	Default Subfile Order	174. 51	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.06.025	Order	153.170	08/05/1974
1.06.026	Default Subfile Order	174. 52	09/10/1974
	Order to Vacate	392	09/17/1975
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1.06.027	Default Subfile Order	174. 53	09/10/1974
	Order to Correct	485	03/03/1976
1.06.028	Default Subfile Order	174. 54	09/10/1974
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1.06.029	Default Subfile Order	174. 55	09/10/1974
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1.11.001	Special Master's Report	247	02/06/1975
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1.15.001	Order	206.188	11/26/1974
	Order	2639	05/25/1999
1.16.001	Order	153.230	08/05/1974
1.17.001	Order	153.228	08/05/1974
1.18.001	Default Subfile Order	174. 57	09/10/1974
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1.19.001	Order	153.222	08/05/1974
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	Amended Subfile Order	1056	04/18/1984
1.20.001	Order	153.224	08/05/1974
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1.21.001	Order	417. 48	11/12/1975
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1.24.001	Order	153.212	08/05/1974
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1.28.001	Order	153.220	08/05/1974
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1.33.001	Order	153.206	08/05/1974
1.34.001	Default Subfile Order	174. 59	09/10/1974
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	Stipulation	445	01/23/1976
	Order	539. 14	07/27/1976
	Amended Subfile Order	1063	01/23/1985
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1.38.003	Order	153.194	08/05/1974
1.38.004	Order	153.192	08/05/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.004A	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.005	Default Subfile Order	174. 61	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.006	Default Subfile Order	174. 62	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.007	Default Subfile Order	174. 63	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.008	Order	153.190	08/05/1974
1.38.009	Default Subfile Order	174. 64	09/10/1974
1.38.010	Order	220. 2	01/08/1975
1.38.010A	Default Subfile Order	174. 65	09/10/1974
1.38.010B	Order	206.176	11/26/1974
1.38.011	Order	153.188	08/05/1974
	Order	606	11/19/1976
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	Order	2460	08/04/1998
1.38.016	Default Subfile Order	174. 67	09/10/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.38.016A	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
1.39.001	Default Subfile Order	174. 69	09/10/1974
1.41.001	Default Subfile Order	174. 70	09/10/1974
	Order to Vacate	187	10/24/1974
	Default Subfile Order	188	10/24/1974
1.42.001	Default Subfile Order	236. 8	01/27/1975
	Order to Vacate	443	01/28/1976
	Stipulation	445	01/28/1976
	Order	539. 16	07/27/1976
	Amended Subfile Order	1064	01/23/1985
1.43.001	Order	672	08/10/1978
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	Amended Subfile Order	2289	11/10/1993
2.01.003	Order	206.172	11/26/1974
	Order	2559	02/12/1999
	Special Master's Report	2581	03/11/1999
	Order	2601	04/05/1999
2.01.004	Default Subfile Order	227. 2	01/22/1975
	Amended Subfile Order	2288	11/10/1993
2.01.005	Default Subfile Order	227. 3	01/22/1975
	Order to Vacate	557	08/05/1976
	Order	628. 6	03/22/1977
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2.01.006	Default Subfile Order	454. 43	01/30/1976
2.01.007	Default Subfile Order	227. 4	01/22/1975
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	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
2.01.008	Default Subfile Order	227. 6	01/22/1975
	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
2.01.009	Order	206.174	11/26/1974
	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
2.01.010	Default Subfile Order	227. 7	01/22/1975
	Amended Subfile Order	2287	11/10/1993
2.01.011	Default Subfile Order	227. 8	01/22/1975
2.02.001	Default Subfile Order	227. 9	01/22/1975
2.02.001E	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
	Order	206.154	11/26/1974
2.02.002	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
	Order	206.156	11/26/1974
2.02.003	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
	Order	206.158	11/26/1974
2.02.004	Order	206.158	11/26/1974
2.02.004A	Order	206.160	11/26/1974
	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
2.02.005	Order	206.162	11/26/1974
2.02.006	Order	206.164	11/26/1974
2.02.006A	Default Subfile Order	227. 10	01/22/1975
2.02.007	Default Subfile Order	227. 11	01/22/1975
	Order to Vacate Order	559 593. 4	08/05/1976 08/27/1976
	Order	2537	12/18/1998
2.02.007A	Default Subfile Order	227. 12	01/22/1975
	Special Master's Report Order	1944 2460	11/09/1992 08/04/1998
2.02.008	Default Subfile Order	227. 13	01/22/1975
	Order to Vacate Order	561 593. 6	08/05/1976 08/27/1976
2.02.008A	Order	206.166	11/26/1974
	Order to Correct	574	08/05/1976
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2.02.009	Default Subfile Order	454. 44	01/30/1976

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2.02.010	Order	206.168	11/26/1974
	Order	2537	12/18/1998
2.02.011	Default Subfile Order	227. 14	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.02.012	Order	220. 4	01/09/1975
2.02.012A	Default Subfile Order	227. 15	01/22/1975
2.02.013	Default Subfile Order	227. 16	01/22/1975
	Order to Vacate	563	08/05/1976
	Order	593. 2	08/27/1976
2.02.050	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order to Show Cause	2501	11/10/1998
	Order	2545	01/07/1999
2.02.051	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order to Show Cause	2502	11/10/1998
	Order	2545	01/07/1999
2.03.001	Default Subfile Order	227. 17	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.002	Order	206.112	11/26/1974
2.03.003	Order	206.114	11/26/1974
	Order to Correct	575	08/05/1976
	Order	650. 20	09/13/1977
2.03.003A	Order	650. 22	09/13/1977
2.03.004	Order	206.116	11/26/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.005	Default Subfile Order	227. 18	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.006	Order	206.118	11/26/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.007	Default Subfile Order	227. 19	01/22/1975
	Amended Subfile Order	2286	11/10/1993
2.03.008	Order	206.120	11/26/1974
2.03.008A	Order	206.122	11/26/1974
2.03.008B	Order	206.124	11/26/1974
	Amended Subfile Order	1223	06/09/1989
	Order to Vacate	1223	06/09/1989

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	Amended Subfile Order	1228	06/09/1989
2.03.009	Order to Vacate	1228	06/09/1989
	Order	206.128	11/26/1974
	Special Master's Report	1944	11/09/1992
2.03.010	Order	2460	08/04/1998
	Order	206.130	11/26/1974
	Special Master's Report	1944	11/09/1992
2.03.011	Order	2460	08/04/1998
	Default Subfile Order	227. 20	01/22/1975
	Special Master's Report	1944	11/09/1992
2.03.012	Order	2460	08/04/1998
	Order	206.132	11/26/1974
2.03.013	Order	2464	03/09/1998
	Default Subfile Order	227. 21	01/22/1975
2.03.014	Order to Correct	599	09/29/1976
2.03.015	Default Subfile Order	227. 22	01/22/1975
2.03.016	Order	206.134	11/26/1974
2.03.017	Default Subfile Order	227. 23	01/22/1975
2.03.018	Default Subfile Order	227. 24	01/22/1975
2.03.019	Default Subfile Order	227. 25	01/22/1975
	Order to Vacate	565	08/05/1976
	Order	593. 14	08/27/1976
	Default Subfile Order	227. 26	01/22/1975
2.03.020	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	206.136	11/26/1974
2.03.021	Order	2465	09/15/1998
2.03.022	Default Subfile Order	227. 27	01/22/1975
2.03.022A	Default Subfile Order	454. 45	01/30/1976
2.03.023	Order	650. 14	09/13/1977
	Default Subfile Order	227. 28	01/22/1975
2.03.024	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Default Subfile Order	227. 29	01/22/1975
2.03.025	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Default Subfile Order	227. 27	01/22/1975
2.03.025A	Special Master's Report	1944	11/09/1992
2.03.026	Order	2460	08/04/1998
	Order	206.138	11/26/1974
2.03.026	Default Subfile Order	227. 30	01/22/1975
	Special Master's Report	1944	11/09/1992
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2.03.027A	Order	206.140	11/26/1974
2.03.027B	Default Subfile Order	454. 46	01/30/1976
2.03.028	Default Subfile Order	454. 47	01/30/1976
2.03.029	Default Subfile Order	227. 32	01/22/1975
2.03.030	Order	206.142	11/26/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.031	Order	206.152	11/26/1974
	Amended Subfile Order	650. 2	09/13/1977
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.031A	Order	650. 8	09/13/1977
2.03.032	Default Subfile Order	227. 33	01/22/1975
2.03.033	Default Subfile Order	227. 34	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.034	Default Subfile Order	227. 35	01/22/1975
	Amended Subfile Order	2285	11/10/1993
2.03.035	Order	206.144	11/26/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.036	Default Subfile Order	227. 36	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.037	Default Subfile Order	227. 37	01/22/1975
	Amended Subfile Order	2284	11/10/1993
2.03.038	Default Subfile Order	227. 38	01/22/1975
2.03.039	Order	251. 1	02/10/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.040	Default Subfile Order	227. 39	01/22/1975
2.03.040A	Default Subfile Order	227. 40	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.041	Default Subfile Order	227. 41	01/22/1975
2.03.041A	Order	650. 18	09/13/1977
2.03.042	Order	206.146	11/26/1974
	Amended Subfile Order	1224	06/09/1989
	Order to Vacate	1224	06/09/1989
	Special Master's Report	1944	11/09/1992
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2.03.043	Default Subfile Order	227. 42	01/22/1975
2.03.044	Default Subfile Order	227. 43	01/22/1975



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2.03.044A	Default Subfile Order	289. 6	04/16/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.044B	Order	650. 6	09/13/1977
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.045	Order	206.148	11/26/1974
2.03.046	Default Subfile Order	227. 44	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.046A	Order	260.150	11/26/1974
2.03.046B	Order	650. 16	09/13/1977
2.03.047	Default Subfile Order	227. 45	01/22/1975
2.03.047A	Order	650. 4	09/13/1977
2.03.048	Default Subfile Order	227. 46	01/22/1975
2.03.049	Order	650. 10	09/13/1977
2.03.050	Order	650. 12	09/13/1977
2.03.060	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.061	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.062	Order	2559	02/12/1999
	Special Master's Report	2594	03/22/1999
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2.03.063	Special Master's Report	1944	11/09/1992
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2.03.064	Order	2537	12/18/1998
	Order to Show Cause	2550	01/22/1999
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2.03.065	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.066	Defendant Reply	2404	12/13/1995
	Order	2537	12/18/1998
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2.03.067	Defendant Reply	2401	12/04/1995
	Order	2537	12/18/1998
	Order to Show Cause	2552	01/22/1999
2.03.068	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.069	Order	2535	12/04/1998
2.03.070	Order	2533	12/04/1998
2.03.071	Order	2534	12/04/1998

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	Order	2460	08/04/1998
	Order to Show Cause	2503	11/10/1998
	Order	2545	01/07/1999
2.03.073	Order	2532	12/04/1998
2.03.074	Order	2464	03/09/1998
	Order to Show Cause	2516	11/10/1998
	Order	2545	01/07/1999
2.03.075	Order	2464	03/09/1998
	Order to Show Cause	2517	11/10/1998
	Order	2545	01/07/1999
2.03.076	Order	2464	03/09/1998
	Order to Show Cause	2515	11/10/1998
	Order	2545	01/07/1999
2.03.077	Order	2464	03/09/1998
	Order to Show Cause	2518	11/10/1998
	Order	2545	01/07/1999
2.03.078	Order	2464	03/09/1998
	Order to Show Cause	2519	11/10/1998
	Order	2545	01/07/1999
2.03.079	Order	2464	03/09/1998
	Order to Show Cause	2514	11/10/1998
	Order	2545	01/07/1999
2.03.080	Order	2464	03/09/1998
	Order to Show Cause	2513	11/10/1998
	Order	2545	01/07/1999
2.03.081	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.082	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.083	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order to Show Cause	2505	11/10/1998
	Order	2545	01/07/1999
2.03.084	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.085	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.086	Order	2537	12/18/1998
	Order to Show Cause	2553	01/22/1999
2.03.087	Order	2537	12/18/1998
	Order to Show Cause	2555	01/22/1999
2.03.088	Order	2537	12/18/1998
	Order to Show Cause	2554	01/22/1999

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2.03.089	Order	2531	12/04/1998
2.03.090	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order to Show Cause	2506	11/10/1998
	Order	2545	01/07/1999
2.03.091	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order to Show Cause	2507	11/10/1998
	Order	2545	01/07/1999
2.03.092	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.03.093	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.001	Order	220. 6	01/09/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Amended Subfile Order	2784	05/05/2000
2.04.002	Default Subfile Order	227. 47	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.003	Order	206. 40	11/26/1974
	Amended Subfile Order	2283	11/10/1993
2.04.004	Default Subfile Order	227. 48	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.005	Default Subfile Order	227. 49	01/22/1975
	Order to Vacate	567	08/05/1976
	Order	595. 4	09/17/1976
	Amended Subfile Order	1225	06/09/1989
2.04.005A	Amended Subfile Order	1226	06/09/1989
2.04.006	Order	437. 32	01/09/1976
2.04.007	Default Subfile Order	289. 7	04/16/1975
2.04.008	Order	206. 42	11/26/1974
	Order to Correct	576	08/05/1976
2.04.009	Order	206. 44	11/26/1974
2.04.010	Order	206. 46	11/26/1974
2.04.011	Order	206. 48	11/26/1974
2.04.012	Default Subfile Order	227. 50	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998

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2.04.013	Default Subfile Order	227. 51	01/22/1975
	Order to Vacate	569	08/05/1976
	Order	593. 8	08/27/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.014	Order	206. 50	11/26/1974
2.04.014A	Order	206. 52	11/26/1974
2.04.015	Default Subfile Order	227. 52	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.016	Default Subfile Order	227. 53	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.017	Default Subfile Order	227. 54	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.018	Default Subfile Order	227. 55	01/22/1975
2.04.019	Default Subfile Order	227. 56	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.020	Default Subfile Order	227. 57	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.021	Order	274. 1	04/16/1975
2.04.022	Order	274. 5	04/16/1975
2.04.023	Default Subfile Order	227. 51	01/22/1975
	Order to Vacate	569	08/05/1976
	Order	593. 12	08/27/1976
2.04.024	Order	206. 54	11/26/1974
2.04.025	Default Subfile Order	227. 58	01/22/1975
2.04.026	Default Subfile Order	227. 59	01/22/1975
2.04.027	Default Subfile Order	227. 60	01/22/1975
2.04.028	Default Subfile Order	227. 61	01/22/1975
2.04.029	Order	206. 56	11/26/1974
2.04.030	Default Subfile Order	227. 62	01/22/1975
2.04.030A	Order	650. 26	09/13/1977
2.04.031	Order	206. 58	11/26/1974
2.04.032	Order	206. 60	11/26/1974
2.04.032A	Default Subfile Order	227. 63	01/22/1975
2.04.032B	Order	206. 58	11/26/1974
2.04.032C	Default Subfile Order	227. 64	01/22/1975
2.04.032D	Default Subfile Order	227. 65	01/22/1975
	Amended Subfile Order	1227	06/09/1989
	Order to Vacate	1227	06/09/1989

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2.04.032F	Default Subfile Order	227. 66	01/22/1975
2.04.032G	Default Subfile Order	227. 67	01/22/1975
2.04.032H	Order	220. 8	01/09/1975
2.04.032I	Order	206. 58	11/26/1974
2.04.032J	Order	206. 58	11/26/1974
2.04.032K	Order	650. 38	09/13/1977
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.033	Order	206. 50	11/26/1974
2.04.034	Order	206. 62	11/26/1974
2.04.035	Default Subfile Order	227. 68	01/22/1975
2.04.036	Default Subfile Order	227. 69	01/22/1975
2.04.037	Default Subfile Order	227. 70	01/22/1975
2.04.038	Default Subfile Order	227. 71	01/22/1975
	Order to Vacate	571	08/05/1976
	Order	593. 10	08/27/1976
2.04.039	Order	206. 64	11/26/1974
2.04.040	Default Subfile Order	227. 72	01/22/1975
	Order to Vacate	573	08/05/1976
	Order	632. 2	03/25/1977
2.04.041	Order	220. 10	01/09/1975
2.04.041A	Order	650. 32	09/13/1977
2.04.042	Order	220. 18	01/09/1975
2.04.043	Default Subfile Order	227. 73	01/22/1975
2.04.043A	Default Subfile Order	227. 74	01/22/1975
2.04.044	Default Subfile Order	227. 75	01/22/1975
2.04.045	Order	206. 66	11/26/1974
	Amended Subfile Order	2281	11/10/1993
2.04.046	Default Subfile Order	227. 76	01/22/1975
2.04.047	Order	206. 68	11/26/1974
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.048	Default Subfile Order	227. 77	01/22/1975
2.04.049	Order	206. 70	11/26/1974
2.04.050	Order	206. 72	11/26/1974
2.04.051	Default Subfile Order	227. 78	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.052	Order	220. 12	01/09/1975
2.04.053	Default Subfile Order	227. 79	01/22/1975
	Order	2556	01/26/1999
2.04.054	Order	206. 74	11/26/1974
2.04.055	Order	206. 76	11/26/1974

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2.04.056	Order	220. 14	01/09/1975
2.04.057	Order	206. 78	11/26/1974
2.04.058	Order	206. 80	11/26/1974
2.04.059	Default Subfile Order	227. 81	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.060	Order	206. 82	11/26/1974
	Order to Correct	577	08/05/1976
2.04.061	Default Subfile Order	227. 82	01/22/1975
2.04.062	Default Subfile Order	227. 83	01/22/1975
2.04.063	Order	220. 16	01/09/1975
2.04.064	Default Subfile Order	227. 79	01/22/1975
2.04.065	Order	206. 82	11/26/1974
	Order to Correct	577	08/05/1976
2.04.066	Default Subfile Order	227. 84	01/22/1975
	Amended Subfile Order	2282	11/10/1993
2.04.067	Order	206. 84	11/26/1974
2.04.068	Order	206. 86	11/26/1974
2.04.069	Default Subfile Order	501. 9	03/31/1976
	Order	2537	12/18/1998
2.04.070	Order	206. 80	11/26/1974
2.04.071	Default Subfile Order	227. 98	01/22/1975
	Order	2464	03/09/1998
2.04.072	Order	206. 88	11/26/1974
2.04.073	Order	206. 90	11/26/1974
2.04.074	Order	206. 88	11/26/1974
2.04.075	Default Subfile Order	289. 8	04/16/1975
2.04.076	Default Subfile Order	227. 99	01/22/1975
2.04.076A	Order	650. 34	09/13/1977
2.04.076B	Order	650. 46	09/13/1977
2.04.076C	Order	650. 44	09/13/1977
2.04.076D	Order	650. 24	09/13/1977
	Amended Subfile Order	2280	11/10/1993
2.04.076E	Order	650. 36	09/13/1977
2.04.076F	Order	650. 42	09/13/1977
2.04.077	Default Subfile Order	227.100	01/22/1975
2.04.078	Order	206. 92	11/26/1974
2.04.079	Order	206. 86	11/26/1974
2.04.080	Order	206. 94	11/26/1974
2.04.080A	Order	650. 40	09/13/1977
	Special Master's Report	1944	11/09/1992
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2.04.083	Default Subfile Order	227.102	01/22/1975
2.04.084	Default Subfile Order	227.103	01/22/1975
2.04.085	Default Subfile Order	227.104	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.04.086	Default Subfile Order	227.105	01/22/1975
	Order to Vacate	644	09/13/1977
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2.04.086C	Order	650. 28	09/13/1977
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2.04.090	Default Subfile Order	227.107	01/22/1975
2.04.091	Order	206.100	11/26/1974
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2.04.096	Default Subfile Order	227.111	01/22/1975
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2.04.099	Order	206.106	11/26/1974
2.04.100	Default Subfile Order	227.113	01/22/1975
2.04.101	Order	206.108	11/26/1974
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2.04.102	Default Subfile Order	227.105	01/22/1975
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2.04.106	Default Subfile Order	227. 85	01/22/1975
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2.05.003	Default Subfile Order	227. 88	01/22/1975
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2.05.005	Default Subfile Order	227. 90	01/22/1975
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2.06.002	Default Subfile Order	227. 93	01/22/1975
2.06.003	Default Subfile Order	227. 94	01/22/1975
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2.06.003A	Order	396. 8	09/17/1975
2.06.004	Order	206. 2	11/26/1974
2.06.005	Default Subfile Order	227. 95	01/22/1975
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2.06.006	Default Subfile Order	227. 96	01/22/1975
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2.06.025	Default Subfile Order	461. 14	02/06/1976
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2.06.027	Default Subfile Order	461. 14	02/06/1976
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2.06.053	Order	220. 24	01/09/1975
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2.06.090	Order	206. 18	11/26/1974
2.06.091	Order	220. 24	01/09/1975
2.06.092	Order	220. 24	01/09/1975
2.06.093	Order	220. 24	01/09/1975
2.06.094	Order	220. 24	01/09/1975
2.06.095	Order	220. 24	01/09/1975
2.06.096	Order	220. 24	01/09/1975
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2.06.104	Order	220. 24	01/09/1975
2.06.105	Order	220. 24	01/09/1975
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2.06.107	Order	220. 24	01/09/1975
2.06.108	Order	220. 24	01/09/1975
2.06.109	Order	220. 24	01/09/1975
2.06.110	Order	220. 24	01/09/1975
2.06.111	Order	220. 24	01/09/1975
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2.06.120	Order	220. 24	01/09/1975
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2.06.138	Order	206. 12	11/26/1974
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	Order	2464	03/09/1998
2.06.145	Order	220. 24	01/09/1975
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2.06.146	Order	220. 24	01/09/1975
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2.06.147	Order	220. 24	01/09/1975
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2.06.148	Order	396. 4	09/17/1975
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2.06.219	Order	220. 24	01/09/1975
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2.06.243	Default Subfile Order	227.129	01/22/1975
	Special Master's Report	1944	11/09/1992
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2.06.244	Default Subfile Order	227.130	01/22/1975
	Special Master's Report	1944	11/09/1992
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2.06.245	Default Subfile Order	227.131	01/22/1975
2.06.246	Default Subfile Order	227.132	01/22/1975
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2.06.250	Default Subfile Order	227. 94	01/22/1975
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	Amended Subfile Order	2278	11/10/1993
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2.06.254	Special Master's Report	1944	11/09/1992
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2.06.254N	Order to Vacate	2548	01/15/1999
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2.06.256	Default Subfile Order	227.138	01/22/1975
	Order	2537	12/18/1998
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2.06.257	Default Subfile Order	227.139	01/22/1975
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2.06.259	Default Subfile Order	227.140	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.06.260	Default Subfile Order	227.141	01/22/1975
2.06.261	Order	220. 26	01/09/1975
2.06.262	Default Subfile Order	227.142	01/22/1975
2.06.263	Default Subfile Order	227.143	01/22/1975
	Order to Vacate	341	07/14/1975
	Order	465. 2	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	2673	07/02/1999
	Order	2721	11/17/1999
2.06.263E	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.06.264	Default Subfile Order	227.144	01/22/1975
2.06.265	Default Subfile Order	227.145	01/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.06.265N	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
2.06.266	Order	692	11/03/1978
2.06.267	Order	206. 26	11/26/1974
2.06.268	Order	206. 28	11/26/1974
2.06.269	Default Subfile Order	227.146	01/22/1975
2.06.270	Default Subfile Order	227.147	01/22/1975
2.06.271	Default Subfile Order	227.148	01/22/1975
2.06.272	Default Subfile Order	227.149	01/22/1975
2.06.273	Default Subfile Order	227.147	01/22/1975
2.06.274	Default Subfile Order	227.147	01/22/1975
2.06.275	Default Subfile Order	227.150	01/22/1975
2.06.276	Default Subfile Order	227.151	01/22/1975
2.06.277	Default Subfile Order	227.152	01/22/1975
	Order to Vacate	323	05/29/1975
	Order	692	11/03/1978
2.06.277A	Order	356. 2	07/14/1975
2.06.277B	Order	437. 24	01/09/1976
2.06.278	Default Subfile Order	227.153	01/22/1975
	Special Master's Report	1944	11/09/1992
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2.06.279	Default Subfile Order	227.154	01/22/1975
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	Defendant Reply	2406	12/13/1995
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2.06.281	Order	437. 22	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	2642	05/25/1999
2.06.281A	Order	437. 22	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
	Order	2642	05/25/1999
2.06.282	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.283	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.284	Order	206. 30	11/26/1974
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.285	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.286	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.287	Default Subfile Order	227.156	01/22/1975
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.288	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.289	Order	437. 20	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.290	Order	437. 18	01/09/1976
	Special Master's Report	1037	02/24/1981
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2.06.291	Default Subfile Order	227.157	01/22/1975
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2.06.293	Order	1039	06/25/1981
	Order	206. 32	11/26/1974
	Special Master's Report	1037	02/24/1981
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	Special Master's Report	1037	02/24/1981
2.06.295	Order	1039	06/25/1981
	Order	437. 18	01/09/1976
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2.06.296	Order	1039	06/25/1981
	Order	220. 30	01/09/1975
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2.06.297	Order	1039	06/25/1981
	Order	437. 18	01/09/1976
	Special Master's Report	1037	02/24/1981
2.06.298	Order	1039	06/25/1981
	Order	437. 18	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
2.06.299	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
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	Order	413	11/10/1975
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
	Special Master's Report	1944	11/09/1992
2.06.300	Order	2460	08/04/1998
	Order	437. 18	01/09/1976
	Special Master's Report	1037	02/24/1981
	Order	1039	06/25/1981
	Special Master's Report	1944	11/09/1992
2.06.301	Order	2460	08/04/1998
2.06.302	Order	437. 16	01/09/1976
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2.06.303	Order	2537	12/18/1998
2.06.304	Order	370. 46	08/22/1975
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2.06.306	Order	437. 22	01/09/1976
2.06.307	Order	692	11/03/1978
2.06.308	Order	370. 48	08/22/1975
2.07.001	Default Subfile Order	227.158	01/22/1975
2.08.001	Default Subfile Order	227.159	01/22/1975
2.09.001	Order	252. 1	02/10/1975
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	Amended Subfile Order	598	09/23/1976
3.00.001	Amended Response	2402	12/06/1995
	Memorandum Opinion	2569	03/01/1999
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3.01.001	Order	539. 2	07/27/1976
3.01.002	Order	327. 8	06/17/1975
	Order to Correct	367	08/06/1975
3.01.002A	Order	396. 12	09/17/1975
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3.01.003	Order	356. 56	07/14/1975
3.01.003A	Order	356. 54	07/14/1975
3.01.004	Order	370. 32	08/22/1975
3.01.005	Order	327. 10	06/17/1975
3.01.006	Order	356. 52	07/14/1975
3.01.007	Order	370. 44	08/22/1975
3.01.008	Order	327. 12	06/17/1975
3.01.009	Order	417. 2	11/12/1975
3.01.009A	Order	356. 50	07/14/1975
3.01.009B	Order	356. 48	07/14/1975
3.01.010	Order	327. 14	06/17/1975
3.01.011	Order	327. 16	06/17/1975
3.01.012	Order	370. 42	08/22/1975
	Special Master's Report	1944	11/09/1992
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3.01.013	Order	356. 46	07/14/1975
	Special Master's Report	1944	11/09/1992
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3.01.013A	Order	356. 44	07/14/1975
3.01.014	Order	327. 18	06/17/1975
3.01.015	Order	327. 20	06/17/1975
3.01.016	Default Subfile Order	501. 1	03/31/1976
3.01.017	Order	327. 22	06/17/1975

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3.01.019	Order	327. 26	06/17/1975
3.01.020	Order	327. 28	06/17/1975
3.01.021	Order	327. 30	06/17/1975
3.01.022	Order	327. 32	06/17/1975
3.01.023	Order	396. 14	09/17/1975
3.01.024	Order	417. 4	11/12/1975
3.01.025	Order	465. 4	02/06/1976
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3.01.026	Order	370. 40	08/22/1975
3.01.027	Order	327. 34	06/17/1975
3.01.028	Default Subfile Order	454. 1	01/30/1976
3.01.029	Order	417. 6	11/12/1975
3.01.030	Order	417. 8	11/12/1975
3.01.031	Default Subfile Order	454. 2	01/30/1976
3.01.032	Order	327. 36	06/17/1975
3.01.033	Order	370. 38	08/22/1975
3.01.034	Order	327. 38	06/17/1975
3.01.035	Order	370. 36	08/22/1975
3.01.036	Order	495. 4	03/31/1976
3.01.037	Order	370. 34	08/22/1975
	Order to Correct	487	03/03/1976
	Amended Subfile Order	1190	08/09/1988
3.01.037A	Order	396. 10	09/17/1975
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3.01.038	Default Subfile Order	461. 1	02/06/1976
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3.01.039	Order	327. 40	06/17/1975
3.01.039A	Order	495. 2	03/31/1976
3.01.040	Order	356. 42	07/14/1975
3.01.041	Default Subfile Order	454. 3	01/30/1976
3.01.042	Order	327. 42	06/17/1975
3.01.043	Order	327. 44	06/17/1975
3.01.044	Order	327. 46	06/17/1975
3.01.045	Order	327. 48	06/17/1975
3.01.046	Order	356. 40	07/14/1975
3.01.047	Order	327. 50	06/17/1975
3.01.048	Order	356. 38	07/14/1975
3.01.048A	Order	327. 52	06/17/1975
3.01.049	Order	327. 54	06/17/1975
3.01.050	Order	370. 30	08/22/1975
3.01.051	Order	327. 56	06/17/1975

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3.01.054	Default Subfile Order	454. 4	01/30/1976
3.01.054A	Default Subfile Order	461. 3	02/06/1976
3.01.055	Order	327. 62	06/17/1975
3.01.056	Default Subfile Order	461. 4	02/06/1976
3.01.057	Order	327. 64	06/17/1975
3.01.058	Default Subfile Order	454. 5	01/30/1976
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3.01.059	Order	327. 66	06/17/1975
	Amended Subfile Order	2276	11/10/1993
	Order	2723	11/17/1999
3.01.060	Order	327. 68	06/17/1975
3.01.061	Order	356. 36	07/14/1975
3.01.062	Default Subfile Order	461. 5	02/06/1976
3.01.063	Order	327. 70	06/17/1975
3.01.064	Order	327. 72	06/17/1975
3.01.065	Order	327. 74	06/17/1975
3.01.066	Order	327. 6	06/17/1975
	Order	2559	02/12/1999
	Special Master's Report	2579	03/11/1999
	Order	2602	04/05/1999
3.02.001	Order	530	05/25/1976
3.02.002	Order	437. 8	01/09/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.02.003	Default Subfile Order	454. 6	01/30/1976
	Amended Subfile Order	1050	07/19/1983
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3.02.004	Order	327. 76	06/17/1975
	Amended Subfile Order	1049	07/19/1983
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	Order	2674	07/02/1999
3.02.005	Order	356. 34	07/14/1975
	Order to Vacate	395	09/17/1975
	Order	437. 2	01/09/1976
3.02.006	Order	327. 78	06/17/1975
3.02.007	Order	396. 24	09/17/1975
3.02.008	Order	327. 80	06/17/1975
3.02.009	Order	327. 82	06/17/1975
3.02.010	Order	370. 18	08/22/1975
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3.02.014	Order	370. 22	08/22/1975
3.02.015	Order	356. 32	07/14/1975
3.02.015A	Order	356. 30	07/14/1975
3.02.016	Order	327. 88	06/17/1975
3.02.017	Default Subfile Order	501. 2	03/31/1976
3.02.018	Order	327. 90	06/17/1975
3.02.019	Order	327. 92	06/17/1975
3.02.020	Order	327. 94	06/17/1975
3.02.021	Order	327. 96	06/17/1975
3.02.022	Order	327. 98	06/17/1975
3.02.023	Order	327.100	06/17/1975
3.02.024	Order	396. 20	09/17/1975
3.02.025	Order	417. 10	11/12/1975
3.02.026	Order	465. 6	02/06/1976
3.02.026A	Order	396. 18	09/17/1975
3.02.027	Order	370. 16	08/22/1975
3.02.028	Default Subfile Order	454. 7	01/30/1976
	Special Master's Report	1944	11/09/1992
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3.02.029	Default Subfile Order	454. 8	01/30/1976
	Order to Vacate	498	03/31/1976
	Order	539. 4	07/27/1976
3.02.030	Order	396. 22	09/17/1975
3.02.031	Order	417. 12	11/12/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Default Subfile Order	2761	03/22/2000
3.02.032	Default Subfile Order	454. 9	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	2760	03/22/2000
3.02.033	Order	327.102	06/17/1975
3.02.034	Order	327.106	06/17/1975
3.02.035	Order	437. 4	01/09/1976
3.02.035A	Order	465. 8	02/06/1976
	Special Master's Report	1944	11/09/1992
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3.02.036	Order	437. 6	01/09/1976
	Special Master's Report	1944	11/09/1992
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3.02.037	Default Subfile Order	454. 10	01/30/1976
3.02.037A	Default Subfile Order	461. 2	02/06/1976

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	Order	495. 6	03/31/1976
3.02.039	Order	356. 28	07/14/1975
3.02.040	Default Subfile Order	454. 12	01/30/1976
3.02.041	Order	327.104	06/17/1975
	Special Master's Report	1944	11/09/1992
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3.02.042	Order	356. 26	07/14/1975
3.02.042A	Order	370. 14	08/22/1975
3.02.043	Order	356. 24	07/14/1975
3.02.044	Order	327.108	06/17/1975
3.02.045	Order	327.110	06/17/1975
3.02.046	Order	327.112	06/17/1975
3.02.047	Order	327.114	06/17/1975
3.02.048	Order	327.116	06/17/1975
3.02.049	Order	327.118	06/17/1975
3.02.050	Order	370. 24	08/22/1975
3.02.050A	Order	417. 14	11/12/1975
3.02.051	Order	370. 26	08/22/1975
3.02.052	Order	327.120	06/17/1975
3.02.053	Order	370. 28	08/22/1975
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3.02.054	Default Subfile Order	454. 13	01/30/1976
3.02.054A	Default Subfile Order	461. 7	02/06/1976
3.02.055	Order	417. 16	11/12/1975
3.02.055A	Order	327.122	06/17/1975
3.02.056	Default Subfile Order	461. 8	02/06/1976
3.02.057	Order	327.124	06/17/1975
3.02.058	Default Subfile Order	454. 14	01/30/1976
3.02.059	Order	327.126	06/17/1975
3.02.060	Order	356. 22	07/14/1975
3.02.061	Order	327.128	06/17/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.02.061W	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.02.450S	Special Master's Report	1944	11/09/1992
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	Order	2460	08/04/1998
3.03.004	Default Subfile Order	454. 15	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.005	Order	327.134	06/17/1975
	Order	2718	11/17/1999
3.03.006	Order	370. 12	08/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.007	Order	356. 20	07/14/1975
	Order to Correct	393	09/17/1975
3.03.008	Order	327.136	06/17/1975
3.03.009	Order	396. 28	09/17/1975
3.03.009A	Order	396. 26	09/17/1975
3.03.010	Order	370. 6	08/22/1975
3.03.011	Default Subfile Order	454. 16	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.012	Default Subfile Order	454. 17	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.013	Order	327.138	06/17/1975
	Order to Correct	366	08/06/1975
3.03.013A	Order	417. 18	11/12/1975
3.03.014	Order	370. 8	08/22/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.015	Default Subfile Order	454. 18	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.016	Default Subfile Order	454. 19	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.017	Default Subfile Order	501. 4	03/31/1976
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3.03.018	Default Subfile Order	454. 20	01/30/1976
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3.03.020	Default Subfile Order	454. 21	01/30/1976
	Order	2464	03/09/1998
3.03.021	Default Subfile Order	454. 22	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.022	Order	465. 10	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.023	Order	417. 20	11/12/1975
3.03.024	Default Subfile Order	501. 6	03/31/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.03.025	Order	370. 10	08/22/1975
3.03.025A	Order	356. 18	07/14/1975
3.04.001	Order	327.140	06/17/1975
	Stipulation	2716	11/15/1999
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	Order	2764	03/22/2000
3.04.001B	Stipulation	2716	11/15/1999
	Order	2763	03/22/2000
3.04.001C	Order	2765	03/22/2000
3.04.002	Order	327.142	06/17/1975
	Order	2720	11/17/1999
3.04.003	Order	327.144	06/17/1975
3.04.004	Order	370. 4	08/22/1975
3.04.005	Order	417. 22	11/12/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.006	Default Subfile Order	454. 23	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.007	Order	327.146	06/17/1975
	Order to Vacate	503	04/08/1976
	Order	522	05/06/1976
3.04.008	Order	417. 24	11/12/1975
3.04.009	Default Subfile Order	454. 24	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.010	Default Subfile Order	454. 25	01/30/1976
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3.04.012	Default Subfile Order	670	08/08/1978
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.013	Default Subfile Order	454. 27	01/30/1976
	Order to Vacate	627	03/22/1977
	Order	628. 4	03/22/1977
	Special Master's Report	1944	11/09/1992
3.04.014	Order	2460	08/04/1998
	Default Subfile Order	501. 7	03/31/1976
	Special Master's Report	1944	11/09/1992
3.04.015	Order	2460	08/04/1998
	Default Subfile Order	454. 28	01/30/1976
	Order	2464	03/09/1998
3.04.016	Order	327.148	06/17/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.017	Order	465. 12	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.018	Order	437. 10	01/09/1976
3.04.019	Order	417. 26	11/12/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.020	Order	327.150	06/17/1975
3.04.021	Default Subfile Order	454. 29	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.022	Default Subfile Order	454. 30	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.023	Default Subfile Order	454. 31	01/30/1976
3.04.024	Default Subfile Order	461. 9	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.024A	Default Subfile Order	461. 10	02/06/1976
3.04.024B	Default Subfile Order	520	05/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998

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<u>Subfile No.</u>	<u>Document</u>	<u>Docket No.</u>	<u>Date Filed</u>
3.04.025	Default Subfile Order	454. 32	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	2759	03/22/2000
3.04.026	Order	437. 14	01/09/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.027	Order	458. 1	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.027A	Default Subfile Order	501. 8	03/31/1976
	Order	2559	02/12/1999
	Special Master's Report	2596	03/22/1999
	Order	2611	04/21/1999
3.04.028	Order	437. 12	01/09/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.029	Default Subfile Order	454. 33	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.030	Default Subfile Order	454. 34	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.031	Default Subfile Order	454. 35	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.032	Default Subfile Order	454. 36	01/30/1976
3.04.033	Order	327.152	06/17/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.034	Order	327.154	06/17/1975
3.04.035	Order	327.156	06/17/1975
3.04.036	Order	327.158	06/17/1975
3.04.037	Order	356. 16	07/14/1975
3.04.037A	Default Subfile Order	461. 11	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
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3.04.038	Order	327.160	06/17/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.039	Order	327.162	06/17/1975
3.04.040	Order	327.164	06/17/1975
3.04.041	Order	327.166	06/17/1975

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3.04.042	Order	327.168	06/17/1975
3.04.043	Order	370. 2	08/22/1975
3.04.044	Default Subfile Order	454. 37	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
	Order	2725	11/17/1999
3.04.044A	Default Subfile Order	461. 12	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.045	Order	417. 28	11/12/1975
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.046	Default Subfile Order	461. 13	02/06/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.047	Order	417. 30	11/12/1975
	Order	2464	03/09/1998
3.04.048	Default Subfile Order	454. 38	01/30/1976
	Order	2464	03/09/1998
3.04.049	Default Subfile Order	454. 39	01/30/1976
	Order	2464	03/09/1998
3.04.050	Default Subfile Order	454. 40	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.051	Default Subfile Order	454. 41	01/30/1976
	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.04.051W	Special Master's Report	1944	11/09/1992
	Order	2460	08/04/1998
3.05.001	Order	682. 2	09/11/1978
3.05A.001	Order	682. 4	09/11/1978
	Order	2667	07/02/1999
3.06.001	Order	682. 6	09/11/1978
	Amended Subfile Order	2645	05/28/1999
3.06.002	Order	682. 10	09/11/1978
3.06.003	Order	682. 12	09/11/1978
3.06A.001	Order	682. 8	09/11/1978
3.07.001	Order	682. 14	09/11/1978
3.07.002	Order	682. 16	09/11/1978
	Amended Subfile Order	2646	05/28/1999
3.07.003	Order	682. 18	09/11/1978
3.07.004	Order	682. 20	09/11/1978
3.07.005	Order	682. 22	09/11/1978
3.07.006	Order	682. 24	09/11/1978

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3.08.001	Order	682. 26	09/11/1978
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3.09.001	Order	682. 28	09/11/1978
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	Order	2667	07/02/1999
3.09.002	Order	682. 30	09/11/1978
	Amended Subfile Order	2648	05/28/1999
	Order	2667	07/02/1999
3.10.001	Order	682. 32	09/11/1978
	Order	2667	07/02/1999
3.11.001	Order	682. 34	09/11/1978
	Amended Subfile Order	2649	05/28/1999
	Order	2667	07/02/1999
3.11.002	Order	682. 36	09/11/1978
	Order	2667	07/02/1999
3.11.003	Order	682. 38	09/11/1978
	Amended Subfile Order	2658	06/21/1999
	Order	2658	06/21/1999
	Order	2667	07/02/1999
3.11.004	Order	682. 40	09/11/1978
	Order	2667	07/02/1999
3.11.005	Order	682. 42	09/11/1978
3.11.006	Order	682. 44	09/11/1978
3.12.001	Order	417. 32	11/12/1975
3.12A.001A	Order	417. 34	11/12/1975
	Order	2674	07/02/1999
3.13.001	Order	417. 36	11/12/1975
3.14.001	Order	417. 38	11/12/1975
3.15.001	Order	417. 40	11/12/1975
3.16.001	Order	417. 42	11/12/1975
3.17.001	Order	417. 44	11/12/1975
3.18.001	Order	417. 46	11/12/1975
3.19.001	Order	370. 56	08/22/1975
3.20.001	Order	539. 6	07/27/1976
3.21.001	Order	370. 54	08/22/1975
	Amended Subfile Order	2799	05/22/2000
	Amended Subfile Order	2805	06/05/2000
3.21.002	Order	370. 52	08/22/1975
	Amended Subfile Order	2800	05/22/2000
	Amended Subfile Order	2806	06/05/2000
3.22.001	Order	539. 6	07/27/1976
3.23.001	Default Subfile Order	454. 42	01/30/1976
3.24.001	Order	327. 4	06/17/1975
	Order to Correct	715	11/22/1978

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3.24.002	Order	749	05/30/1979
3.25.001	Order	601. 2	10/14/1976
3.25.001A	Order	586	08/12/1976
	Order to Correct	600	10/05/1976
	Amended Subfile Order	2663	06/28/1999
3.25.002	Order	751	05/30/1979
3.25.003	Order	370. 50	08/22/1975
3.25.004	Order	539. 8	07/27/1976
3.25.005	Order	601. 4	10/14/1976
3.25.006	Order	417. 54	11/12/1975
3.26.001	Order	327. 2	06/17/1975
3.27.001	Order	719	12/08/1978
3.28.001	Order	539. 10	07/27/1976
	Stipulation	656a	11/15/1977
	Order	656b	11/15/1977
3.29.001	Order	539. 12	07/27/1976
	Stipulation	656a	11/15/1977
	Order	656b	11/15/1977
3.30.001	Order	621. 2	03/08/1977
	Order	2675	07/02/1999
3.31.001	Order	654. 2	09/16/1977
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3.32.001	Order	654. 4	09/16/1977
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A-01	Order	692	11/03/1978
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A-21	Order	692	11/03/1978

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A-22	Stipulation	80	04/24/1974
	Stipulation	213	12/11/1974
	Special Master's Report	328	06/23/1975
	Order	524	05/14/1976
	Order to Vacate	526	05/18/1976
	Order	534	06/08/1976
	Order	692	11/03/1978
	Stipulation	1053	02/23/1984
	Order	1054	03/02/1984
	A-23	Order	692
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X-2	Order	153.234	08/05/1974
X-3	Default Subfile Order	236. 10	01/27/1975
X-4	Order	153.236	08/05/1974
X-5	Default Subfile Order	236. 11	01/27/1975
X-6	Order	153.238	08/05/1974
Z-01	Order	356. 14	07/14/1975
Z-02	Order	356. 12	07/14/1975
Z-03	Order	356. 10	07/14/1975
Z-04	Order	356. 8	07/14/1975
Z-05	Order	356. 6	07/14/1975
Z-06	Order	437. 30	01/09/1976
	Order to Vacate	469	02/20/1976
	Order	470	02/20/1976
	Amended Subfile Order	2661	06/21/1999
	Order	396. 2	09/17/1975
Z-07	Order	2710	11/05/1999
	Order	417. 52	11/12/1975
Z-08	Amended Subfile Order	2732	12/15/1999
	Second Amended Subfile Order	2780	04/28/2000
	Order	437. 28	01/09/1976
Z-09	Order	2733	12/15/1999
	Amended Subfile Order	2786	05/03/2000
Z-10	Order	437. 26	01/09/1976
Z-11	Default Subfile Order	461. 15	02/06/1976
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Z-12	Default Subfile Order	461. 16	02/06/1976
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Z-13	Order	551	08/05/1976
Z-14	Stipulation	413	11/10/1975
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Z-15	Stipulation	757	08/14/1979
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	Special Master's Report	1944	11/09/1992
	Order	2571	03/01/1999
Z-16	Order	2785	05/05/2000

**LIST OF GENERAL ORDERS**

## List of General Orders

<u>Docket No.</u>	<u>Document Title</u>	<u>Date Filed</u>
65	Order (Duties of water in subfile orders not final)	03/19/1974
413	Stipulation (Duty, ten-year averaging & domestic use for Llano Ditch)	11/10/1975
414	Order (Establishes duty, ten-year averaging & domestic use for Llano Ditch)	11/10/1975
634	Default Order (Agreement for Cerro Ditches)	04/04/1977
655	Agreement on Water Rights for Cabresto Ditch No. 4 Order Adopting Agreement for Cabresto Ditch No. 4	10/06/1978 10/06/1978
656	Agreement on Water Rights for Cabresto Ditch No. 3 Order Adopting Agreement for Cabresto Ditch No. 3	10/06/1977 10/06/1978
686	Special Master's Report (Recommends duties of water)	10/10/1978
697	Agreement of Water Rights for Questa North Ditch Order Adopting Agreement for Questa North Ditch	11/09/1978 11/22/1978
698	Agreement on Water Rights for Questa South Ditch Order Adopting Agreement for Questa South Ditch	11/09/1978 11/21/1978
699	Agreement on Water Rights for Questa Middle Ditch Order Adopting Agreement for Questa Middle Ditch	11/09/1978 11/21/1978
700	Agreement on Water Rights for Acequia del Molino Order Adopting Agreement for Acequia del Molino	11/09/1978 11/21/1978
701	Agreement on Water Rights for Cabresto Ditch No. 5 Order Adopting Agreement for Cabresto Ditch No. 5	11/09/1978 11/21/1978
702	Agreement on Water Rights for Llano Ditch Order Adopting Agreement for Llano Ditch	11/09/1978 11/21/1978
703	Agreement on Water Rights for Cabresto Ditch No. 2 Order Adopting Agreement for Cabresto Ditch No. 2	11/09/1978 11/21/1978
704	Agreement on Water Rights for Cabresto Ditch No. 1 Order Adopting Agreement for Cabresto Ditch No. 1	11/09/1978 11/21/1978

## List of General Orders

<u>Docket No.</u>	<u>Document Title</u>	<u>Date Filed</u>
724	Order (Adopts Special Master's Report on duties of water)	12/21/1978
1052	Amended Default Order (Agreement for Cerro Ditches)	07/19/1983
1890	Order Amending Priority Date	03/06/1990
1918	Order Amending Priority Date	04/02/1991
1919	Order Amending Priority Date	04/02/1991
1944	Special Master Report on Duty of Water	11/09/1992
2317	Special Master's Report on Latir Ditch Motion to Set Aside Cerro Improved Priority Date	06/02/1994
2319	Order Correcting Location of Latir Community Ditch POD	06/01/5386
2352	Order for Dismissal of Inter Se Objection	08/22/1995
2420	Second Amended Default Order (Agreement for Cerro Ditches)	07/24/1996
2460	Order Adopting Unopposed Findings of 11/09/1992 Master's Report	08/04/1998
2599	Order Re Motion of West Latir Ditch (On Cerro Ditch improved priority date)	03/29/1999
2600	Memorandum Opinion (On Cerro Ditch improved priority date)	03/29/1999
2637	Order (Records revised and additional subfile numbers)	05/24/1999
2648	Order Standardizing Acequia Names	05/24/1999

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**FILED**  
AT ALBUQUERQUE  
MAY 10 1975  
JES. SAUS

STATE OF NEW MEXICO, ex rel.,  
S. E. REYNOLDS, State Engineer,  
Plaintiff,

vs.

MOLYBDENUM CORP. OF AMERICA  
et al.,  
Defendants.

UNITED STATES OF AMERICA,  
Plaintiff-in-  
Intervention.

No. 9780

RED RIVER ADJUDICATION

(6) Llano Irrigation  
Co. Ditch aka Llano  
Ditch & Llano Corp.  
Ditch

ORDER

The Plaintiff and Defendant Llano Irrigation Company  
having so stipulated,

IT IS THEREFORE ORDERED that the duty of water for  
agricultural use, in each of the following numbered subfiles  
hereof be changed from one and one-half (1.5) acre feet per  
acre per annum to two and two tenths (2.2) acre feet per acre  
per annum, delivered at the farm headgate, to wit, subfiles  
Nos. 6.1 through 6.307 intending thereby to indicate each  
and every subfile the water rights of which are served by and  
through the facilities of Defendant Llano Irrigation Company.

IT IS FURTHER ORDERED that each water right in each said  
subfile be modified so as to provide that said duty of water  
may be exceeded in any irrigation season, provided that not  
more than twenty two (22) acre feet per acre for agricultural  
use shall be diverted at the farm headgate in the period  
beginning at the outset of the 1976 irrigation season and  
terminating at the end of the 1985 irrigation season; and not  
more than twenty two (22) acre feet per acre shall be diverted  
as aforesaid in any succeeding period of ten irrigation seasons.

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IT IS FURTHER ORDERED pursuant to said stipulation that in addition to the water rights adjudicated in said subfiles, domestic and household water delivered through the facilities of Defendant Llano Irrigation Company be permitted and not accounted against the agricultural duty of water for said subfiles.

IT IS FURTHER ORDERED pursuant to said stipulation that State Engineer License No. 999, issued to Defendant Llano Irrigation Company on January 18, 1933 be reformed so as to be consistent with said stipulation and this Order.

  
District Judge

Submitted:

  
Attorney for Plaintiff

  
Attorney for Defendant Llano  
Irrigation Company

DEC 21 1978



STATE OF NEW MEXICO, ex rel.,  
S. E. REYNOLDS, State Engineer,

Plaintiff,

vs.

MOLYBDENUM CORP. OF AMERICA,  
et al.,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff-in-  
Intervention.

No. 9780 - Civil  
RED RIVER ADJUDICATION

ORDER

THIS MATTER was heard upon the Special Master's Report of October 10, 1978. There having been no objections filed to said Report, and being otherwise fully advised in the premises, the Court hereby adopts the findings, conclusions, and recommendations of the Special Master.

IT IS THEREFORE ORDERED:

1. That the Order of March 19, 1974, decreeing that "all sub-file orders entered in this cause shall not be final and appealable in regard to the duty of water, notwithstanding any language in said sub-file orders to the contrary, until further order of this Court," is hereby superceded;

2. That as of the entry of this order all sub-file orders heretofore entered are final and appealable in regard to duty of water, the applicable duties being the same as those reported in the Red River Hydrographic Survey, with the exception of sub-file No. 27.1, to wit:

- 1.5 acre-feet for the upper Red River;
- 2.2 acre-feet for the lower Red River;
- 2.2 acre-feet for the Cabresto Creek;
- 2.2 acre-feet for the West Latir Creek and its tributaries;
- 2.0 acre-feet for the Sunshine Valley-Costilla area,

all as more particularly described in said Report.

3. That the duty of water in sub-file No. 27.1 is 2.2 acre-feet per acre per annum as decreed in the Court's order of December 11, 1978;

4. That in the Sunshine Valley-Costilla area described in said Report, 3.0 acre-feet per water right acre may be diverted in any given year, provided the total amount of water diverted does not exceed 20 acre-feet per water right acre during any ten year period beginning on January 1, 1979.

  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

93 AUG -4 AM 9:11

*Christina M. ...*  
CLERK-SANTA FE

STATE OF NEW MEXICO, *ex rel.*  
State Engineer and  
UNITED STATES OF AMERICA,

Plaintiffs,

NO. CV 72-9780 JC  
RED RIVER ADJUDICATION

v.

MOLYCORP, *et al.*,

Defendants.

**ORDER ADOPTING UNOPPOSED FINDINGS  
OF THE NOVEMBER 9, 1992 SPECIAL MASTER'S REPORT**

THIS MATTER is before the Court on the Acequias' May 15, 1998 Motion [2457] for Adoption of Unopposed Portions of the November 9, 1992 Special Master's Report. Counsel for the Plaintiff, State of New Mexico has concurred in the motion and no objections have been filed. The Court, being otherwise fully advised in the matter, FINDS as follows:

1. The Special Master's Report [1945] addresses three issues:

a. Increasing the duty of water for all water rights under the following five acequias:

Acequia Madre del Cerro de Guadalupe, Acequia Madre del Rito de la Lama, Cabresto Lake Irrigation Association, Llano Irrigation Community Ditch Association and the Questa Citizens Ditch Association;

b. The Lama Ditch Association's distribution of water among its members based upon their ownership of shares in the ditch; and

2460

c. Correcting or adding to the amount of acreage adjudicated to individual claims under the five acequias.

2. Objections to the Special Master's Report were timely filed by the Lama Ditch Association and by 45 individual *pro se* defendants regarding their own water rights.

3. No objections to the Special Master's Report were filed on the issue of duty of water for the five acequias or on 216 of the claims of individual defendants. These 216 claims are identified in the attached Exhibit A.

4. Since the Acequias' motion to adopt was filed, two clerical changes were made to Exhibit A: the owner's name in Subfile No. 2.06.244 changed from "Arellano, Mary" to "Arellano, Mary S." and the owner's name in Subfile No. 2.04.085 changed from "Rael, Cora" to "Rael, Cora M."

5. Since there are no objections to those parts of the Special Master's Report designated above in ¶3, there is no reason for the Court to delay in entering an Order adopting them.

6. Judicial economy and the completion of this adjudication will be substantially aided by entry of this Order.

7. Action by the Court on the objections of the Lama Ditch and of 45 *pro se* defendants to the Special Master's Report should be stayed to accommodate the ongoing negotiations between the parties.

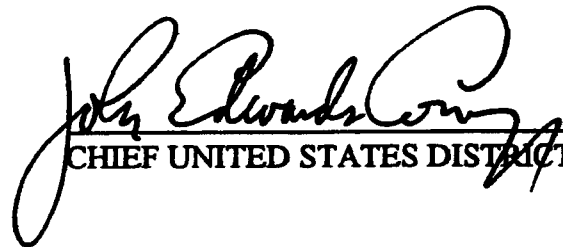
**THEREFORE, IT IS ORDERED** that the Special Master's findings and recommendations regarding:

1. The duty of water and the additional acreages recommended for 216 claims described in Exhibit A shall be and hereby are **ADOPTED** by this Court.

2. The increase in the duty of water for all water rights under the Acequia Madre del Cerro de Guadalupe, Acequia Madre del Rito de la Lama, Cabresto Lake Irrigation Association, Llano Irrigation Community Ditch Association and the Questa Citizens Ditch Association from 2.2 acre feet per acre per year to 2.31 acre feet per acre per year shall be and hereby is ADOPTED.

3. The additional acreages recommended for 216 water right claims described in Exhibit A shall be and hereby are ADOPTED.

IT IS FURTHER ORDERED THAT if the remaining objections to the Special Master's Report are not settled by September 1, 1998, the parties shall file concurrent status reports on the issues which remain for ruling by the Court.

  
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

91 APR -2 AM 9:15

STATE OF NEW MEXICO ex rel. )  
S.E. REYNOLDS, State Engineer, )  
and THE UNITED STATES OF AMERICA, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
MOLYBDENUM CORP. OF AMERICA, )  
et al., )  
 )  
Defendants. )

No. CIV 9780-SC *De M...*  
CLERK-SANTA FE  
Red River Adjudication

ORDER AMENDING PRIORITY DATE

THIS MATTER comes on for consideration on the April 27, 1989, Motion to Amend Priority Date and the November 29, 1989, Motion for Entry of Judgment filed by EL RITO DE LA LAMA COMMUNITY DITCH ASSOCIATION, and the State of New Mexico and the United States of America having responded to the first motion, and not opposing the second motion.

IT IS ORDERED that all subfile orders adjudicating water rights under El Rito de la Lama Community Ditch, including rights for domestic use, be and hereby are amended by changing the priority dates to 1846 or by adding the priority date of 1846.

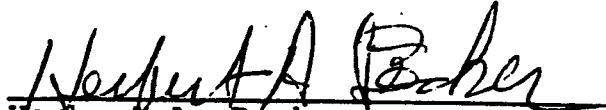
*Santiago E. Campobasso*  
DISTRICT COURT JUDGE

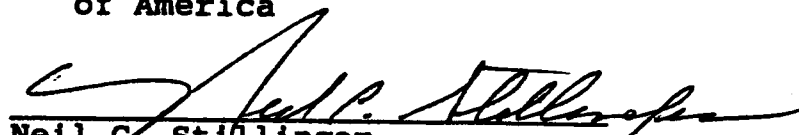
RECOMMENDED FOR ENTRY:


*Frank B. Zion 3/27/91*  
Frank B. Zion  
Special Master


ENTERED ON DOCKET  
4/2/91

APPROVED AS TO FORM:

  
Herbert A. Becker  
Attorney for the United States  
of America

  
Neil C. Stillinger  
Attorney for Molycorp, Inc.

  
Fred J. Waltz  
Attorney for El Rito de la  
Lama Community Ditch Assoc.

  
Peter Thomas White  
Attorney for the State of  
New Mexico

FILED

UNITED STATES DISTRICT CO  
SANTA FE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MAR 06 1990

STATE OF NEW MEXICO ex rel., )  
S.E. REYNOLDS, State Engineer, )  
and the UNITED STATES OF AMERICA, )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
MOLYBDENUM CORP. OF AMERICA, et al., )  
 )  
Defendants. )

Robert M. March, Clerk

No. CIV 9780-SC

RED RIVER ADJUDICATION

ENTERED ON DOCKET

3-6-90

ORDER AMENDING PRIORITY DATE

THIS MATTER comes on for consideration on the Motion to Amend Priority Date and the Motion for Entry of Judgment of the ACEQUIA MADRE DEL CERRO DE GUADALUPE, and the State of New Mexico and the United States of America having concurred in the below amended priority date.

IT IS ORDERED that the July 19, 1983 Amended Default Order, and various Sub-file Orders, adjudicating water rights under the Cerro Community Ditch, also known as the Acequia Madre del Cerro de Guadalupe, be and hereby are amended by changing the priority date for water rights under said acequia from 1890 to 1851 and by changing the priority date for the 12.3 acre reservoir, subfile No. 1.66, from 1890 to 1895.

*Domingo E. Campos*  
DISTRICT COURT JUDGE

RECOMMENDED FOR ENTRY:

*Frank B. Zinn*  
Frank B. Zinn  
Special Master

*Approved as to Form*

*Herbert A. Becker*

*A. U.S. A.*

*Yates Dam Water  
for State of New Mexico*

*DT. 00 1*

IN THE UNITED STATES DISTRICT COURT **FILED**  
 FOR THE DISTRICT OF NEW MEXICO, UNITED STATES DISTRICT COURT  
 DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel. )  
 S.E. REYNOLDS, State Engineer, )  
 and THE UNITED STATES OF AMERICA, )  
 Plaintiffs, )  
 -vs- )  
 MOLYBDENUM CORP. OF AMERICA, et al., )  
 Defendants. )

91 APR -2 AM 9:15

*Robert M. ...*  
 CLERK OF COURT

No. CIV 9780-SC  
 RED RIVER ADJUDICATION

ORDER AMENDING PRIORITY DATE

THIS MATTER comes on for consideration on the May 2, 1989, Motion to Amend Priority Date and the November 29, 1989, Motion for Entry of Judgment filed by the CABRESTO LAKE IRRIGATION ASSOCIATION, and the State of New Mexico and the United States of America having responded to the first motion, and not opposing the second motion.

IT IS ORDERED that the Consent Judgments entered for each of the five constituent ditches on October 6, 1977, and November 21, 1978, and the various subfile orders adjudicating water rights under the Cabresto Lake Irrigation ditches be and hereby are amended by changing the priority date for water rights under the ditches from 1884 to 1815.

*Antony E. ...*  
 DISTRICT COURT JUDGE


RECOMMENDED FOR ENTRY:

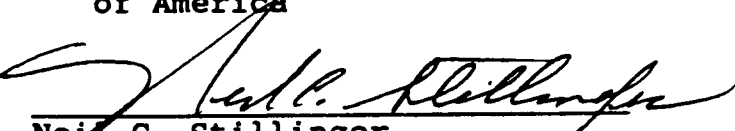
*Frank B. Zinn* 5/27/91  
 Frank B. Zinn  
 Special Master


ENTERED ON DOCKET  
4/2/91


918

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Herbert A. Becker  
Attorney for the United States  
of America

  
\_\_\_\_\_  
Neil C. Stillinger  
Attorney for Molycorp, Inc.

  
\_\_\_\_\_  
Fred J. Waltz  
Attorney for Cabresto Lake  
Irrigation Association

  
\_\_\_\_\_  
Peter Thomas White  
Attorney for the State of  
New Mexico



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

99 MAR 29 PM 1:07

STATE OF NEW MEXICO, *ex rel.*  
State Engineer and  
UNITED STATES OF AMERICA,

Plaintiffs,

*Robert M. ...*  
CLERK-SANTA FE  
72cv9780 JC

RED RIVER ADJUDICATION

v.

MOLYCORP, *et al.*,

Defendants.

MEMORANDUM OPINION

THIS MATTER is a part of the Red River stream system water rights adjudication and concerns the priority date of water rights under the Acequia Madre del Cerro de Guadalupe ("Cerro Ditch"). It is before me on June 30, 1994 motion for action (2321) filed by the State of New Mexico ("State"). The State requests that I adopt the recommendation in the Special Master's June 2, 1994 Report ("Report") (2317) to deny the December 22, 1992 motion (1949) filed by West Latir Community Ditch ("West Latir Ditch") to set aside the Court's March 6, 1990 Order ("1990 Order") (1890). The 1990 Order granted Cerro Ditch's motion to change the priority date of water rights served by it from 1890 to 1851. Having considered the State's motion and the Report, having made a *de novo* review of relevant portions of the record and the law, and being otherwise fully advised in the premises, I FIND AND CONCLUDE that a) subfile Orders and the May 23, 1980 Provisional Partial Final Decree (1019) ("provisional Decree") should be DETERMINED to be interlocutory decisions; b) the State's motion to adopt the Special Master's recommendation should be GRANTED; c) the Special Master's recommendation to deny West Latir Ditch's motion should be ADOPTED; d) West Latir Ditch's motion to set aside the 1990 Order amending Cerro Ditch's

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priority should be DENIED; e) West Latir Ditch's motion for sanctions should be DENIED; and f) West Latir Ditch should be GRANTED LEAVE to file its objections to the Cerro Ditch priority during the final *inter se* proceedings before the Special Master. An Order is entered on this day.

**STANDARD OF REVIEW:** A district court reviews a special master's recommendations of law using the *de novo* standard. Gottlieb, et al. v. Barry, et al., 43 F.3d 474, 486 (10th Cir. 1994). The Special Master's Report covers only recommendations on issues of law. Therefore, I have conducted a fresh review of West Latir Ditch's motion. I conclude that the Special Master's recommendations to deny a) West Latir Ditch's motion to set aside the Court's March 6, 1990 Order on Cerro Ditch's priority should be adopted, although on different grounds, and b) the Ditch's motion for sanctions should be adopted because the matter is outside of the scope of this adjudication.

**BACKGROUND:** On April 4, 1977, this Court entered a default subfile Order (634) adjudicating, *inter alia*, a 1890 priority date for water rights served by Cerro Ditch. Thereafter, the Court entered a provisional partial final Decree approving and confirming previously entered subfile orders which set forth elements of most of the water rights in this adjudication. The provisional Decree stated that, with certain exceptions, no further claims would be adjudicated but that the Court retained jurisdiction to enter "...such orders as may be necessary for the correction of mistakes or omissions...". May 23, 1980 Provisional Partial Final Decree, pages 2-3, paragraphs 4 & 8.

On April 27, 1989, Cerro Ditch filed a motion (1212) to amend its previously determined priority from 1890 to 1851. After briefing was completed, it filed a second motion on December 1,

1989 for entry of judgment (1255). West Latir Ditch did not participate in these proceedings. After receiving no objections to the motion, the Court entered its 1990 Order granting Cerro Ditch's motion and amending its priority to 1851. As a result, Cerro Ditch's priority is earlier than and senior to West Latir Ditch's priority of 1885.

On December 22, 1992, West Latir Ditch filed its motion (1949) to set aside the 1990 Order improving the priority date. The Court referred the matter to the Special Master. The State and Cerro Ditch opposed the motion. After the filing of the Report, West Latir Ditch objected to Special Master's recommendation to deny its motion to set aside the 1990 Order. The Ditch did not object to his recommendation to deny its motion for sanctions.

**WEST LATIR DITCH'S MOTION:** In its 1992 motion, West Latir Ditch asserts that the 1990 Order should be set aside because for two reasons. First, the 1977 Order and 1980 provisional Decree were final, and therefore, the Court had no jurisdiction to consider Cerro Ditch's 1989 motion. Second, West Latir Ditch had no notice of the proceedings and no opportunity to make *inter se* objections to the change in priority, and was thus deprived of its due process rights when the 1990 Order was entered. The Ditch also requests sanctions against Cerro Ditch for improperly relying on state money in this adjudication, on the grounds that such use is prohibited by law in intra-acequia disputes.

#### **DISCUSSION:**

**Finality of Subfile Orders and the Provisional Partial Final Decree:** West Latir Ditch argues

that the Court did not have jurisdiction to hear Cerro Ditch's 1989 motion to amend its priority because the 1977 subfile Order and the 1980 provisional Decree were final determinations on this issue and after their entry, the Court lost jurisdiction. The issue of finality of decisions is procedural in nature. In federal courts, procedural issues are governed by the Federal Rules of Civil Procedure. 28 U.S.C. §2072; Hanna v. Plumer, 380 U.S. 460, 464-471 (1965); R.L. Clark Drilling Contractors v. Schramm, 835 F.2d 1306, 1307-8 (10th Cir. 1987); United States v. United Airlines, 216 F.Supp. 709, 720 (E.D. Wash. 1962) *aff'd sub non*. United Airlines v. Wiener, 335 F.2d 379 (9th Cir.), *cert. dismissed*, 379 U.S. 951 (1964). Under the Rules, a court order is interlocutory unless it adjudicates all claims for all parties or is certified as final under Fed. R. Civ. Proc. 54(b), even when as in this case, the title of the decision might indicate otherwise.

The 1977 subfile Order, the 1980 provisional Decree and the 1990 Order are interlocutory because they were subject to *inter se* challenges, the Decree reserved jurisdiction, in pertinent part, to correct mistakes or omissions, and none of the decisions were certified as final as required under Rule 54(b). The Court can properly revise subfile orders confirmed by the provisional Decree, the provisional Decree itself and other interlocutory decisions until entry of a final judgment.<sup>1</sup> See Wagoner v. Wagoner, 938 F.2d 1120, 1122 fn. 1 (10th Cir. 1991) (The district court has "...general discretionary authority to review and revise interlocutory rulings prior to entry of final judgment...").

The 1977 Order and provisional Decree should be and shall be determined to be interlocutory. The State's motion to adopt the Special Master's recommendation to deny West Latir

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<sup>1</sup> Senior District Court Judge E.L. Mechem of this District reached the same conclusion in State of New Mexico ex rel. State Engineer v. Aamodt, 66cv6639M, March 2, 1994 Memorandum Opinion, pp. 3-4.

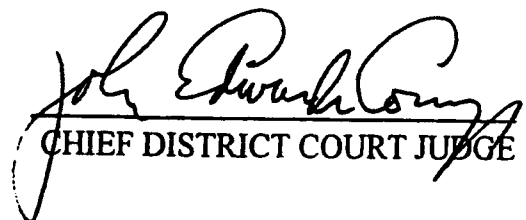
Ditch's motion to set aside the 1990 Order should be and shall be granted. The recommendation should be and shall be adopted for the reasons set forth above.

Notice And Opportunity To Be Heard: The focus of West Latir Ditch's motion is that it should have had an opportunity to make *inter se* objections to the change in Cerro Ditch's priority before entry of the 1990 Order. The Ditch argues that it did not have notice of the proposed change to Cerro Ditch's priority and therefore, its due process rights were violated when the change was made.

This argument is rejected because the record reflects that counsel was served with the pertinent documents. In any case, West Latir Ditch shall have an opportunity to make its challenges to Cerro Ditch's improved priority known when the Special Master conducts an *inter se* proceeding in connection with all changes made since entry of the provisional Decree. West Latir Ditch should be and shall be granted leave to file its objections to Cerro Ditch's 1851 priority at that time.

Sanctions: The Special Master recommended that West Latir Ditch's motion for sanctions be denied because the request is beyond the scope of this adjudication. I agree. Since the Ditch not object to the Special Master's recommendation, no further discussion is necessary and the motion should be and shall be adopted.

Prior Decrees: Finally, West Latir Ditch asserts that Cerro Ditch and the Court improperly relied upon prior decrees entered in state court as a basis for changing priority date to 1851. Since issues concerning the decrees may be raised during the *inter se* proceeding, it is not necessary to address this issue at this time.

  
CHIEF DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

99 MAR 29 PM 1:07

STATE OF NEW MEXICO, *ex rel.*  
State Engineer and  
UNITED STATES OF AMERICA,

Plaintiffs,

*Robert M. Marshall*  
CLERK-SANTA FE  
72cv9780 JC

RED RIVER ADJUDICATION

v.

MOLYCORP, *et al.*,

Defendants.

ORDER RE MOTION OF WEST LATIR DITCH

THIS MATTER is a part of the Red River stream system water rights adjudication and concerns the priority date of water rights under the Acequia Madre del Cerro de Guadalupe ("Cerro Ditch"). It is before me on June 30, 1994 motion for action (2321) filed by the State of New Mexico ("State"). The State requests that I adopt the recommendation in the Special Master's June 2, 1994 Report (2317) to deny the December 22, 1992 motion (1949) filed by West Latir Community Ditch ("West Latir Ditch") to set aside the Court's March 6, 1990 Order ("1990 Order") (1890). The 1990 Order granted Cerro Ditch's motion to change the priority date of water rights served by it from 1890 to 1851. A Memorandum Opinion is entered on this day.

I FIND AND CONCLUDE that subfile Orders and the May 23, 1980 Provisional Partial Final Decree (1019) are interlocutory decisions.

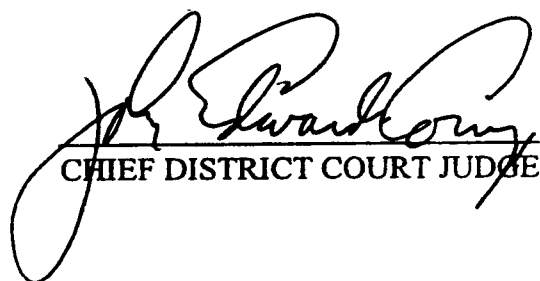
IT IS FURTHER ORDERED that the State's motion to adopt the Special Master's recommendation to deny West Latir Ditch's motion to set aside the Court's 1990 Order on Cerro Ditch's priority is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Master's recommendation to deny West Latir Ditch's motion to set aside the Court's 1990 Order is hereby ADOPTED.

IT IS FURTHER ORDERED that West Latir Ditch's motion to set aside the Court's 1990 Order on priority is hereby DENIED, without prejudice.

IT IS FURTHER ORDERED that West Latir Ditch is hereby GRANTED LEAVE to file objections to the Cerro Ditch priority during the final *inter se* segment of these proceedings before the Special Master.

IT IS FURTHER ORDERED that West Latir Ditch's motion for sanctions is DENIED, with prejudice.



CHIEF DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

FEB 23 1984

*J. Paulson*  
CLERK

-----  
STATE OF NEW MEXICO ex rel.  
S.E. Reynolds, State Engineer,  
Plaintiff,

-vs-

MOLYCORP, INC., et al.,  
Defendants,

-vs-

UNITED STATES OF AMERICA,  
Plaintiff-Intervenor  
-----

Civil No. 9780-*4B*

STIPULATION

This stipulation records the agreement entered into this 23<sup>rd</sup>  
day of February, 1984, between the State of New Mexico  
(hereinafter "New Mexico"), the United States of America (here-  
inafter "United States"), and Molycorp, Inc., (hereinafter "Moly-  
corp"), by and through their respective counsel of record as more  
specifically set forth herein:



I

SUMMARY OF PROCEEDINGS

1. This action was filed on November 2, 1972, by the State of New Mexico for an adjudication of the rights of all parties to appropriate to beneficial use the public surface and underground waters of the Red River stream system. Named as defendants were Molycorp, numerous other water users and the United States.

2. In December, 1972, the United States was realigned by order of the Court as a plaintiff-in-intervention and thereafter, on January 15, 1973, the United States filed its complaint-in-intervention; named as defendants were Molycorp and all other water users in the Red River stream system. The United States claimed federal reserved water rights to maintain minimum stream flows and otherwise use the unappropriated waters of the Red River and its tributaries located in the Carson National Forest for the purposes of the national forest, and to maintain minimum stream flows in the lower four miles of the Red River under the Wild and Scenic Rivers Act of October 2, 1968, 82 Stat. 906, 16 U.S.C. 1271 et seq. ("Rivers Act").

3. On January 6, 1976, the Special Master submitted his Report to the Court containing his recommended findings and conclusions inter alia, that (A) the United States had no federal reserved water right to maintain minimum stream flows in the Red River stream system within the Carson National Forest under the Executive Orders creating the Carson National Forest, and (B) a

pre-trial and trial be scheduled as to whether the United States had a federal reserved water right to maintain stream flows in the lower four miles of the Red River under the Rivers Act.

4. Thereafter, the court deferred decision on objections to the Special Master's Report pending the decision of the United States Supreme Court in United States v. New Mexico. On July 3, 1978, that Court issued its opinion, 438 U.S. 696, holding that the creation of a national forest reserved to the United States only those unappropriated waters necessary to fulfill the express statutory purposes set forth in the Organic Administration Act of June 4, 1897, 30 Stat. 11, 16 U.S.C. 473 et seq. (the "Organic Act"), namely watershed management and timber production.

5. On December 21, 1978, this Court entered its order overruling the objections of the United States to the Special Master's Report with respect to the claims of the United States to a federal reserved water right by virtue of the Executive Orders creating the Carson National Forest. The Court held that under the Organic Act, the United States was not entitled to minimum stream flows for purposes other than watershed management and timber production. It referred to the Special Master for trial all remaining issues of fact and law relating to the claims of the United States to a federal reserved water right to maintain minimum stream flows in the Red River.

6. On May 3, 1979, the United States withdrew its claim to maintain minimum instream flows in the Red River by virtue of the withdrawal of land for the Carson National Forest under the Organic Act; however, the United States pressed its claim to a

federal reserved water right to maintain stream flows in the lower four miles of the Red River under the Rivers Act.

7. On May 27, 1980, this Court entered a partial final decree confirming and adjudicating the rights of all defendants inter sese to appropriate and apply to beneficial use the public surface and underground waters of the Red River stream system and reserving jurisdiction to enter final judgment as to the claims of the United States to a federal reserved water right under the Rivers Act. It was stipulated that the right to file any inter se objection against any federal reserved water right which might be adjudicated in favor of the United States by virtue of the Rivers Act, as well as the right of the United States to file inter se objections against the adjudicated rights of any defendant confirmed by the partial final decree of the Court, would be deferred until a later date.

8. On July 18, 1980, the State of New Mexico filed a motion for partial summary judgment, amending a previous motion for partial summary judgment filed June 13, 1979, seeking an order and judgment denying the claims of the United States to a federal reserved water right to maintain minimum stream flows in the lower four miles of the Red River under the Rivers Act. On August 27, 1980, the United States filed a cross-motion for partial summary judgment, seeking an order and judgment granting to it a federal reserved water right to maintain minimum stream flows in the lower four miles of the Red River under the Rivers Act.

9. For purposes of this litigation only and without prejudice to the contentions of the parties on the merits of the issues raised under the Rivers Act, in order to terminate this matter without the necessity of further lengthy and costly litigation, the parties hereto have entered into the following agreements.

## II

### DEFINITIONS

For the purposes of this Stipulation only, unless otherwise stated, the following definitions shall apply only to those parts of the Stipulation in which the parties specifically join.

A. "Actual flows" shall mean the measured flow recorded at the agreed-upon gauge.

B. "Agreed upon gauge" shall mean that stream gauge located below the hatchery on Red River designated in a written agreement entered into among the parties to this Stipulation detailing the type of gauge, precise location and the entity responsible for its maintenance. The method of recording and reporting actual flows will be the standard method used by the U.S.G.S. If the parties are unable to agree upon any or all of the terms of said agreement, the Special Master shall resolve the dispute. His decision will be final and non-reviewable.

C. "Consumptive Use" shall mean the difference between the amount of water Molycorp diverts from the Red River and the amount it returns thereto via surface and ground water return flows. So long as the Molycorp tailings disposal facilities are

located in the Red River Drainage, it is agreed that all seepage losses from the tailings disposal facilities percolate to Red River as ground water return flows. Accordingly, during such time as Molycorp's tailings disposal facilities are located in the Red River Drainage, consumptive use will be calculated by determining only the amount of water lost into the atmosphere as evaporation from the wetted area of the tailings disposal facilities plus the amount of water lost by permanent retention in the waste tailings as mud losses. If Molycorp's tailings disposal facilities are located outside of the Red River Drainage consumptive use will be deemed to be synonymous with depletion and shall be measured in accordance with the definition of that term.

D. "Depletion" shall mean the difference between the amount of water Molycorp diverts from the Red River and the amount of water returned thereto as surface return flows.

E. "Diversions," "diverts" or "diverted" shall mean the total amount of water actually appropriated by Molycorp at any point in time from Red River at Molycorp's authorized points of diversions.

F. "Evaporation" shall mean the net amount of water lost to the atmosphere from the wetted area at the Molycorp tailings disposal facilities and shall for purposes of this agreement be assumed to be 33.5 inches per year. In computing the "monthly average of consumptive use" (see below at I), the net annual water loss from evaporation shall be allocated as follows:

"January, .30"; February, .90"; March, 2.10";  
April, 3.40"; May 4.90"; June 5.50"; July, 4.90";  
August, 3.90"; September, 3.50"; October, 2.50";  
November, 1.30"; December, .30"

Evaporation losses shall be computed on the basis of the measured areas of the tailings ponds and wetted sands reported to the State Engineer.

G. "Federal reserved water right" shall mean the right of the United States to maintain stream flows in the lower four miles of the Red River as set forth in Part III, Section A, paragraph 2, infra.

H. "Instream flows" shall mean the right of the United States during different periods of the year to maintain flows in the Red River set forth in Part III, Section A, paragraph 2, infra.

I. "Monthly average of consumptive use" shall mean an average of Molycorp's daily consumptive use for the month.

J. "Mud Losses" shall mean the amount of water lost through permanent retention in the waste tailings at Molycorp's tailings disposal facilities, which shall be assumed to be 14.9% by weight of the dry tailings which is equivalent to 40 acre feet per year per 1000 tons average daily milling rate.

K. "Red River Drainage" shall include the drainage area north of Red River and south of latitude 36 degrees, 45 minutes.

located in the Red River Drainage, it is agreed that all seepage losses from the tailings disposal facilities percolate to Red River as ground water return flows. Accordingly, during such time as Molycorp's tailings disposal facilities are located in the Red River Drainage, consumptive use will be calculated by determining only the amount of water lost into the atmosphere as evaporation from the wetted area of the tailings disposal facilities plus the amount of water lost by permanent retention in the waste tailings as mud losses. If Molycorp's tailings disposal facilities are located outside of the Red River Drainage consumptive use will be deemed to be synonymous with depletion and shall be measured in accordance with the definition of that term.

D. "Depletion" shall mean the difference between the amount of water Molycorp diverts from the Red River and the amount of water returned thereto as surface return flows.

E. "Diversions," "diverts" or "diverted" shall mean the total amount of water actually appropriated by Molycorp at any point in time from Red River at Molycorp's authorized points of diversions.

F. "Evaporation" shall mean the net amount of water lost to the atmosphere from the wetted area at the Molycorp tailings disposal facilities and shall for purposes of this agreement be assumed to be 33.5 inches per year. In computing the "monthly average of consumptive use" (see below at I), the net annual water loss from evaporation shall be allocated as follows:

2. The federal reserved water right is described as follows:

- (a) PRIORITY: October 2, 1968
- (b) AMOUNTS in cubic feet per second measured at the agreed upon gauge located below the fish hatchery as follows:

<u>Month</u>	<u>Average Monthly Instream Flow</u>
January	30
February	30
March	30
April	35
May	45
June	45
July	40
August	40
September	35
October	35
November	30
December	30

Provided, that the average monthly instream flows shall not be enforceable against rights permitted under Section 72-12-1, N.M.S.A. 1978.

- (c) PURPOSE: Maintenance of instream flows for wild and scenic river purposes as defined in the Rivers Act, 16 U.S.C. 1271, 1281-84.
- (d) PERIOD OF USE: All year.



L. "Seepage return flows" shall mean ground water inflow into the Red River, the Rio Grande or elsewhere from Molycorp's tailings disposal facilities, wherever located.

M. "Surface return flows" shall mean the amount of water returned by Molycorp to the Red River, the Rio Grande or elsewhere via surface discharge facilities and shall include water pumped from wells and other sources which is delivered to the stream system at surface discharge points.

N. "Tailings disposal facilities" shall mean the ponds and appurtenant facilities into which waste mill tailings and water are deposited and treated by Molycorp.

O. "Wetted area" shall mean the number of acres of pond surface, and all wet sands wetted by capillary water from the capillary fringe of the artificial water table.

P. "Wild and Scenic Rivers area" shall mean the lower four miles of the Red River above the confluence of the Red River and the Rio Grande as designated under the Rivers Act.

### III

#### OPERATIVE PROVISIONS

A. Agreements in which the United States, New Mexico and Molycorp join.

1. The United States is entitled to a federal reserved water right to maintain instream flows in the Wild and Scenic Rivers area of the Red River under the Rivers Act as measured by actual flows recorded at the agreed upon gauge.

7. Subject to the provisions of Part III, Section B, paragraph 6, in the event any defendant to this cause shall file an inter se objection to the water rights of the United States or the United States shall file an inter se objection to the water rights of any defendant, New Mexico will request that the Court refer all such objections to the Special Master for immediate hearing and report. Upon final disposition of any such objections, New Mexico will prepare and submit to the Court the final decree described in paragraph 6 above.

B. Agreements in which only the United States and Molycorp join.

1. Nothing contained in this stipulation constitutes or implies an enlargement or diminution of Molycorp's rights to divert and use the Red River stream system waters as set forth in the Decree of the Court dated November 3, 1978. Accordingly, ~~to~~ the extent Part III, Section B, of this stipulation recognizes in Molycorp the right to the consumptive use of water of the Red River stream system not heretofore adjudicated to it, the exercise of such right is subject at all times to approval by the State of New Mexico in the manner provided by law.

2. Molycorp shall have the absolute right in addition to the existing senior Red River rights owned or senior Red River rights subsequently acquired by Molycorp as against the United States federal reserved water right with a priority of October 2, 1968, to the consumptive use as calculated on a monthly average basis of 6 1/2 cfs of Red River water regardless of the amount of flow in Red River.

3. In the event Molycorp's tailings disposal facilities are located outside the Red River drainage, it shall be assumed that all seepage return flows will be directly to the Rio Grande or elsewhere and Molycorp's consumptive use of waters from the Red River shall, for purposes of this Stipulation only, be regarded as the equivalent of its depletion of Red River water.

4. Subject to the agreements contained herein, nothing in this Stipulation shall abrogate the right of the United States or Molycorp to pursue any remedy provided by law or by the final decree of the Court as against any other water users within the Red River stream system, including, but not limited to, the right to call priority, petition the Court for the appointment of a water master or seek any other relief necessary for the administration of the stream system.

5. The United States agrees upon the receipt of notice from Molycorp to execute in favor of Molycorp any waiver of impairment required by the New Mexico State Engineer for approval of a change in the point of diversion or the purpose or place of use of any of Molycorp's water rights to a new point of diversion, purpose or place of use, provided, that such new point of diversion, purpose or place of use shall not abrogate Molycorp's obligations hereunder.

6. The United States and Molycorp hereby mutually agree to waive any right to file inter se objections against the water rights of the other. However, in the event of any future federal or state governmental action (including judicial decree) authorizing or sanctioning any change in the federal reserved water

right or any new water rights or uses which result in a substantial diminution of the surface flows of the Red River, Molycorp will thereafter have the right, within two years from the commencement of each such new water diversion or use, upon sixty (60) days written notice to the United States and the State of New Mexico, to terminate Part III, Section B, of this Stipulation and to withdraw its consent to Part III, Section A, hereof, and Molycorp shall thereafter have the opportunity and the right to litigate any question of law and/or fact relating to the claimed right of the United States to a federal reserved water right, specifically including its right to maintain minimum instream flows in the lower four miles of the Red River and the quantity of such flows, if any.

#### IV

#### CONCLUDING PROVISIONS

1. Any notices or demands which are required under this stipulation shall be made in writing delivered in person or by registered mail, return receipt requested, to the following persons:

General Manager  
Molycorp, Inc.  
Questa, New Mexico 87556  
Telephone: (505) 586-0212

United States Attorney  
District of New Mexico  
P. O. Box 607  
Albuquerque, New Mexico 87103  
Telephone: (505) 766-3858

Office of the State Engineer  
Bataan Memorial Building  
State Capitol  
Santa Fe, New Mexico 87503  
Telephone: (505) 827-6091

2. The stipulation shall constitute the complete agreement between the parties and shall be binding on and inure to the benefit of all successors or assigns of the parties.

STATE OF NEW MEXICO AND  
S. E. REYNOLDS, STATE ENGINEER

By *Peter Thomas White*  
Special Assistant Attorney General

UNITED STATES OF AMERICA

By *Hubert A. Baker*  
Assistant United States Attorney

MOLYCORP, INC.

By *Neil C. Stillinger*  
Neil C. Stillinger, Attorney  
for Molycorp, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
AT ALBUQUERQUE

MAR 2 1984

JESSE CASAUS  
CLERK

STATE OF NEW MEXICO ex rel.  
S.E. Reynolds, State Engineer,

Plaintiff,

vs.

MOLYCORP, INC., et al.,

Civil No. 9780-JB

Defendants,

vs.

UNITED STATES OF AMERICA,

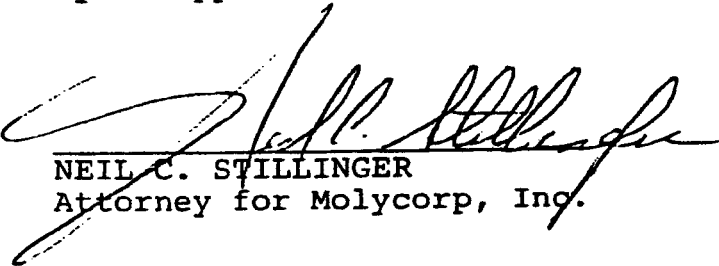
Plaintiff-Intervenor

ENTERED ON DOCKET  
*March 2, 1984*

ORDER APPROVING STIPULATION

The Court having read and considered the Stipulation entered into by and between the State of New Mexico, Plaintiff, the United States of America, Plaintiff In Intervention and Molycorp, Inc., Defendant, finds that said Stipulation is fair and reasonable to the parties to said Stipulation.

It is therefore ordered that the Stipulation heretofore filed with this court on the 23rd day of February, 1984 should be and hereby is approved.

  
NEIL C. STILLINGER  
Attorney for Molycorp, Inc.

  
UNITED STATES DISTRICT JUDGE

*Peter Thomas White*

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PETER THOMAS WHITE  
Special Assistant Attorney General

*Herbert A. Becker*

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HERBERT A. BECKER  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO, ex rel. )  
S.E. REYNOLDS, State Engineer, and )  
THE UNITED STATES OF AMERICA, )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
MOLYCORP, INC., et al., )  
 )  
Defendants. )

9788 *[Signature]* CLERK  
No. CIV-7980-SC SANTA FE

RED RIVER ADJUDICATION

ENTERED ON DOCKET  
12-1-88

ORDER

This matter having come before the court on the Joint Motion to exclude water users that are de minimis filed by the plaintiffs State of New Mexico and United States of America on November 19, 1988, the court having considered it, finds:

1. The water users described below are de minimis, are not necessary for a comprehensive stream adjudication, and should be excluded from the subject matter jurisdiction of this adjudication suit.

(a) Domestic well uses, with purposes limited to indoor, single household, drinking, and sanitary uses, with a closed conduit system for conveying the water from the well to the place of use and returning the effluent underground and diverting a maximum 0.50 acre-feet per annum and causing a maximum consumptive use of 0.10 acre-feet per annum.

(b) Irrigation from a well of not more than 1,300 square-feet of land and diverting a maximum of 0.07 acre-feet per



year and causing a maximum consumptive use of 0.04 acre-feet per year.

(c) Livestock watering use from a metal storage tank supplied by a well diverting a maximum of 0.25 acre-feet per year and causing a maximum consumptive use of 0.25 acre-feet per year.

(d) Any or all of the above uses combined, provided that the total diversion for all uses does not exceed 0.82 acre-feet per year and the resulting consumptive use does not exceed 0.39 acre-feet per year for all uses.

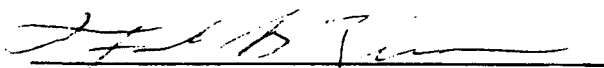
(2) The exclusion of these water uses that are de minimis from the subject matter jurisdiction in this adjudication suit will not materially affect the rights of the existing parties, and will further the purpose of Fed.R.Civ.P. 19 by improving the court's ability to provide complete relief to the parties to this suit.

IT IS THEREFORE ORDERED that those water uses described above are de minimis and need not be adjudicated in this case.

IT IS FURTHER ORDERED that these de minimus water uses described above are exempt from priority call by any water right adjudicated in this suite, unless and until there is clear and convincing evidence showing that such uses adversely affect senior water rights.

  
CHIEF DISTRICT JUDGE

Recommended for Adoption:

  
Special Master