

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

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
ROMAN ARAGON et al.,)	
)	Subfile No. CHCB-005-0004
Defendants.)	
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ORDER

THIS MATTER is before the Special Master following the Order entered September 23, 2008 (Docket No. 9292). The Court remanded to me the matter of the Request for Hearing and Response to Order to Show Cause, and Objection to Subfile CHCB-005-0004 Survey of Irrigated Land Map and the Position or Deliniation [sic] of the Trujillo Lopez Ditch as Opposed to the Original Subpoena, filed by Defendant Mario R. Martinez September 8, 2008 (No. 9286).

Accordingly, an evidentiary hearing on Defendant’s Request is hereby set for Wednesday, **October 29, 2008**, in Santa Fe, N.M., at a time and place to be set by further order. To ensure a fair and complete hearing on this matter, no later than **October 13, 2008**, the State of New Mexico *ex rel.* State Engineer (“State”) and the Defendant, Mr. Martinez, shall:

- a. file with the Court and serve on the opposing party a short and precise statement of their respective positions regarding the water rights claims and lands at issue, a list of documentary evidence each party intends to introduce at the hearing, and the name and address of each person expected to be called as a witness; and
- b. exchange with the opposing party copies of the documentary evidence intended to be

introduced at trial. The exchange shall occur either by first-class mail for receipt by October 13, or at a meeting arranged at the Office of the State Engineer or any other mutually agreed-upon site.

The failure of Mr. Martinez to comply with the terms of this Order shall be grounds for the entry of a subfile order incorporating the State's description of the nature and extent of Defendant's water rights.

IT IS SO ORDERED.

Vickie L. Gabin

SPECIAL MASTER