

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

STATE OF NEW MEXICO, ex rel. STATE )  
ENGINEER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
R. LEE AAMODT, et al., )  
 )  
Defendants, )  
 )  
and )  
 )  
UNITED STATES OF AMERICA, )  
PUEBLO DE NAMBE, )  
PUEBLO DE POJOAQUE, )  
PUEBLO DE SAN ILDEFONSO, )  
and PUEBLO DE TESUQUE, )  
 )  
Plaintiffs-in-Intervention. )

No. 66cv6639 WJ/WPL

**[PROPOSED] PROCEDURAL AND SCHEDULING ORDER  
FOR THE ADJUDICATION OF PRIORITY DATES FOR WATER DIVERTED FROM  
THE RIO EN MEDIO AND CONVEYED THROUGH A COMMON DITCH TO THE  
RIO CHUPADERO**

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**THIS MATTER** comes before the Court on the State’s *Motion to Enter Procedural and Scheduling Order for the Adjudication of Priority Dates for Water Diverted From the Rio en Medio and Conveyed Through a Common Ditch to the Rio Chupadero* (No. \_\_\_\_\_).

The Special Master, having reviewed the *Motion*, pertinent portions of the record and the law, and being otherwise fully advised in the premises, FINDS:

**I. SURFACE RIGHT PRIORITIES**

This Order governs the adjudication of priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero for water rights served by ditches in the Rio Chupadero Basin.

**II. ORDER TO SHOW CAUSE**

Within sixty (60) days of the entry of this Order, the Court shall issue an Order to Show Cause (“OSC”) with respect to the priority date proposals that the State intends to serve on all individual subfile defendants with water rights served by water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero. The OSC shall describe in detail the process for filing objections to the proposed priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero. Within thirty days of the Court’s issuance of the proposed form of Order to Show Cause, the State shall begin service of the OSC by mail on all individual subfile defendants with water rights served by water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero. The OSC will inform the defendants that the Court has entered an order that requires them to show cause why the priority date for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero should not be determined to be the priority date proposed by the State for that Defendant’s own ditch. The defendants will also be informed:

1. of the process for filing objections;
2. that they will have no other opportunity to protest the priority date determinations;

3. that failure to respond prior to the deadline set by the Court will bar any objections they may have to the proposed priority dates.

The State shall not be required to make a determination of current ownership of any tracts, nor mail notices to any person not a party to these proceedings. A successor-in-interest to an individual subfile defendant may request substitution of parties under Fed.R.Civ.P. 25(c) in order to participate in these proceedings.

### **III. SCHEDULING AND PRETRIAL CONFERENCE**

After the deadline has expired for filing objections to the proposed determination of priority dates for water rights served by water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero the State will file a motion with a proposed case management order, and the Court will set a scheduling and pretrial conference for further proceedings, at a time and place to be announced.

In the absence of objections to the priority dates proposed by the State for water diverted from the Rio en Medio and conveyed through a common ditch to community and private ditches on the Rio Chupadero, the Court may enter final orders with respect to the priority dates of all water diverted from the Rio en Medio and conveyed through a common ditch to water rights served by community and private ditches on the Rio Chupadero.

**IT IS SO ORDERED**

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PIERRE LEVY  
SPECIAL MASTER