

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] ORDER GRANTING STATE OF NEW MEXICO’S MOTION TO ESTABLISH EXPEDITED PROCESS FOR JOINDER, SERVICE, AND RESPONSE OF KNOWN WATER RIGHTS CLAIMANTS

THIS MATTER is before the Court on the State of New Mexico’s *Motion for Procedural and Scheduling Order to Establish Expedited Process for Joinder, Service, and Response of Known Water Rights Claimants* (Doc. _____, November 25,). Having been fully advised in the premises, the Court finds the State’s Motion is well taken, and that it should be **GRANTED**.

IT IS ORDERED, THEREFORE, that the following procedure for joinder, service, and response of known water rights claimants is adopted:

- A. The State shall serve the claimant by certified mail, return receipt requested, or by any means permitted by Fed. R. Civ. P. 4 with a packet that includes: (1) an explanatory cover letter; (2) a copy of the April 20, 1966 Complaint; (3) a Request for Waiver of Service of Summons; (4) two copies of the Waiver of Service of Summons; (5) a copy of the order

establishing the expedited process requested in this motion; (6) the Court's *Notice to Pro Se Parties* (Doc. No. 6222, filed April 6, 2007); (7) a proposed consent order adjudicating the water rights; (8) a summons; and (9) an Answer form.

B. If the claimant agrees with the proposed consent order, the claimant has twenty (20) days to return the signed consent order to the State.

C. If the claimant disagrees with the proposed order, the claimant must file an Answer disagreeing with the proposed consent order, and shall identify the subfile, explain the claimant's reason for disagreeing with the proposed consent order, and include a statement that the claimant has made a good faith effort to consult with and resolve the disagreement with counsel for the State.

D. Failure of the claimant to return the signed consent order will result in the entry of an order that contains the provisions of the proposed consent order.

E. The claimant will be joined as a party upon the filing of the Waiver of Service of Summons, Answer, consent order or order adjudicating the subfile.

THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE [Doc. No. 10791] of a copy of this order, report, or recommendation, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party may file any objections with the Clerk of Court within the fourteen day period if that party wants the District Court to hear their objections. If no objections are filed within the fourteen day period, the District Judge may adopt the order, report or recommendation in whole.

IT IS SO ORDERED.

Pierre Levy, Special Master