

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

**ORDER GRANTING STATE OF NEW MEXICO’S MOTION TO ESTABLISH
EXPEDITED PROCESS FOR JOINDER, SERVICE, AND RESPONSE
OF KNOWN WATER RIGHTS CLAIMANTS [DOC. NO. 11120]**

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*, filed November 25, 2016 [Doc. No. 11120]. No response or objection was filed to the motion. The motion is within the jurisdiction of the Special Master pursuant to the Order of Reference [Doc. No. 6336] (The Special Master shall hear and determine issues of joinder). Having been fully advised in the premises, the Special Master finds the State’s Motion is well taken, and that it should be **GRANTED**, as follows:

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

A. Upon identification of known individuals who have not yet been made a party to the adjudication, the State shall promptly 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 must return the signed consent order to the State within fifteen (15) days from the date of service.

C. If the claimant disagrees with the proposed order, within 15 calendar days of the date of service the claimant must file an Answer with the Court disagreeing with the proposed consent order in Paragraph A, and identifying the subfile, explaining the claimant's reason for disagreeing with the proposed consent order, and including a statement that the claimant has made a good faith effort to consult with and resolve the disagreement with counsel for Plaintiff the State of New Mexico. The Claimant must mail a copy of the Answer to Plaintiff the State of New Mexico.

D. Upon receipt of an Answer Plaintiff the State of New Mexico shall promptly arrange a telephonic status conference with the Special Master and the Defendant(s).

E. If the claimant does not return the signed consent order to the State or file an Answer with the Court within fifteen (15) days from the date of service, the State shall submit an order for entry by the Court that contains the provisions of the proposed consent order, no later than 30 days from the date of service.

F. If the claimant does not return a waiver of service, or return a receipt of certified mail, or if the State cannot effectuate service by mail as provided in Rule 1-0004(E)(3) of the Rules of Civil Procedure for the District Court of the State of New Mexico, as demonstrated by certified mail (restricted delivery) addressed to the claimant being returned as unclaimed, the State is authorized to serve claimant by publication pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure and Rule 1-004(k) of the Rules of Civil Procedure for the District court of the State of New Mexico. Service by publication must be effected promptly and expeditiously.

F. The State shall file a motion to join as a party all known claimants heretofore not joined as Defendants, each of whom shall be subject to this Order, on or before **January 6, 2017**.

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.

/s/ Pierre Levy

Pierre Levy, Special Master

January 5, 2016

CERTIFICATE OF SERVICE

I hereby certify that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list as of the time of filing, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Pierre Levy

Pierre Levy