

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

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	69cv07896-MV
)	RIO TAOS ADJUDICATION
-v-)	
)	69cv07939-MV
EDUARDO ABEYTA, et al. &)	RIO HONDO ADJUDICATION
CELSO ARELLANO, et al.,)	(Consolidated)
)	
Defendants.)	Water Rights of Taos Pueblo
_____)	

INTERIM PROCEDURAL ORDER

THIS MATTER is before the Special Master and is entered to guide the course of the expedited *inter se* proceeding on the water rights of Taos Pueblo. In entering this Order, the Special Master is guided by concerns for efficiency and due process requirements for stream system adjudications. After taking into consideration the initial scheduling and planning order proposed by the parties to the Partial Final Judgment and Decree on the Water Rights of Taos Pueblo (*see* May 31, 2013, Joint Motion to Approve and Enter Partial Final Judgment and Decree on the Water Rights of Taos Pueblo, Doc. No. 5553) (“Settling Parties”), and the comments of counsel and parties *pro se* at the December 9, 2013, planning and scheduling conference, the Special Master finds that the following provisions will assist the Court and the parties in framing issues and providing information essential to further management of this proceeding. According,

1. **Objectors’ Statements of Issues: Postmarked by January 10, 2014.** All those who timely filed objections to the proposed Partial Final Judgment and Decree and who appeared at the December 9, 2013, planning and scheduling conference (“Objectors”) must file a brief “Statement of Issues” describing the legal and/or factual issues which they will be pursuing in this proceeding

and certifying that they own water rights (surface, underground or both) in the Taos Stream System. The Statement of Issues is limited to two double-spaced pages, including the case caption. No legal authorities need to be cited at this time, but enough information must be included to allow the Court to: a) assess the legally cognizable grounds for the objections; b) identify and group common issues of law and fact for efficient resolution; and c) determine the need for and scope of discovery, dispositive motions, and evidentiary hearings. The caption of the pleading must include the phrase “Water Rights of Taos Pueblo.”

Objectors are urged to review the Notice of Expedited Proceeding Concerning Proposed Judgment and Decree on the Water Rights of Taos Pueblo (mailed out to every property owner on or before August 29, 2013), the proposed decree, the Settlement Agreement and the 1996 and 1997 amended statements of claim provided by the Settling Parties before they file their Statements of Issues. Hard copies of the Settlement Agreement, the proposed decree and amended statements of claim can be reviewed during regular business hours for no expense (and copied at Objectors’ expense) at the TVAA Office, Taos County Agricultural Center, 202 Chamisa Rd., Suite D, Taos, NM and the Taos Public Library, 402 Camino de la Placita, Taos, NM. The documents may also be accessed online at: <http://www.ose.state.nm.us>, <http://www.taosgov.com>, and <http://www.taospueblo.com>.

As of the entry of this Order, the service list for this proceeding has not been finalized; therefore, an Objector is not required to serve copies of the Objector’s Statement of Issues to parties *pro se* by mail. The Court will make this service.

Statements of Issues must be postmarked no later than January 10, 2014. Objectors who fail to timely file a Statement of Issues will be precluded from further participation in this

proceeding.

2. **Proposals for further proceedings.** No later than January 20, 2014, after reviewing the Statements of Issues, the Settling Parties and any interested Objectors shall file and serve proposals for further proceedings, including recommendations for grouping issues, schedules for opening legal briefs and responses and any initial discovery deemed necessary, a second scheduling and planning conference, if necessary, and any other matters which should be addressed. The Special Master will then circulate a draft final procedural and scheduling order based on these recommendations.

IT IS SO ORDERED.

/electronic signature/
Vickie L. Gabin, Special Master