

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	01cv00072-BDB-ACE
-v-)	
)	ZUNI RIVER ADJUDICATION
STATE OF NEW MEXICO, ex rel. State)	
Engineer, A & R Productions, et al.,)	
)	
Defendants.)	
<hr/>		

ORDER SETTING STATUS AND SCHEDULING CONFERENCE

Pursuant to Rules 16 and 53 of the Federal Rules of Civil Procedure, and the Special Master's October 2, 2003, Report and Recommendations for Federal and Indian Water Rights Claims Proceedings (Docket No. 255), affirmed and adopted December 9, 2003 by the Affirmance of Scheduling Order and Denial of Pending Motion to Dismiss (No. 287), a status and scheduling conference is set for Wednesday, January 21, 2004, beginning at 10:00 a.m., in the Gila Courtroom, 5th Floor, United States District Court, 333 Lomas Blvd. N.W., Albuquerque, New Mexico. Immediately following that conference, the Special Master will conduct an informal working session with attorneys and technical staff.

Status Conference

For the status conference, the Special Master and interested parties will discuss:

(a) scheduling and procedures for the investigation and filing of the water rights claims of the United States of America ("United States"), both in its proprietary capacity and as trustee for the Navajo Nation, the Ramah Band of Navajos and Zuni Indian Tribe, and potential additional claims

ATTACHMENT

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

UNITED STATES OF AMERICA, for Itself and)
as Trustee for the Zuni Indian Tribe, Navajo Nation)
and Ramah Band of Navajos, and)
and)
STATE OF NEW MEXICO, *ex rel.* State)
ENGINEER,)
Plaintiffs,)
)
and)
ZUNI INDIAN TRIBE, NAVAJO NATION,)
Plaintiffs-in-Intervention,)
)
-v-)
)
STATE OF NEW MEXICO, COMMISSIONER)
OF PUBLIC LANDS and A & R PRODUCTIONS,)
et al.)
)
Defendants.)

01cv00072-BB-ACE
ZUNI RIVER BASIN
ADJUDICATION

ADMINISTRATIVE ORDER GOVERNING SERVICE OF PROCESS AND NOTICE

THIS MATTER is before the Court on the Special Master’s request for consideration of the adoption of appropriate rules governing service of process and notice in the Zuni River Basin Adjudication, and the Court having been sufficiently advised in the premises;

IT IS THEREFORE ORDERED:

Pursuant to D.N.M.LR-Civ. 1.3.b., the provisions of D.N.M.LR-Civ. 5 shall be supplemented by rules and procedures applicable to this general stream system adjudication. These rules and

procedures shall be known as Adjudication Service of Process and Notice Rules. To the extent these rules and procedures conflict with provisions of D.N.M.LR-Civ. 5, the following shall govern:

Rule 1. Notice and Service Procedures.

a. Electronic transmission. Pursuant to D.N.M.LR-Civ. 5.6.a., parties may make a written request to the Clerk of the Court for service and notice by electronic transmission. A request form is attached. Parties shall send a copy of requests to the United States of America. COUNSEL OF RECORD, *PRO SE* DEFENDANTS AND ALL OTHER WATER RIGHTS CLAIMANTS ARE URGED TO TAKE ADVANTAGE OF THIS METHOD, WHICH IS SUBSTANTIALLY LESS EXPENSIVE AND MORE EFFICIENT THAN SERVICE AND NOTICE BY MAIL.

b. Service by mail. For parties who elect not to use electronic means, notice and service by mail shall be accomplished by Plaintiff United States of America through the use of monthly pleadings lists. These lists shall include all pleadings which are filed and docketed in the normal course of events. The United States shall coordinate with the Clerk and maintain current a list of names and mailing addresses of all unrepresented defendants who do not use electronic service and notice.

c. Response time to pleadings. Response time to pleadings for all parties runs from the date of the mailing of the list.

d. Correspondence and other papers. Service of correspondence to and from the Court, and other papers not required to be filed, such as counsel's proposed procedural orders, shall be accomplished by providing a paper or electronic copy to the United States for inclusion in the

repository at the University of New Mexico's Zollinger Library in Gallup, New Mexico and on the website www.zunibasin.com.

Rule 2. **Limitations on Service**

Pursuant to Fed. R. Civ. P. 5(a), the Court finds that the presence of numerous defendants in this case precludes the service of all pleadings to all parties. Accordingly, the following limitations shall apply.

a. Pleadings of General Application. Pleadings of general application shall be served on all attorneys and *pro se* parties of record and all other water rights claimants joined to this suit pursuant to Rule 1, above.

b. Pleadings of Limited Application. Service of pleadings and other papers concerning subfile orders between an individual water rights claimant and Plaintiffs United States of America and State of New Mexico, *ex rel.* State Engineer, shall be limited to the claimant (or counsel for the claimant) and the Plaintiffs. Service shall be by mail or by electronic transmission pursuant to D.N.M.LR-Civ. 5.6. Where water right claims are associated with state trust lands, service of pleadings and other papers concerning subfile orders shall also be served on the New Mexico Commissioner of Public Lands.

c. Special Distribution Lists. As the circumstances of the case require, special distribution lists for pleadings and other papers may be developed for service of process and notice within a sub-area of the basin or for any other case management reason.