

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

UNITED STATES OF AMERICA,	)	
and	)	
STATE OF NEW MEXICO, <i>ex rel.</i> State	)	
ENGINEER,	)	
Plaintiffs,	)	
	)	
and	)	01cv00072-BB
ZUNI INDIAN TRIBE, and NAVAJO NATION,	)	
Plaintiffs-in-Intervention,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
-v-	)	
	)	
A & R PRODUCTIONS, <i>et al.</i>	)	
	)	
Defendants.	)	
_____	)	

ADMINISTRATIVE ORDER

This Order is entered *sua sponte* by the Court pursuant to Administrative Order Misc. No. 06-95, filed August 28, 2006. The following provisions are tailored to the special circumstances of stream system adjudications, and replace or supplement the provisions of the CM/ECF Administrative Procedures Manual (APM). Relevant provisions of the Manual are cited where appropriate.

This Order supercedes conflicting provisions of any and all previous orders, policies and procedures adopted by this Court for stream system adjudications.

**I. Electronic submission to court**

All documents to be reviewed and approved by the special master prior to filing shall be electronically submitted to the special master at [specialmastergabin@nmwaterrightsdata.org](mailto:specialmastergabin@nmwaterrightsdata.org). The special master will then either file the document or, where the judge’s signature is required, forward

the document to the judge for approval and filing. This address is to be used for electronic submission of documents only, not for general correspondence.

A. Documents which include original party signatures

This section addresses documents containing original signatures such as consent orders, which require review and approval by the special master and/or judge before filing.

1. The Plaintiff (or filer) scans the document, saves it in Portable Document Format (PDF), and e-submits the document to the special master for approval and e-filing. The special master then forwards the document to the judge if required. The e-submission must include at least the case number and type of document in the subject line of the e-mail.

2. Whenever possible the lead document and all attachments/exhibits will be submitted in one PDF file, *contra* to APM 8(f). *See also* II. File size/exceptions, below. The Plaintiff retains the original hard-copy signed document.

3. After the document is e-filed by the Court the Plaintiff is responsible for reviewing the document and reporting any filing errors to the Clerk's Office (*see*, VII. Filing errors/questions, below). The Plaintiff ensures distribution to parties *pro se*, and files the certificate of service, APM 7.

B. Proposed orders

Generally, proposed orders are not e-filed or submitted in paper form, APM 11(a). However, when the Court instructs counsel to circulate a proposed order for comment, the proposed order should be attached to the motion which is e-filed. *See*, Section II, Filing/Size exceptions, below. A version of the proposed order in either .wpd or .rtf format should be attached to an e-mail which is sent directly to the special master at [specialmastergabin@nmwaterrightsdata.org](mailto:specialmastergabin@nmwaterrightsdata.org), along with any attachments thereto saved as PDF files. The subject line in the e-mail shall include (1) the case

number, (2) the Judge's initials, (3) the docket number of the motion filed electronically which may be the subject of the proposed document, and (4) a very brief description of the proposed document.

Examples:

01cv00072\_BB\_1000\_Procedural\_Order.wpd

69cv07896\_BB\_5000\_Attachment\_A

*See* APM 11(b)(3).

## **II. File size/exceptions**

A. Documents may not exceed 2 MB in file size. Documents which exceed the 2 MB limit must be separated into two or more documents and all but the lead document filed as attachments. Any single filing of multiple documents may not exceed 20 MB (maximum of ten documents, consisting of one lead document and nine attachments). Resolution settings on scanners must be adjusted to fit this requirement.

B. By virtue of their size or bulk, certain documents must be filed manually, unless otherwise authorized by the Court, APM 8(b). In stream system adjudications, items to be filed manually typically include hydrographic survey reports and survey maps or other documents too large to scan (greater than 8.5" by 11"), and original photographs which could not scan within the file size limitations and maintain their integrity, APM 8(g).

## **III. Notices of filing with attached documents**

Substantial numbers of similar documents, such as waivers of service, waivers of summons, returns of service, etc. should be filed in groups, as follows. The lead document is the Notice of Filing, the text of which should incorporate the names of the individuals who have submitted each

document. The individual documents are filed in groups as attachments to the lead document, limited by file size as described in II. File size/exceptions, above.

#### **IV. Correspondence**

Generally, letters to the Court or special master should be e-filed using the “letters” file type to ensure service to all counsel of record. Routine, non-substantive matters, such as requests to be excused for a hearing, or a notification that a discovery deadline has been extended by mutual consent of the parties, may be mailed rather than e-filed. If directed by the Court, any mailed letter may be e-submitted by the Clerk of the Court, APM 2(c).

#### **V. Service**

Provisions for limited service which may be found in existing scheduling and procedural orders remain in full force and effect. In other words, service of pleadings and other papers required to be served concerning subfile orders between an individual water rights claimant and the plaintiff(s) is limited to the individual claimant (or claimant’s counsel) and the plaintiff(s); and subproceeding lists may be used to limit service of pleadings of general applicability within a geographic section or sub-area of an adjudication, or throughout a particular phase of the case. Similarly, limitations on service permitted by the Court pursuant to Fed. R. Civ. P. 5, remain in full force and effect.

#### **VI. *Pro se* parties**

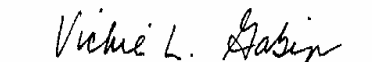
Generally, *pro se* parties are exempt from mandatory e-filing rules. APM 8(b)(1). *Pro se* parties may register for a PACER account to receive service and notice electronically. If they first request permission from the Court, they may also register for a CM/ECF account to file documents electronically. APM 3(b)(3)(C). Whether filing electronically or manually, *pro se* parties must serve copies of pleadings pursuant to APM 7.

**VII. Filing errors/questions**

Filing errors should be reported to the Clerk's Office via the CM/ECF Help Desk. In Albuquerque, call 348-2075. Outside of Albuquerque, call 1-866-620-6383. Personnel at the Help Desk are also available to answer questions about any aspect of the CM/ECF system.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
SPECIAL MASTER