

STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT

STATE OF NEW MEXICO *ex rel.*
NEW MEXICO STATE ENGINEER

Plaintiff,

v.

ROSETTE, INC., *et al.*

Respondents

No. D-623-CV-2005-00054
Honorable J. C. Robinson

ANIMAS UNDERGROUND WATER
BASIN ADJUDICATION

Subfile No.:
AUB-010-0001

Claimant(s): Catherine Glynn
Jack Glynn

**SPECIAL MASTER’S REPORT RECOMMENDING THAT THE COURT
SET A NEW DEADLINE FOR FILING INTER SE OBJECTIONS TO THE
JUDGMENT IN THIS SUBFILE**

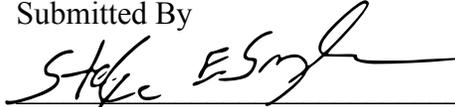
THIS SUBFILE is before the Special Master on his own motion.

The Special Master has been informed by the Clerk’s Office that notice of the deadline to file *inter se* objections to the judgment entered in this subfile on April 13, 2015 (the “Judgment”) was not given in accordance with the procedure specified in this Court’s Procedural Order Governing Expedited *Inter Se* Adjudication of State Law Water Rights, filed April 22, 2014. Paragraph F of the order (the “Procedural Order”) provides that water rights claimants are to be provided with notice of the deadline to file *inter se* objections to a proposed subfile judgment by means of the Court’s Monthly Adjudication Report. Paragraph F requires that the Clerk post the proposed judgment (before it is presented to the Court) on the Animas Adjudication Website and provide notice of the posting in the Monthly Adjudication Report. Paragraph F states that the deadline for filing *inter se* objections, and notices of an intent to participate in a proceeding to resolve an *inter se* objection, must be filed “within forty-five days after a notification first appears in the Monthly Adjudication Report that a copy of the Proposed Judgment is available for inspection on the Court’s website.” According to the Clerk’s records, the Judgment was

posted on the Court's website for the requisite period but notice of the posting was not included in the Court's Monthly Adjudication Report.

To ensure that all claimants have an opportunity to file *inter se* objections to the Judgment, I recommend that the Court enter an order directing that the Clerk post the order and the Judgment on the website and give notice of the posting in the Monthly Adjudication Report. The order should inform claimants that any claimant who wants to file an *inter se* objection, or participate in a proceeding to resolve an *inter se* objection, must file the *inter se* notice required by Paragraph F of the Procedural Order within forty-five days after notice of the posting first appears in the Monthly Adjudication Report. The Order should also provide that, if an *inter se* objection is filed within the required time, the Court will conduct a hearing to determine whether the Judgment should be set aside on account of a clerical error and, if appropriate, set a schedule for resolving the objection.

Submitted By

A handwritten signature in black ink, appearing to read "Steve E. Snyder", written over a horizontal line.

Stephen E. Snyder
Special Master