

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

01cv00072 BDB-ACE

STATE OF NEW MEXICO, *ex rel*
State Engineer, A& R Productions, *et al.*,

ZUNI RIVER ADJUDICATION

Defendants,

ORDER OF REFERENCE

THIS MATTER is before the Court *sua sponte*. It is a part of the general adjudication of all water rights in the Zuni River stream system.

On January 19, 2001, the United States filed a complaint with the Court initiating this water rights case. Water rights adjudications involve exceptional conditions which necessitate the appointment and use of a special master. Fed.R.Civ.Proc. 53(b).

IT IS THEREFORE ORDERED that Vickie L. Gabin of Santa Fe, New Mexico is hereby appointed Special Master in this case.

THE SPECIAL MASTER IS HEREBY DIRECTED, pursuant to Fed.R.Civ.Proc. 53(c) and to N.M. Stat. Ann. §72-4-18 1978 (1997 Repl. Pamph.), to hear and to

determine all claims and contentions of the parties relating to their rights to the surface and underground waters of the stream systems encompassed by this case and all other related matters that may arise in connection with such rights. This direction shall include hearing and determining all motions, except as follows. The Special Master shall not hear or determine any motion that presents only legal issues and no contested factual matters, unless requested to do so by the State of New Mexico (“State”) and the United States of America (“United States”) or unless so directed by the Court.

IT IS FURTHER ORDERED that pursuant to Fed.R.Civ.Proc. 53(c), that the Special Master’s compensation is hereby fixed at the rate of \$120.00 per hour, plus tax, plus reimbursement for her responsible and necessary expenses including travel, employment of legal clerks and/or assistants, court reporters and interpreters. She shall periodically certify her fees and expenses to the Court. These fees and expenses shall be assessed against the State and the United States in a manner to be determined in the first planning session. This compensation order may be modified in the Court’s discretion.

IT IS FURTHER ORDERED that the Special Master need not hold a first meeting of the parties or their attorneys within 20 days of this Order, as provided

