

2014 FEB -5 AM 11:31

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO, ex rel.,**
3 **STATE ENGINEER,**

4 **Plaintiff-Appellee,**

D-1116-AB-07-1

5 v.

No. 33,437
San Juan County
CV-75-184

8 **UNITED STATES OF AMERICA,**

9 **Defendant-Appellee,**

10 v.

11 **COMMUNITY DITCH DEFENDANTS-**
12 **COUNTERCLAIMANTS; BOLACK**
13 **MINERALS COMPANY, a/k/a BOLACK**
14 **MINERALS COMPANY LIMITED**
15 **PARTNERSHIP; ESTATE OF TOM**
16 **BOLACK, a/k/a THOMAS FELIX**
17 **BOLACK, DECEASED; BOLACK**
18 **MINERALS FOUNDATION AND TOMMY**
19 **BOLACK REVOCABLE TRUST;**
20 **ESTATE OF JUANITA VELASQUEZ,**
21 **DECEASED; DAVID A. PIERCE AND**
22 **MAXINE M. PIERCE; DAVID M. DRAKE**
23 **AND SHAWNA DRAKE ("DEFENDANTS**
24 **B SQUARE RANCH, LLC et al.");**
25 **GARY HORNER; and**
26 **MCCARTY TRUST; STEPHEN ALBERT**
27 **MCCARTY; TRUSTEE AND ESTATE OF**
28 **MARY MCCARTY, DECEASED,**

29 **Defendants-Appellants,**

30 v.

COURT OF APPEALS OF NEW MEXICO
ALBUQUERQUE
FILED

FEB 04 2014

Wendy E. Jones

De

1 NAVAJO NATION,

2 **Defendant-Intervenor-Appellee.**

3 **ORDER CONCERNING RECORD PROPER**

4 This matter came before the Court on a “Motion to Utilize the District Court’s
5 Website in lieu of a ‘Paper’ Record Proper,” filed by Defendant-Appellant Gary L.
6 Horner. The Court **FINDS** that

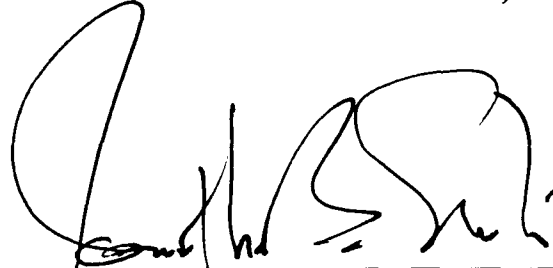
- 7 1. The record proper in this case consists of approximately 16,000 pages;
- 8 2. The Eleventh Judicial District Court maintains a website on which are posted
9 the documents filed in the sub-proceeding in this adjudication;
- 10 3. An un-paginated electronic record proper would be impractical for the Court’s
11 review on appeal.

12 **IT IS THEREFORE ORDERED** that

- 13 1. The parties are ordered to meet and discuss in good faith how to limit the paper
14 record proper;
- 15 2. The parties will report back in writing to this Court by February 21, 2014,
16 whether or not they can reach an agreement on the designation of a paper
17 record;

1 3. If the parties cannot reach an agreement on the designation of a paper record,
2 the Court will refer this matter to a special master, with the costs to be borne
3 by the parties.

4 
5 MICHAEL D. BUSTAMANTE, Judge

6 
7 JONATHAN B. SUTIN, Judge

8 
9 M. MONICA ZAMORA, Judge