

STATE OF NEW MEXICO
THE ELEVENTH JUDICIAL DISTRICT COURT
SAN JUAN COUNTY

FILED
2010 MAR 24 AM 11 45

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,
Defendants

THE JICARILLA APACHE TRIBE AND
THE NAVAJO NATION

Defendant-Intervenors

CV – 75-184
Honorable James J. Wechsler
Presiding Judge

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

La Plata Section

Court No. AF-01-245
Subfile No. SJLP-005-0047
LINDA DALE FULLER
W.L. FULLER

NOTICE OF SCHEDULING CONFERENCE
AND INSTRUCTIONS CONCERNING PRETRIAL DISCLOSURES

PLEASE TAKE NOTICE that the Court will conduct a Scheduling Conference commencing at 1:30 PM on May 7, 2010, at the Eleventh Judicial District Courthouse at 103 South Oliver, Aztec, New Mexico. The purpose of the Scheduling Conference is to set pretrial and discovery deadlines to guide the litigation of disputed elements of water rights claims.

Prior to the May 7, 2010 Scheduling Conference, the State and the Claimant are required to complete the following:

- 1) By Friday, April 2, 2010, the Claimant is required to contact Ms. Tracy Hofmann, Esq., State of New Mexico, *ex rel.* State Engineer (the "State"), to schedule a meeting with the State. The State may be contacted at 1-800-928-3766 (press 2 for the litigation and adjudication program), or by emailing Ms. Hofmann at tracy.hofmann@state.nm.us. The purpose of the subsequent meeting between the State and the Claimant is to discuss the State's assessment of

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the Claimant's water right, determine whether additional field work is necessary, and make the following preliminary disclosures:

(a) Each party shall provide to the other party a written list of the names and, if known, address and telephone number of each person likely to have information that pertains to the water right claims in this subfile proceeding; and

(b) Each party shall provide to the other party copies of all documents in that party's possession, custody or control that pertain to the water right claims in this subfile proceeding.

2) By Friday, April 30, 2010, the State shall complete and file the attached report form documenting the State's meeting with the Claimant and the status of the dispute.

The requirement that the Claimant contact the State by April 2, 2010, schedule a meeting, and attend this meeting is mandatory. The meeting between the Claimant and the State may occur by telephone. Attendance at the Scheduling Conference and the making of the disclosures required by paragraph 2 above are also mandatory. The Court may enter a default order adjudicating the Claimant's water rights as described in the State's proposed Consent Order in the case of any Claimant who (i) fails to contact and meet with the State, (ii) fails to make the disclosures required by paragraph 1 above, or (iii) fails to appear at the Scheduling Conference.

At the May 7, 2010 Scheduling Conference the Court will:


(a) Consider the parties' needs for discovery, establish deadlines for conducting discovery and, if warranted, impose limitations on the type and amount of discovery;

(b) Establish deadlines for (i) the exchange of pretrial statements, witness lists and

exhibits and (ii) the submission of trial briefs and proposed findings of fact and conclusions of law;

(c) Set dates for the final pretrial conference and trial; and

(d) Take any other action authorized or contemplated by Rule 1-016 NMRA.


Honorable James J. Wechsler
Presiding Judge

Certificate of Service

The undersigned hereby certifies that on March 24, 2010, the forgoing **NOTICE OF SCHEDULING CONFERENCE AND INSTRUCTIONS CONCERNING PRETRIAL DISCLOSURES** was served by first class mail, postage prepaid to the following:

Tracy Hoffman, Esq.
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

LINDA DALE FULLER
W.L. FULLER
1320 HWY 170
LA PLATA, NM 87418

WELDON NEFF
ELEVENTH DISTRICT COURT CLERK

By: 
Deputy Court Clerk

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STATE'S REPORT ON REJECTED CONSENT ORDER

1. List the names of the Claimant(s) who contacted the State by April 2, 2010.
2. Did the Claimant(s) and the State set a meeting? If so, what was the date of the meeting?
3. Did the Claimant(s) and the State make the required preliminary disclosures and complete a field visit, if needed?
4. Is more time needed to complete initial discussions, exchange information, or perform a field visit? How much time is needed, and for what purpose?
5. If either or both parties request mediation, state the parties that request mediation, and describe what might be accomplished in mediation.
6. Does the State believe that the dispute is ready to set for trial?
7. Other comments

Submitted by:

Tracy Hofmann, Esq.
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

Certificate of Service

The undersigned hereby certifies that on _____, 2010, the forgoing **STATE'S REPORT ON REJECTED CONSENT ORDER** was served by first class mail, postage prepaid to the following:

LINDA DALE FULLER
W.L. FULLER
1320 HWY 170
LA PLATA, NM 87418

Tracy Hoffman, Esq.
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