

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2010 JUL 23 AM 10 22

*DM*

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,

CV-75-184

JAMES J. WECHSLER  
Presiding Judge

SAN JUAN RIVER  
GENERAL STREAM  
ADJUDICATION

**NOTICE OF FILING OF STATE'S RULE 1-071.3(B) REPORT**

Pursuant to Rule 1-071.3 NMRA 2009, the State of New Mexico *ex rel.* State Engineer ("State"), by and through its counsel, hereby submits its report setting out its priorities and analysis of resources for all adjudications pending in both state and federal courts. The report is submitted in the form of the attached exhibits, setting out the priorities and resources of the Lower Rio Grande Adjudication Bureau in Exhibit A, those of the Pecos Adjudication Bureau in Exhibit B, and those of the Northern New Mexico Adjudication Bureau in Exhibit C.

Respectfully Submitted,



Special Assistant Attorney General  
NM Office of the State Engineer  
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*DKtd*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2010, I filed emailed the foregoing to counsel electing email service: wrattorney@11thjdc.com.

  
Arianne Singer 

**STATE OF NEW MEXICO'S RULE 71.3 REPORT  
LOWER RIO GRANDE ADJUDICATION BUREAU**

August 4, 2010

**Matters To Be Completed Prior to Preparation of Final Decree  
(Highlighting indicates the State's priorities for fiscal year 2011)**

Total Bureau Staff FTE and Contractor Resources: ~~FY-2010 16.75~~  
FY 2011 13.85

**I. LOWER RIO GRANDE ADJUDICATION**

(Total Staff & Contract Resources: ~~14.90~~ 12.20)

**1. General (Staff & Contract Resources: ~~2.45~~ 2.85)**

**a. Litigation of proposed or designated stream system/expedited *inter se* issues**

- i. Stream System Issue No. 101 (irrigation water requirements for pecans and basin-wide for all other crops; trial set for June 6-24, 2011)
- ii. Stream System Issue No. 102 (EBID separate groundwater claim; litigation schedule dependent on outcome of pending Motion for Summary Judgment; possible designation of other EBID groundwater claims under this stream system issue or SSI No. 104)<sup>1</sup>
- iii. Stream System Issue No. 103 (domestic wells—manner of determining priority date and amount of water put to beneficial use; schedule pending)
- iv. Stream System Issue No. 104 (United States interests' in the stream system; Order designating the issue stayed pending mediation with United States, EBID and EPCWID #1)<sup>2</sup>
- v. Boyd, et al. (legality of U.S. rights in the Rio Grande Project; may be subsumed under SSI No. 104)
- vi. New Mexico Pecan Growers (joint motion to designate pecan irrigation water requirements as a stream system issue) **Granted FY 2010**; litigation under way in SSI No. 101
- vii. EBID Threshold Motion #1 (division of authority between Office of the State Engineer and EBID) **Withdrawn FY 2010**
- viii. Additional issues to be raised during course of adjudication

**b. Negotiations with major parties**

- i. United States (Rio Grande Project storage, release, and diversion rights; settlement in principle renounced by United States FY 2010; now in mediation with United States; EBID and EPCWID #1)
- ii. City of Las Cruces (majority of rights adjudicated; Jornada wells and assorted other rights remaining)

<sup>1</sup> At the time this report was distributed, a motion to stay SSI No. 102 and a motion to clarify the issue had been filed, and a hearing on the motions was set for August 3, 2010.

<sup>2</sup> At the time this report was distributed, a motion to lift the stay had been filed, and a hearing on the motion was set for August 3, 2010.

- iii. NMSU (majority of rights adjudicated; livestock rights on university ranch and irrigation rights on university farms remaining)
- iv. City of El Paso (irrigation rights)
- v. Southern Rio Grande Diversified Crop Association (irrigation water requirements) Negotiations terminated; litigation under way in SSI No. 101
- c. EBID delivery and groundwater rights (Offer of Judgment withdrawn FY 2010 to allow litigation of certain of EBID's claims as stream system issues)
- d. Litigation of other substantive issues
  - i. Baca (subfile litigation; State prevailed on basis of insufficiency of evidence of historic beneficial use FY 2010; appeal anticipated)
  - ii. Gonzales (subfile litigation; State prevailed on basis of abandonment FY 2010; notice of appeal filed)
  - iii. Lion's Gate (motion to lift stay and permit *amicus curiae* status to address SSI No. 104)<sup>3</sup>
  - iv. New Mexico Groundwater Association (motion to intervene)<sup>4</sup>
  - v. Lion's Gate (motion to intervene) **Court of Appeals upheld Order denying motion to intervene FY 2010**
  - vi. Additional issues to be litigated during course of adjudication
- e. Implementation of agreement with EBID regarding adjudication of water rights on assessed lands **Completed FY 2010**
- f. Development of definition for mature pecan orchards under agreement with New Mexico Pecan Growers; implementation of agreement
- f. Development of basin wide irrigation water requirements for crops other than pecans **Completed FY 2010**
- g. Determination of proper party to be served for water rights on leased government lands
- h. Incorporation into the adjudication of water rights established pursuant to permits issued subsequent to the hydrographic survey
- i. Coordination with the Court re adjudication procedures/status
- j. Coordination with the Utton Center
- k. Litigation of non-subfile motions (i.e., procedural and scheduling issues)
  - l. Stream system *inter se*
  - m. Final decree

## 2. Nutt Hockett

43 subfiles—99% adjudicated

- a. Review of adjudicated subfiles on leased government lands

<sup>3</sup> At the time this report was distributed, a hearing on this motion was scheduled for July 27, 2010.

<sup>4</sup> At the time this report was distributed, a hearing on this motion was scheduled for August 2., 2010.

- b. Reconciliation of maps and orders for *inter se*
- c. Section *Inter se*
- d. Partial final decree

3. **Rincon** (Staff & ~~Contract~~ Resources: ~~3.20~~ 1.55)  
1227 subfiles—92% sent, 85% adjudicated

- a. **Primary subfile work**
- b. River pumper claims
- c. Federal proprietary claims
- d. State proprietary claims
- e. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
- f. **Mediation of disputed subfiles**
- g. Litigation of unresolved subfiles
- h. Reconciliation of maps and orders for *inter se*
- i. Section *Inter se*
- j. Partial final decree

4. **Northern Mesilla** (Staff & ~~Contract~~ Resources: ~~.50~~ 1.55)  
5882 subfiles—49% sent, 27% adjudicated

- a. **Primary subfile work**
- b. Revocation and revision of unaccepted offers of judgment sent prior to cessation of adjudication activity in the Northern Mesilla
- c. River pumper claims
- d. Federal proprietary claims
- e. State proprietary claims
- f. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
- g. **Mediation of disputed subfiles**
- h. Litigation of unresolved subfiles
- i. Reconciliation of maps and orders for *inter se*
- j. Section *Inter se*
- k. Partial final decree

5. **Southern Mesilla** (Staff & ~~Contract~~ Resources: ~~7.50~~ 4.70)  
5314 subfiles—51% sent, 40% adjudicated

- a. **Primary subfile work**
- b. Federal proprietary claims
- c. State proprietary claims
- d. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
- e. **Mediation of disputed subfiles**
- f. Litigation of unresolved subfiles
- g. Reconciliation of maps and orders for *inter se*
- h. Section *Inter se*
- i. Partial final decree

**6. Outlying Areas** (Staff & Contract Resources: ~~1.25~~ 1.55)  
1231 subfiles—32% sent, 22% adjudicated

- a. **Primary subfile work**
- b. Federal proprietary claims
- c. State proprietary claims
- d. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
- e. **Mediation of disputed subfiles**
- f. Litigation of unresolved subfiles
- g. Reconciliation of maps and orders for *inter se*
- h. Section *Inter se*
- i. Partial final decree

**II. ANIMAS UNDERGROUND WATER BASIN ADJUDICATION**  
(Total Staff & Contract Resources: ~~1.85~~ 1.65)

**1. General** (Staff & Contract Resources: 0.1)

- a. Status reporting to Court regarding hydrographic survey progress
- b. Coordination with Court regarding adjudication procedures
- c. Non-subfile general motion litigation (*i.e.*, procedural and scheduling issues)
- d. Diversion and irrigation water requirements
- e. *Inter se*
- f. Final Decree

**2. Section 1 (Northern Area)**

- a. Hydrographic Survey
- b. Primary subfile work
- c. Litigation of disputed subfiles

**3. Section 2 (Cotton City)**

- a. Hydrographic Survey
- b. Primary subfile work
- c. Litigation of disputed subfiles

**4. Section 3 (Village of Animas)** (Staff & Contract Resources: ~~1.75~~ 1.55)

- a. Hydrographic Survey
- b. Primary subfile work
- c. Litigation of disputed subfiles

**5. Section 4 (Southern Area)**

- a. Hydrographic Survey
- b. Primary subfile work
- c. Litigation of disputed subfiles

**Lower Rio Grande Adjudication Bureau -- Priority Adjudication Sections and Resources Allocated**

<b>Priority Adjudication Section</b>	<b>Staff Atty</b>	<b>Contract Atty</b>	<b>Staff Para-legal</b>	<b>Contract Para-legal</b>	<b>Tech &amp; Field Staff</b>	<b>HSMB Staff</b>	<b>Data Staff</b>	<b>Section Totals</b>
<i>General</i>	1.50	0.60	0.15	0.00	0.55		0.05	2.85
<i>Rincon</i>	0.15	0.00	0.45	0.00	0.95		0.00	1.55
<i>Northern Mesilla</i>	0.15	0.00	0.45	0.00	0.95			1.55
<i>Southern Mesilla</i>	0.40	0.00	1.25	0.00	3.05		0.00	4.70
<i>Outlying Areas</i>	0.15	0.00	0.45	0.00	0.95		0.00	1.55
<i>Animas Underground Water Basin</i>		0.10				1.55		1.65
<b>Category Totals - All Sections</b>	<b>2.35</b>	<b>0.70</b>	<b>2.75</b>	<b>0.00</b>	<b>6.45</b>	<b>1.55</b>	<b>0.05</b>	<b>13.85</b>

**STATE OF NEW MEXICO'S RULE 71.3 REPORT**  
**PECOS ADJUDICATION BUREAU**  
August 4, 2010

**Matters To Be Completed Prior to Preparation of Final Decree**  
(Highlighting indicates the State's priorities for fiscal year 2011.)  
Total Bureau Staff FTE and Contractor Resources: FY 2010 12.65  
FY 2011 10.20

**I. PECOS ADJUDICATION (Staff and Contract Resources : ~~12.65~~ 10.20)**

1. **Gallinas River** (Staff & Contract Resources: ~~6.10~~ 3.85)
  - a. Update of hydrographic survey for unadjudicated surface water irrigation subfiles. **Completed FY 2010**
  - b. Primary subfile work. **Completed FY 2010**
  - c. Acequia motions to intervene in individual subfiles. **Completed FY 2010**
  - d. Show cause proceedings for no rights. **Completed FY 2010**
  - e. Omitted claims as required by procedural order. **Completed FY 2010**
  - f. **Acequias' claims to surface water rights**
  - g. **Litigation of contested subfiles – disputed acreage claims only.**
  - h. Litigation of subfiles contested on issues other than acreage.
  - i. Acequia motion regarding irrigation water requirements.
  - j. Acequia motion regarding priority dates.
  - k. **Defendant motions to reopen subfile orders.**
  - l. **Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues).**
  - m. Reconciliation of maps and orders for *inter se*.
  - n. Section *Inter se* and partial final decree.
  
2. **City of Las Vegas Remand Proceeding to Determine the City's Equitable Water Right** (Staff & Contract Resources: ~~0.25~~ 0.05)
  - a. **Mediation among City of Las Vegas, Storrie Project, acequias, and State of NM related to remand.**
  - b. **Issues of parties and notice of possible settlement.**
  - c. **Issues arising from implementation of possible settlement.**
  - d. **Issues of form and enforcement of final order on remand.**
  - e. **Potential resumption of litigation.**
  
3. **Carlsbad Irrigation District** (Staff & Contract Resources: ~~2.00~~ 1.10)
  - a. Litigation of contested subfile (1 remaining). **Completed FY 2010**
  - b. State motions to amend multiple consent orders **Completed FY 2010**
  - c. Reconciliation of previously adjudicated acreage with CID assessed acreage. **Completed FY 2010**
  - d. **State motion to amend supplemental groundwater right priority dates.**



- e. State motion to amend acreage in multiple subfiles to conform to 1927 permit.  
Completed FY 2010
  - f. Reconciliation of maps and orders for *inter se*.
  - g. Section *inter se* and partial final decree
4. **Fort Sumner Irrigation District** (Staff & Contract Resources: 0.85 0.55)
- a. Analysis of potential approaches to irrigation district adjudication.
  - b. Irrigation water requirements including conversion of Hope decree flow rate.
  - c. Determination of irrigated acreage and assessed acreage. Completed FY 2010
  - d. Primary subfile work.
  - e. Litigation of contested subfiles.
  - f. Section *inter se* and partial final decree.
5. **Upper Pecos Groundwater** (Staff and Contract Resources: 0.00 1.65)
- a. Completion of hydrographic survey of Upper Pecos ground water uses including expansion areas.
  - b. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
  - c. Primary subfile work.
  - d. Litigation of contested subfiles—disputed acreage claims only.
  - e. Litigation of subfiles contested on issues other than acreage.
  - g. Reconciliation of maps and orders for *inter se*.
  - h. Section *inter se* and partial final decree.
6. **Upper Pecos Surface Water** (Staff and Contract Resources: 0.00 2.15)
- a. Hydrographic survey of surface water uses in the Upper Cow Creek subsection.
  - b. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
  - c. Primary subfile work.
  - d. Litigation of contested subfiles—disputed acreage claims only.
  - e. Litigation of subfiles contested on issues other than acreage.
  - f. Hydrographic survey of surface water uses in remaining unsurveyed tributaries of the Upper Pecos.
  - g. Hydrographic survey of surface water uses in other unadjudicated areas of the Upper Pecos
  - h. Section *inter se* and partial final decree.
7. **Hondo Underground Water Basin** (Staff and Contract Resources: 0.00 0.65)
- a. Review of 685 subfiles to determine adjudication status and update database.
  - b. Updated hydrographic survey of surface and groundwater uses on Rio Hondo.
  - c. Primary subfile work.
  - d. Litigation of contested subfiles.
  - e. Updated hydrographic survey of surface and groundwater uses on Rio Ruidoso.
  - f. Primary subfile work.

- g. Litigation of contested subfiles.
- h. Updated hydrographic survey of surface and groundwater uses on Rio Bonito.
- i. Primary subfile work.
- j. Litigation of contested subfiles.
- k. Federal proprietary claims.
- l. Mescalero Apache claims on Rio Felix.
- m. Reconciliation of maps and orders for *inter se*.
- n. Section *inter se* and partial final decree.

**8. Roswell Underground Water Basin** (Staff & Contract Resources: ~~0.50~~ 0.20)

- a. Review of 1000+ PVACD relation-back claims to determine adjudication status.
- b. Defendant motions to reopen subfile orders in Pecoc Supplemental. Completed FY 2010
- c. Mendenhall claim. Completed FY 2010

**9. Carlsbad Underground Water Basin** (Staff & Contract Resources: ~~2.95~~ 0.00)

- a. Hydrographic survey of groundwater uses.
- b. Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues).
- c. Primary subfile work.
- d. Litigation of contested subfiles.
- e. Reconciliation of maps and orders for *inter se*.
- f. Section *inter se* and partial final decree.

**10. Black River**

- a. Hydrographic survey of surface water uses.
- b. Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues).
- c. Irrigation water requirements.
- d. Primary subfile work.
- e. Litigation of contested subfiles.
- f. Reconciliation of maps and orders for *inter se*.

**11. Peñasco Underground Water Basin**

- a. Hydrographic survey of surface and groundwater uses in Upper Peñasco.
- b. Updated hydrographic survey of surface and groundwater uses in Lower Peñasco, including but not limited to Bluewater Creek and Agua Chiquito.
- c. Mescalero Apache water rights on Rio Peñasco.
- d. Irrigation water requirements.
- e. Primary subfile work.
- f. Litigation of contested subfiles.
- g. Reconciliation of maps and orders for *inter se*.
- h. Section *inter se* and partial final decree.

**12. Pecos Miscellaneous**

- a. Hydrographic survey of surface and groundwater.
- b. Primary subfile work.
- c. Litigation of contested subfiles.
- d. Irrigation water requirements.
- e. Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues).
- f. Reconciliation of maps and orders for *inter se*.
- g. Section *inter se* and partial final decree

**Pecos Adjudication Bureau -- Priority Adjudication Sections and Resources Allocated**

Priority Adjudication Section	Staff Atty FTE	Contract Atty FTE	Staff Para-legal FTE	Contract Para-legal	Tech & Field Staff FTE	HSMB Staff	Data Staff FTE	Section Totals
<i>Gallinas River</i>	2.00	0.05	0.75		1.00		0.05	3.85
<i>Las Vegas Remand</i>	0.05							0.05
<i>Carlsbad Irrigation District</i>	0.30		0.30		0.30		0.20	1.10
<i>Roswell Underground Water Basin</i>	0.10		0.10					0.20
<i>Hondo Underground Water Basin</i>	0.05	0.50	0.10					0.65
<i>Fort Sumner Irrigation District</i>	0.30	0.05	0.10		0.10			0.55
<i>Upper Pecos Groundwater</i>	0.35		0.20		1.00		0.10	1.65
<i>Upper Pecos Surface Water</i>	0.50		0.25		1.25		0.15	2.15
<b>Category Totals - All Sections</b>	<b>3.65</b>	<b>0.60</b>	<b>1.80</b>	<b>0.00</b>	<b>3.65</b>	<b>0.00</b>	<b>0.50</b>	<b>10.20</b>

**STATE OF NEW MEXICO'S RULE 71.3 REPORT**  
**NORTHERN NEW MEXICO ADJUDICATION BUREAU**  
August 4, 2010

**Matters To Be Completed Prior to Preparation of Final Decree**  
**(Highlighting indicates the State's priorities for fiscal year 2011.)**

Total Bureau Staff FTE and Contractor Resources: FY 2011 15.95 FY 2010 20.10

**I. TAOS ADJUDICATION (STAFF & CONTRACTOR RESOURCES: ~~4.80~~ 0.70)**

**1. Non-Indian claims.**

- a. Litigation of (1) disputed individual priority date. **Completed FY 2010**
- b. **Rio Hondo Cuchilla ditch priorities.**
- c. Litigation of disputed springs claims. **Completed FY 2010**
- d. **Reconciliation of maps and orders for Interim Order.**
- e. **Entry of Interim Order.**
- f. Acequias' stock water and domestic uses.
- g. Irrigation water requirements.
- h. Hydrographic survey of groundwater, domestic, and stock water uses.
- i. *Inter se* and entry of Partial Final Decree.

**2. Indian claims.**

- a. Taos Pueblo Settlement Agreement.
  - i. Enactment of federal legislation approving the Settlement Agreement.
  - ii. Revisions to Settlement Agreement to conform to federal legislation.
  - iii. Appropriation of funding for settlement by Congress and NM Legislature.
  - iv. Approval of Settlement Agreement.
  - v. Entry of Partial Final Decree on Pueblo's water rights.

**II. CHAMA ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~3.85~~ 3.35)**

**1. Section 1: (Chama Mainstem):**

- a. Reconciliation of maps and orders for *inter se* and revision of partial final decree. **Completed FY10**
- b. Special Master's Report and Recommendations on disputed acequia priority dates. **Report Issued FY 10**
- c. **Resolution of objections to Special Master's Report and Recommendations on disputed acequia priority dates.**
- c. Priority dates of (1) private ditches. **Completed FY2010**
- d. **Federal Wild and Scenic River Act claim** (pending final US approval)
- e. **Redetermination of priority date for 1 remaining ditch.**
- f. **Entry of order confirming priority dates for all ditches in Section 1.**
- g. **Hydrographic survey of surface water uses in Rio del Oso and Vallecito area.**

- h. Primary subfile work, i.e., obtain entry of subfile orders in Rio del Oso and Vallecito area.
  - i. Irrigation water requirements.
  - j. Federal proprietary claims.
  - k. Hydrographic survey of groundwater, domestic and stock water uses.
  - l. *Inter se* and revision of partial final decree.
2. **Section 2: (Ojo Caliente):**
- a. Primary subfile work, i.e., obtain entry of subfile orders (about 30% have no subfile order).
  - b. Litigation of disputed subfiles.
  - c. Acequia and private ditch priority dates.
  - d. Reconciliation of maps and orders for *inter se* and partial final decree.
  - e. Federal proprietary claims.
  - f. Hydrographic survey of groundwater, domestic and stock water uses.
  - g. *Inter se* and partial final decree.
3. **Section 3: (Rio Nutrias, Rio Cebolla, Canjilon Creek):**
- a. Primary subfile work, i.e., obtain entry of 1 remaining subfile order.
  - b. Litigation of (4) disputed subfiles.
  - c. Irrigation water requirements.
  - d. Acequia and private ditch priority dates.
  - e. Federal proprietary claims.
  - f. Hydrographic survey of groundwater, domestic and stock water uses.
  - g. *Inter se* and partial final decree for surface water irrigation rights in Rio Nutrias, Rio Cebolla and Canjilon Creek.
  - h. *Inter se* and partial final decree for all other water rights.
4. **Section 4: (El Rito):**
- a. Reconciliation of maps and orders.
  - b. Priority dates of private ditches.
  - c. Federal proprietary claims.
  - d. Hydrographic survey of groundwater, domestic and stock water uses.
5. **Section 5: (Rio Gallina):**
- a. Federal proprietary claims.
  - b. Hydrographic survey of groundwater, domestic and stock water uses.
  - c. *Inter se* and partial final decree. Completed FY 2010 for surface water irrigation rights.

**6. Section 6 (Canones):**

- a. Reconciliation of maps and orders.

**7. Section 7 (Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Canones Creek, Village of Chama):**

- a. Primary subfile work, i.e., obtain entry of remaining subfile orders. **Completed FY 2010**
- b. Litigation of (1) disputed subfile. **Completed FY 2010**
- c. Irrigation water requirements.
- d. Jicarilla Apache Nation state-law based claims on recently acquired lands.
- e. Acequia and private ditch priority dates.
- f. Federal proprietary claims.
- g. Hydrographic survey of groundwater, domestic and stock water uses.
- h. Treaty of Guadalupe Hidalgo.
- i. *Inter se* and partial final decree for surface water irrigation water rights in Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Canones Creek, and Village of Chama.
- j. *Inter se* and partial final decree for all other water rights.

**8. Section 8 (Rio Puerco):**

- a. Reconciliation of maps and orders.

**9. Indian claims:**

- a. Subproceeding 1: Past and Present Use Water Rights Claims of Ohkay Owingeh
  - i. Scheduling Conference
  - ii. Expert reports from US September 1, 2011.
  - iii. Expert reports from Ohkay Owingeh September 5, 2012.
  - iv. Expert reports from State June 5, 2014.
  - v. Expert reports from other parties December 10, 2014.
  - vi. Rebuttal expert reports June 5, 2015.
  - vii. Discovery thru June 2, 2016 (depositions, interrogatories, etc.)
  - viii. Dispositive motions September 1, 2016.
  - ix. Pretrial motions September 1, 2016.
  - x. Trial scheduled June 2017.
  - xi. Post-trial motions.
- b. Subproceeding 2: Ohkay Owingeh all other claims  
(establish expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pre-trial motions, trial, post-trial motions).

**III. SANTA CRUZ/TRUCHAS ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.70  
1.65)**

**1. Non-Indian claims.**

- a. Primary subfile work on remaining individual claims.
- b. Federal proprietary claims.
- c. Santa Cruz Irrigation District storage right claim.
- d. Irrigation water requirements – unified proceeding.
- e. **Special Master's Report and Recommendations on Truchas acequias' priorities and customs. Report issued FY 2010**
- e. **Resolution of objections to Special Master's Report and Recommendations on Truchas acequias' priorities and customs.**
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Hydrographic survey of groundwater and domestic and stock water uses.
- h. Reconciliation of maps and orders for *inter se* and partial final decree.
- i. *Inter se* and partial final decree.

**2. Indian claims**

**a. Subproceeding 2: Past and Present Use Water Rights Claims of Ohkay Owingeh**

- i. **Discovery (depositions, interrogatories, etc.) to end November 2, 2009.  
Completed FY 2010**
- ii. Dispositive motions due January 29, 2010. **Filed FY 2010**
- iii. **Briefing on dispositive motions.**
- iv. **Witness and preliminary exhibit lists due July 30, 2010.**
- v. **Motions directed to expert witnesses due August 30, 2010.**
- vi. **Final exhibit lists November 30, 2010.**
- vii. **Pretrial conference November 1, 2010.**
- viii. **Trial January 31 – April, 2011.**
- ix. **Post-trial motions.**

**b. Subproceeding 3: Past and Present Use Water Rights Claims of the Pueblo of Santa Clara**

(Scheduling conference TBD, US Subproceeding Complaint, Santa Clara Pueblo Subproceeding Complaint, Answers, expert reports from US, expert reports from Santa Clara Pueblo, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions).

**c. Subproceeding 4: Pueblos' claims to instream uses**

(Scheduling conference, US Subproceeding Complaint, Pueblos' Subproceeding Complaints, Answers, expert reports from US, expert reports from Pueblos, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions)

- d. Subproceeding 5: all other Pueblo claims  
(Scheduling conference, US Subproceeding Complaint, Pueblos' Subproceeding Complaints, Answers, expert reports from US, expert reports from Pueblos, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions)

#### IV. ZUNI ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.85 0.45)

##### 1. **Non-Indian claims:**

- a. Primary subfile work, i.e., obtain entry of subfile orders.
- b. Litigation of disputed subfiles.
- c. State Land Office proprietary claims.
- d. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- e. Federal proprietary claims.
- f. Irrigation water requirements.
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

##### 2. **Indian claims**

###### a. **Subproceeding 1: Zuni Indian Claims**

- i. **Claims based on Past and Present Irrigation use from Permanent Works**
  - Expert reports from State November 2009. **Completed FY 2010**
  - Expert reports from other parties (other than US, Zuni, State) May 21, 2010. **Completed FY 2010.**
  - Depositions and discovery thru March 4, 2011.
  - Dispositive motions May 6, 2011.
  - Pretrial motions May 6, 2011.
  - Trial scheduled September 8, 2011.
- ii. **Claims for rights to use water for Domestic, Commercial, Municipal or Industrial Purposes**
  - Expert reports from US on DCMI uses May 2, 2012.
  - Expert reports from Zuni Indian Tribe on DCMI uses September 5, 2012.
  - Expert reports from State on DCMI uses May 3, 2013.
  - Expert reports on DCMI uses from other parties August 2, 2013.
  - Discovery (depositions, interrogatories, etc.) December 20, 2013.
  - Dispositive and pretrial motions February 8, 2014.
  - Trial Scheduled June 9, 2014.
- iii. **All other Zuni claims**  
(scheduling and management conference 2014, expert reports and discovery, dispositive and other pretrial motions, trial.)

###### b. Subproceeding 2: Navajo Nation claims

- i. US Subproceeding Complaint February 2, 2011.



- ii. Navajo Supplemental Subproceeding Complaint April 1, 2011.
- iii. Establish expedited *inter se* subproceeding July 1, 2011.
- iv. Answers December 1, 2011.
- v. Expert reports from US on DCMI uses May 2, 2012.
- vi. Expert reports from Navajo Nation on DCMI uses September 5, 2012.
- vii. Expert reports from State on DCMI uses May 3, 2013.
- viii. Expert reports on DCMI uses from other parties August 2, 2013.
- ix. Discovery (depositions, interrogatories, etc.) December 20, 2013.
- x. Dispositive and pretrial motions February 28, 2014.
- xi. Trial scheduled May 12, 2014.
- xii. Post-trial motions.

**V. NAMBE-POJOAQUE-TESUQUE (AAMODT) ADJUDICATION:**  
(STAFF & CONTRACTOR RESOURCES: ~~3.35~~ 3.30)

1. **Non-Indian claims.**

- a. Litigation of acequia and individual priority dates.
- b. Hydrographic survey of remaining domestic well uses.
- c. Primary subfile work, i.e., obtain entry of subfile orders on domestic well uses.
- d. Litigation of disputed domestic well uses.
- e. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- f. Reconciliation of maps and orders for *inter se* and partial final decree.
- g. *Inter se* and partial final decree.

2. **Indian claims**

- a. *Aamodt* Settlement Agreement.
  - i. Enactment of federal legislation approving the Settlement Agreement.
  - ii. Revisions to Settlement Agreement to conform to federal legislation.
  - iii. Joinder and service of all known claimants.
  - iv. Filing of notice of federal legislation and updated service list.
  - v. Establish Order to Show Cause *inter se* proceeding for approval of Settlement Agreement and entry of Partial Final Decree on Pueblos' water rights.
- b. Entry of Partial Final Decree on Pueblos' water rights claims.
- c. Entry of Interim Administrative Order.
- d. Entry of Final Decree by December 15, 2012. (Legislation may extend to June 15, 2017).

**VI. JEMEZ ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.15~~ 0.10)**

1. **Pueblos' claims.**

- a. **Settlement negotiations.**

**VII. RED RIVER ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.10~~ 0.05)**

1. ~~Motion and *inter se* proceeding to enter consent order for omitted storage rights.~~  
~~Completed *inter se* proceeding FY 2010~~
2. Entry of supplement to Final Judgment and Decree for omitted storage rights.

**VIII. SAN JUAN ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~7.30~~ 5.20)**

**1. Section 1: (La Plata):**

- a. Primary subfile work, i.e., obtain entry of subfile orders.
- b. Mediation/Litigation of disputed subfiles.
- c. Hydrographic survey of groundwater, domestic and stock water uses.
- d. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- e. Reconciliation of maps and orders for *inter se* and partial final decree.
- f. *Inter se* and partial final decree.

**2. Section 2: (San Juan Mainstem):**

- a. ~~Hydrographic survey of surface and ground water, including domestic and stock uses~~
- b. Primary subfile work, i.e., obtain entry of subfile orders
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

**3. Section 3: Hammond Conservancy District**

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

**4. Section 4: Animas**

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.

- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

**5. Section 5: Los Pinos and Navajo Rivers**

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

**6. Indian Claims:**

- a. Navajo Nation Water Rights Settlement.
  - i. *Inter se* proceeding for entry of Partial Final Decree on the Water Rights of the Navajo Nation.
    - Joint motion for entry of Partial Final Decree.
    - Service of notice of opportunity to object.
    - Filing of objections.
    - Prehearing and scheduling conference.
    - Hearing on objections.
    - Entry of Partial Final Decree.
  - ii. Supplemental Partial Final Decree on the Water Rights of the Navajo Nation.
    - Review hydrographic survey of historic and existing water uses on Navajo lands.
    - *Inter se* proceeding on the Supplemental Partial Final Decree.
      - Motion for entry of Supplemental Partial Final Decree.
      - Service of notice of opportunity to object.
      - Filing of objections.
      - Prehearing and scheduling conference.
      - Hearing on objections.
      - Entry of Supplemental Partial Final Decree.
- b. Ute Mountain Ute claims  
(establish Rule 1-071.2 (B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).

**IX. SANTA FE ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.65 0.35)**

**1. Non-Indian claims:**

- a. **Primary subfile work, i.e. obtain entry of subfile orders**
  - i. City of Santa Fe.
  - ii. Pueblo of Santo Domingo state law based claims.
  - iii. **Arroyo Hondo.**
  - iv. **Any remaining individual subfiles.**
  - v. County of Santa Fe.
- b. **Litigation of disputed subfiles.**
- c. Hydrographic survey of remaining domestic wells.
- d. Federal proprietary claims.
- e. Remaining acequia priority dates (requires additional historical work).
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

**X. RIO SAN JOSE ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.85~~ 0.80)**

**1. Indian claims**

- a. **Subproceeding I: Past and Present Use Water Rights of the Pueblos of Acoma and Laguna**
  - i. Expert reports from other parties (other than US, Pueblos, State) August 13, 2009. **Completed FY 2010**
  - ii. All parties' rebuttal reports **October 29, 2010.**
  - iii. **Discovery (depositions, interrogatories, etc.) to end October 28, 2011.**
  - iv. **Dispositive motions January 31, 2012.**
  - v. Pretrial motions March 30, 2012.
  - vi. Pretrial conference May 30, 2012.
  - vii. Trial scheduled July 2012.
  - viii. Post-trial motions.
- b. Subproceeding on all other Pueblo claims  
(establish Rule 1-071.2(B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).
- c. Subproceeding on Navajo claims  
(establish Rule 1-071.2(B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).

**2. Non-Indian claims:**

- a. Hydrographic survey of surface and ground water uses, including domestic and stock.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues).

- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

## Northern New Mexico Adjudication Bureau – Priority Adjudication Sections and Resources Allocated

PRIORITY ADJUDICATION SECTION	Staff Atty	Cont- ract Atty	Staff Para- legal	Cont- ract Para- legal	Tech & Field Staff	HSMB Staff	Data Staff	Section Totals
<b>FEDERAL COURT ADJUDICATIONS</b>								
<b>Taos</b>								
<i>Non-Indian</i>	0.10	0.00	0.30		0.05	0.05	0.20	0.70
<i>Taos Pueblo Settlement</i>								0.00
<b>Taos Subtotals</b>	<b>0.10</b>	<b>0.00</b>	<b>0.30</b>	<b>0.00</b>	<b>0.05</b>	<b>0.05</b>	<b>0.20</b>	<b>0.70</b>
<b>Chama</b>								
<i>Section 1 (Mainstem)</i>	0.05	0.10	0.05		0.45	0.35		1.00
<i>Section 3 (Nutrias/Cebolla/Canjilon)</i>	0.10	0.10	0.05		0.30	0.50	0.05	1.10
<i>Section 5 (Rio Gallina)</i>					0.00	0.00		0.00
<i>Section 7 (TA/Brazos/Rutherford/Chama Village)</i>	0.05	0.30	0.05		0.10	0.70	0.05	1.25
<i>Indian SP 1: Ohkay Owingeh Past/Present Uses</i>								0.00
<b>Chama Subtotals</b>	<b>0.20</b>	<b>0.50</b>	<b>0.15</b>	<b>0.00</b>	<b>0.85</b>	<b>1.55</b>	<b>0.10</b>	<b>3.35</b>
<b>Santa Cruz/Truchas</b>								
<i>Non-Indian</i>	0.05	0.00	0.00		0.00	0.00		0.05
<i>Indian SP2: Ohkay Owingeh Past/Present Uses</i>	0.50	0.45	0.60			0.05		1.60
<i>Indian SP 3: Santa Clara Past/Present Uses</i>	0.00	0.00	0.00		0.00	0.00		0.00
<b>Santa Cruz/Truchas Subtotals</b>	<b>0.55</b>	<b>0.45</b>	<b>0.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.05</b>	<b>0.00</b>	<b>1.65</b>
<b>Zuni</b>								
<i>Non-Indian</i>	0.20	0.00	0.00			0.00		0.20
<i>Indian SP 1: Zuni Past/Present Uses</i>	0.00	0.05	0.00			0.20		0.25
<i>Indian SP 2: Navajo Nation Claims</i>						0.00		0.00
<b>Zuni Subtotals</b>	<b>0.20</b>	<b>0.05</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.20</b>	<b>0.00</b>	<b>0.45</b>
<b>Nambé-Pojoaque-Tesuque (Aamodi)</b>								
<i>Non-Indian</i>	1.00	0.00	0.75		0.90	0.25	0.15	3.05
<i>Four Pueblos Settlement</i>	0.15	0.05	0.00		0.00	0.05	0.00	0.25
<b>N-P-T Subtotals</b>	<b>1.15</b>	<b>0.05</b>	<b>0.75</b>	<b>0.00</b>	<b>0.90</b>	<b>0.30</b>	<b>0.15</b>	<b>3.30</b>

**Jemez**  
**Three Pueblos Mediation** 0.00 0.10 0.00 0.00 0.00 0.00 0.00 0.10

**Red River** 0.05 0.00 0.00 0.00 0.00 0.00 0.00 0.05

**STATE COURT ADJUDICATIONS**

**San Juan**

**Section 1 (La Plata)** 1.10 0.00 0.15 0.00 1.70 0.40 0.30 3.65

**Section 2 (Mainstem)** 0.00 0.00 0.00 0.00 0.00 0.60 0.05 0.65

**Navajo Settlement** 0.15 0.25 0.10 0.00 0.00 0.40 0.00 0.90

**San Juan Subtotals** 1.25 0.25 0.25 0.00 1.70 1.40 0.35 5.20

**Santa Fe** 0.05 0.00 0.00 0.00 0.25 0.05 0.00 0.35

**San Jose**

**Indian SP 1: Laguna/Acoma Past/Present Uses** 0.10 0.25 0.00 0.10 0.00 0.35 0.00 0.80

**CATEGORY TOTALS - ALL SECTIONS** 3.65 1.65 2.05 0.10 3.75 3.95 0.80 15.95