

DISTRICT COURT  
SAN JUAN COUNTY NM  
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# Bi-Weekly Navajo *Inter Se* Report November 26, 2012

## San Juan River Basin Adjudication Claims of the Navajo Nation CV-75-184; Case No. AB-07-1

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Eleventh Judicial District Court  
103 S. Oliver  
Aztec, NM 87410  
aztdlab@nmcourts.gov  
505-334-7805  
<http://sjrba.11thjdc.com/Navajo%20claim%20Subfiles>

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**PLEASE NOTE: SUMMARY REQUIRED:** As required by the **Order Mandating Alternative Method For Service of Orders, Motions, Notices and Other Court Papers** filed September 28, 2011, no motion or other request for relief will be considered by the Court unless it is accompanied by a separate written summary of the motion or other request for relief.

**This summary must include:**

1. The name of the party filing the pleading
2. The title of the pleading
3. A descriptive summary of the relief sought, **no longer than seventy-five (75) words**
4. The total number of pages in the pleading

***PROCEDURAL AND SCHEDULING ORDERS CURRENTLY IN EFFECT***

<b>Date Filed:</b>	<b>Document Title</b>
November 19, 2012	Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference
November 6, 2012	Second Amended Order Setting Schedule Governing Discovery on The Non-Settling Parties and Remaining Proceedings
September 28, 2011	Order Mandating Alternative Method For Service of Orders, Motions, Notices and Other Court Papers
August 7, 2012	Amended Order Setting Schedule Governing Discovery on the Non-Settling Parties and Remaining Proceedings

***PENDING HEARINGS***

<b><u>DATE / TIME / TYPE OF HEARING</u></b>	<b><u>LOCATIONS</u></b>
<b>November 28<sup>th</sup>, 2012</b> <b>9:00 am</b> <b>Video Conference</b>  <b>Matters to be Heard:</b> <b>1.) Non-Settling Parties Responses and Objections to Initial Discovery Requests</b> <b>2.) Discovery Conference immediately following #1</b>	N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501  And  Aztec District Court 103 South Oliver Drive Aztec, NM 87410

***PENDING DEADLINES***

<b>November 30, 2012</b>	<b>Court rules on objections to Settling Parties' initial discovery requests</b>
<b>December 14, 2012</b>	<b>Non-Settling Parties to complete identification of their expert witnesses</b>
<b>March 1, 2013</b>	<b>Close of Discovery</b>
<b><u>Dispositive Motions</u></b>	
<b>March 15, 2013</b>	<b>Settling Parties' memorandum in support of the Settlement Motion of the United States, Navajo Nation and State of New Mexico for Entry of Partial Final Decrees, filed January 3, 2011</b>
<b>March 15, 2013</b>	<b>Non-Settling Parties to file dispositive motions</b>
<b>April 10, 2013</b>	<b>Responses to dispositive motions</b>
<b>April 24, 2013</b>	<b>Replies to responses to dispositive motions</b>
<b>Week of May 6, 2013</b>	<b>Hearing on dispositive motions</b>

<b>Week of June 10, 2013</b>	<b>Decision on the need for evidentiary hearing</b>
<b>June 24, 2013</b>	<b>Submittal of Witness Lists and Exchange of Exhibits</b>
<b>June 27, 2013</b>	<b>Parties Submit Proposed Pretrial Order</b>
<b>July 2, 2013</b>	<b>Pre-hearing Conference</b>
<b>July 22, 2013</b>	<b>Parties Submit Proposed pre-hearing findings of facts and conclusions of law</b>
<b>Weeks of July 29, August 5, and August 12, 2013:</b>	<b>Evidentiary Hearing</b>
<b><u>Post Hearing Briefing</u></b>	
<b>30 Days After Evidentiary Hearing</b>	<b>Proposed post-hearing findings of fact and conclusions of law and memorandum in support (Settling Parties and Non-Settling Parties)</b>
<b>10 Days After Proposed Findings of Facts and Conclusions of Law</b>	<b>Responses</b>
<b>December 31, 2013</b>	<b>Decision of Court</b>

***DOCUMENTS FILED November 12, 2012 through November 23, 2012***

<b>Date Filed</b>	<b>Document Title</b>
<b>11-13-2012</b>	Order Denying Cities' Motion to Compel Discovery
<b>11-13-2012</b>	Amended Notice of Hearing by Video Conference on 11-28-2012
<b>11-13-2012</b>	Certificate of Service by Richard TC Tully
<b>11-13-2012</b>	The United States' Supplemental Disclosures, Supplemental Discovery Responses, and Identification of Potential Expert Witnesses and Exhibits <u>Summary:</u> Supplemental disclosures and identification of potential expert witnesses of the United States
<b>11-13-2012</b>	First Preliminary and Tentative Witness List by Community Ditch Defendant-Counterclaimants <u>Summary:</u> Preliminary and tentative list of potential witnesses, submitted by the Community Ditch Defendant-Counterclaimants, based upon incomplete discovery
<b>11-13-2012</b>	Certificate of Service by Victor R Marshall
<b>11-13-2012</b>	Bi-Weekly Navajo Inter Se Report for documents filed 10-29-2012 through 11-9-2012
<b>11-13-2012</b>	Certificate of Service by Gary Risley
<b>11-13-2012</b>	Gary L Horner's Supplemental Response to The United States' Discovery Requests Regarding Witnesses <u>Summary:</u> This document represents Mr. Horner's supplemental response to the United States Discovery Requests regarding witnesses



<b>11-13-2012</b>	San Juan Water Commission's Supplemental Disclosure, Supplemental Discovery Responses, and Identification of Potential Witnesses <u>Summary:</u> San Juan Water Commission provides its supplemental disclosure and identification of potential witnesses
<b>11-13-2012</b>	Certificate of Service by Cassandra Malone
<b>11-13-2012</b>	Certificate of Service for Albuquerque Bernalillo County Water Utility Authority and City of Espanola's Responses to The United States Discovery Requests <u>Summary:</u> Certificate of Service for Responses to the United States' Discovery Requests
<b>11-16-2012</b>	Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference
<b>11-16-2012</b>	San Juan Water Commission's Response to Motion For Protective Order and Response to Motion For Protective Order and Response to The Navajo Nation to Motion to Compel Concerning NIIP <u>Summary:</u> San Juan Water Commission responds in opposition to the Navajo Nation's motion for a protective order concerning NIIP discovery
<b>11-16-2012</b>	Response by Community Ditch Defendant-Counterclaimants to The Navajo Nation's Moot Motion for Protective Order, and Notice of Controlling Authority <u>Summary:</u> The Community Ditch Defendant-Counterclaims respond by pointing out that the motion is moot, and that the Navajo Nation and the United States have failed to bring the court's attention to controlling authority: <i>Jicarilla Apache Tribe v. United States</i> . 657 F.2d 1126 (10 <sup>th</sup> Cir. 1981)
<b>11-16-2012</b>	State's Joinder in Navajo Nation's Motion For Protective Order <u>Summary:</u> The State joins in the Navajo Nation's <i>Motion for Protective Order</i> filed on October 16, 2012
<b>11-16-2012</b>	ConocoPhillips and El Paso Natural Gas Company's Notice of Joinder <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Notice of Joinder in the San Juan Water Commission's Response in Opposition to Navajo Nation's Motion for Protective Order and Response of Navajo Nation to Motion to Compel Concerning NIIP
<b>11-16-2012</b>	LCAA Parties' Additional Responses to The Navajo Nation's Motion for Protective Order and Response of The Navajo Nation to Motion to Compel <u>Summary:</u> LCAA Parties' file additional responses to the Navajo Nation's Motion for protective Order and the Navajo Nation's Response to the Motion to Compel
<b>11-19-2012</b>	Corrected Order Summarizing Discovery Activities Discussed at the November 6, 2012 Discovery Conference
<b>11-20-2012</b>	Supplemental Notice of Hearing for 11/28/2012
<b>11-20-2012</b>	The United States' Response to Discovery Objections of Non-Settling Parties <u>Summary:</u> United States response to discovery objections filed by non-settling parties
<b>11-20-2012</b>	Notice of Continuing Discovery Dispute Concerning NIIP <u>Summary:</u> The Community Ditch defendants jointly request the court's intervention on the continuing dispute over NIIP discovery. The U.S. has refused to identify witnesses who can testify in preliminary depositions about the actual expenses for NIIP incurred by NAPI and other government agencies, like the BOR or BIA

11-20-2012	Supplemental Witness List by Community Ditch Defendant-Counterclaimants <u>Summary:</u> Supplementary witness list of additional potential witnesses: John D' Antonio, Scott Verhines, and witnesses concerning the other claims of the United States to the San Juan/Colorado River system
11-20-2012	The Navajo Nation's Joinder in The United States' Response to Discovery Objections of Non-Settling Parties <u>Summary:</u> The Navajo Nation joins in <i>The United States' Response to Discovery Objections of Non-Settling Parties</i> and responds to the objections of non-settling parties to the discovery propounded by the Navajo Nation
11-20-2012	City of Aztec and City of Bloomfield's Answers and Responses to The State of New Mexico's Discovery Requests <u>Summary:</u> The Cities' answers and responses to the State of New Mexico's discovery requests
11-20-2012	The State of New Mexico's Response to The San Juan Water Commission's Responses to The State's Discovery Requests <u>Summary:</u> The State's Response to San Juan Water Commission's Responses to the State's Discovery Requests
11-21-2012	Response by Community Ditch Defendant-Counterclaimants to The Navajo Nation's Moot Motion for Protective Order and Notice of Controlling Authority <u>Summary:</u> The Community Ditch Defendant-Counterclaims respond by pointing out that the motion is moot, and that the Navajo Nation and the United States have failed to bring the court's attention to controlling authority: <i>Jicarilla Apache Tribe v. United States</i> . 657 F.2d 1126 (10 <sup>th</sup> Cir. 1981)
11-21-2012	Settling Parties Request for Clarification and Motion for Extension of Time to Reply to The Horner Motion <u>Summary:</u> The Settling Parties request clarification from the Court as to the date responses are due to <i>Gary L. Horner's Motion for the Determination of the Applicable Standard for the Determination of Federal Reserved Water Rights</i> and in the event responses are not due in March 2013, the Settling Parties move for an extension of time to reply to the Horner Motion and request that the matter be discussed at the November 28, 2012 Discovery Conference

OBTAINING DOCUMENTS CONTAINED IN THIS REPORT:

Documents are available in their entirety on the Court website, at <http://sjrba.11thjdc.com/Navajo%20Claim%20Subfiles>. A paper copy may be obtained from the Court by requesting a hardcopy from the Court in writing addressed to:

Water Clerk Specialist  
Eleventh Judicial District Court  
103 So. Oliver Dr.  
Aztec, NM 87410

The request shall include a money order to cover copying costs, currently set at \$.35 per page. The request shall also include a self-addressed envelope of sufficient size and with sufficient postage for mailing the requested documents.

SUBSCRIBING TO THE *INTER SE* REPORT: Parties may elect to subscribe to first class mail delivery of the *Inter Se* Report by filing a written request with the Eleventh Judicial District Court at the address above. The request must include a current mailing address and an annual fee of \$65.00.