

**Bi-Weekly Navajo *Inter Se* Report
December 10, 2012**

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

Eleventh Judicial District Court

103 S. Oliver

Aztec, NM 87410

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505-334-7805

<http://sjrba.11thjdc.com/Navajo%20claim%20Subfiles>

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2012 DEC 11 AM 9:14
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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

Date Filed:	Document Title
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

<u>DATE / TIME / TYPE OF HEARING</u>	<u>LOCATIONS</u>
<p>January 9th, 2013 9:00 am Discovery Conference</p> <p>Matters to be Heard: 1.) Status of Discovery 2.) Any discovery disputes that need to be addressed</p>	<p>N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501</p> <p>And VIDEO CONNECTION TO</p> <p>Aztec District Court 103 South Oliver Drive Aztec, NM 87410</p>
<p>February 4th, 2013 9:00 am Discovery Conference</p>	<p>N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501</p> <p>And VIDEO CONNECTION TO</p> <p>Aztec District Court 103 South Oliver Drive Aztec, NM 87410</p>

PENDING DEADLINES

December 14, 2012	Non-Settling Parties to complete identification of their expert witnesses
December 21, 2012	Supplemental Discovery Responses

March 1, 2013	Close of Discovery
<u>Dispositive Motions</u>	
March 15, 2013	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
March 15, 2013	Non-Settling Parties to file dispositive motions
April 10, 2013	Responses to dispositive motions
April 24, 2013	Replies to responses to dispositive motions
Week of May 6, 2013	Hearing on dispositive motions
Week of June 10, 2013	Decision on the need for evidentiary hearing
June 24, 2013	Submittal of Witness Lists and Exchange of Exhibits
June 27, 2013	Parties Submit Proposed Pretrial Order
July 2, 2013	Pre-hearing Conference
July 22, 2013	Parties Submit Proposed pre-hearing findings of facts and conclusions of law
Weeks of July 29, August 5, and August 12, 2013:	Evidentiary Hearing
<u>Post Hearing Briefing</u>	
30 Days After Evidentiary Hearing	Proposed post-hearing findings of fact and conclusions of law and memorandum in support (Settling Parties and Non-Settling Parties)
10 Days After Proposed Findings of Facts and Conclusions of Law	Responses
December 31, 2013	Decision of Court

DOCUMENTS FILED November 26, 2012 through December 7, 2012

Date Filed	Document Title
11-26-2012	Bi-Weekly Navajo Inter Se Report for 11-26-2012
11-26-2012	ConocoPhillips and El Paso Natural Gas Company's Joint Motion With The San Juan Water Commission to Stay Consideration of Gary L. Horner's Motion of The Applicable Standard For Determination of Federal Reserved Water Rights <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Joint Motion with the San Juan Water Commission to Stay Consideration of Gary L. Horner's Motion on the Applicable Standard for Determination of Federal Reserved Water Rights
11-27-2012	Certificate of service for Navajo Nation's Supplemental Discovery Responses to Community Ditch Defendant's Discovery Requests Concerning The NIIP Project
11-27-2012	BHP Navajo Coal Company, and Enterprise Field Services, LLC's Motion Requesting Permission to Appear Telephonically on November 28, 2012 Hearing on Non-Settling Parties Responses and Objections to Initial Discovery Requests,

	and Discovery Conference
11-27-2012	Notice of Continued Impasse on Navajo Population Data and Request For Court Assistance <u>Summary:</u> There is a continuing discovery impasse over Navajo population data, especially the 2010 census data. The Navajo Nation and the U.S. have refused to confirm that they have such data. Therefore the defendant non-settling parties request the court's assistance at the November 28 discovery conference
11-28-2012	Gary L. Horner's Response to The settling Parties' Motion For Clarification and Motion For Extension of Time to Reply to The Horner Motion <u>Summary:</u> The Settling Parties should not be allowed an extension of time to respond to Gary L. Horner's Motion For The Determination Of The Applicable Standard For The Determination of Federal Reserved Water Rights
11-29-2012	Certificate of Service of Information Concerning 2010 Census <u>Summary:</u> The Navajo Nation certifies that it provided Victor R. Marshall, attorney for the "Community Ditches," with an electronic copy of <i>American Indian Resident Population By Chapter – Over Four Decades</i> , prepared by LSR Innovations
11-30-2012	Order Concerning The Responses and Objections of The Non-Settling Parties to Discovery Requests
11-30-2012	Order Concerning the Community Ditch Parties' Discovery Requests Regarding NIIP
11-30-2012	ConocoPhillips and El Paso Natural Gas Company's Supplemental Discovery Responses and Disclosure of Potential Witnesses <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Supplemental Discovery Responses and Supplemental Disclosures of Potential Witnesses
11-30-2012	Joint Discovery About Other Water Claims By The United States <u>Summary:</u> Joint discovery about the other claims of the United States which might affect the water available in the San Juan basin, such as claims for endangered species, other Indian tribes, or federal lands
12-1-2012	States Motion to Dismiss Answer and Counterclaim by community Ditch Defendants <u>Summary:</u> The State's <i>Motion to Dismiss Answer and Counterclaim by Community Ditch Defendants</i>
12-3-2012	Certificate of Service of The State of New Mexico's Responses to Discovery About Publication of Applications
12-4-2012	Additional Interrogatories on NIIP <u>Summary:</u> Additional discovery concerning NIIP, per the Court's Order entered November 30, 2012
12-4-2012	Certificate of Service of The Responses of The Navajo Nation to Community Ditch Defendant Counterclaimants Discovery About Publication of Applications
12-5-2012	The United States and Navajo Nations Joinder To The States Motion To Dismiss Answer and Counterclaim of The Marshall Interests <u>Summary:</u> The United States' and Navajo Nations' joinder in the States' motion to dismiss the Marshall Interests' Counterclaim
12-6-2012	Notice of Discovery Conference on 1/9/2013

12-6-2012

Entry of Appearance by Natasha D. Cuylear for the Jicarilla Apache Nation
Summary: Entry of Appearance of Natasha Cuylear, Bar No. 142197, for the
Jicarilla Apache Nation

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.

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