

# Bi-Weekly Navajo *Inter Se* Report January 7, 2013

## 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](mailto:aztdlab@nmcourts.gov)

505-334-7805

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

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DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2013 JAN -7 AM 11:44  
JL

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

**PENDING DEADLINES**

|                                   |                           |
|-----------------------------------|---------------------------|
| <b>March 1, 2013</b>              | <b>Close of Discovery</b> |
| <b><u>Dispositive Motions</u></b> |                           |

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|---|--|
| 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  |
| <b>Post Hearing Briefing</b>                                    |  |
| 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 December 24, 2012 through January 4, 2013**

| <b>Date Filed</b> | <b>Document Title</b>   |
|-------------------|---|
| 12-26-2012        | Bi-Weekly Navajo Inter Se Report  |
| 12-26-2012        | The United States' Supplemental Disclosures<br><u>Summary:</u> Supplemental disclosures concerning expert report of Chris Banet   |
| 12-27-2012        | The United States Notice of Discovery Dispute<br><u>Summary:</u> Pursuant to the Court's Order of Nov. 16, 2012, the United States provides notice of a discovery dispute concerning the <i>Joint Discovery About Other Water Claims by the United States</i> served upon the United States by clients represented by Victor Marshall   |
| 1-2-2013          | The United States' Motion for Protective Order<br><u>Summary:</u> The United States seeks a Protective Order against all inquiry in the <i>Joint Discovery About Water Claims by the United States</i> reaching outside the San Juan River Basin in New Mexico and against Interrogatories Nos. 6, 7, 8, 9 and 10. The United States is entitled to a Protective Order against those Interrogatories because they are irrelevant and would be unduly burdensome to respond to |

|          |  |
|----------|--|
| 1-4-2013 | The United States' Supplemental Disclosures<br><u>Summary:</u> Supplemental disclosures concerning expert report of Chris Banet – Attachments 1 through 4  |
| 1-4-2013 | Ute Mountain Ute Tribe's Motion to Appear Telephonically at the January 9, 2013 Discovery Conference<br><u>Summary:</u> Motion requesting permission to appear telephonically at the January 9, 2013 discovery conference          |
| 1-4-2013 | State's Reply in Support of Motion to Dismiss Answer and Counterclaim by Community Ditch Defendants<br><u>Summary:</u> The State's Reply in Support <i>Motion to Dismiss Answer and Counterclaim by Community Ditch Defendants</i> |

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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