

# Bi-Weekly Navajo *Inter Se* Report January 21, 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

505-334-7805

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

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DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2013 JAN 22 AM 11:22

**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>February 4<sup>th</sup>, 2013</b> <b>9:00 am</b> <b>Discovery Conference</b>	N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501  And <b>VIDEO CONNECTION TO</b>  Aztec District Court 103 South Oliver Drive Aztec, NM 87410

**PENDING DEADLINES**

<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 January 7, 2013 through January 21, 2013***

<b>Date Filed</b>	<b>Document Title</b>
<b>1-7-2013</b>	Bi-Weekly Navajo Inter Se Report
<b>1-7-2013</b>	BHP Navajo Coal Company and Enterprise Field Services, LLC's Motion requesting permission to appear telephonically at the January 9, 2013 Discovery Conference <u>Summary:</u> BHP Navajo Coal Company and Enterprise Field Services, LLC's Motion requesting permission to appear telephonically at the January 9, 2013 Discovery Conference
<b>1-7-2013</b>	Notice of Deposition and Subpoena <i>Duces Tecum</i>
<b>1-10-2013</b>	Defendant B Square Ranch LLC et als Motion to Disqualify Attorneys for United States of America From Participation in the Subject Action <u>Summary:</u> Defendants B square Ranch, LLC et al. move for attorneys for United states of America to be disqualified from the subject action
<b>1-10-2013</b>	Certificate of Service by Richard T.C. Tully
<b>1-10-2013</b>	Corrected Certificate of Service by Richard T.C. Tully
<b>1-10-2013</b>	Partial Transcript of Hearing on November 17, 2009 About the Alleged "Deadline" of 12/31/13 <u>Summary:</u> Partial transcript of hearing on November 17, 2009 before Special Master Snyder, in which the settling parties admit that they can extend the alleged "deadline" of December 31, 2013 by agreement, without action of Congress
<b>1-10-2013</b>	Verification by Jim Rogers <u>Summary:</u> None
<b>1-15-2013</b>	Notice of Discovery Conference on 2/4/2013

<b>1-15-2013</b>	Defendants' Joint Response to Motion For Protective Order <u>Summary:</u> The U.S. motion for protective order should be denied because a) the San Juan River is connected to the Colorado River, b) when the U.S. makes other demands on the Colorado River system, it reduces the water available in New Mexico, and c) the U.S. is trying to hide the recently released "Colorado River Water Supply and Demand Study," as this 2012 study appears to refute the 2007 Hydrologic Determination
<b>1-18-2013</b>	Substitution of Counsel and Entry of Appearance on Behalf of The City of Aztec and City of Bloomfield <u>Summary:</u> Substitution of Counsel and Entry of Appearance for Thomas C Bird

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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