

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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

STATE OF NEW MEXICO, *ex rel.*
THE STATE ENGINEER,

Plaintiff,

AB-07-1

Claims of Navajo Nation

vs.

No. CV 75-184

Honorable James J. Wechsler

Presiding Judge

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

DESCRIPTIVE SUMMARY: Discovery about evaporation and seepage losses which reduce New Mexico's share of the San Juan River.

NUMBER OF PAGES: 4

DATE OF FILING: February 15, 2013

**JOINT DISCOVERY ABOUT
EVAPORATIVE AND OTHER LOSSES**

Interrogatory Number 1: What are the historical and projected future evaporative losses for each of these reservoirs: (A) Navajo Reservoir, (B) Cutter Reservoir, (C) Lake Nighthorse (formerly Ridges Reservoir), (D) Long Hollow Reservoir; (E) Lake Powell, (F) Lake Mead, and (G) any other reservoir on the Colorado River System which results directly or indirectly in a charge against New Mexico's share of the River?

Answer:



Interrogatory Number 2: Identify each state and entity that is charged with the evaporative losses in Interrogatory Number 1. Please include the amount of each charge, and the state and entity charged, and the methods used to calculate and allocate evaporative losses.

Answer:

Interrogatory Number 3: What are the historical and projected future seepage losses, and other losses if any, from each of these reservoirs: (A) Navajo Reservoir, (B) Cutter Reservoir, (C) Lake Nighthorse (formerly Ridges Reservoir), (D) Long Hollow Reservoir, (E) Lake Powell, (F) Lake Mead, and (G) any other reservoir on the Colorado River System which results directly or indirectly in a charge against New Mexico's share of the River.

Answer:

Interrogatory Number 4: Identify each state and entity that is charged with the seepage and other losses in Interrogatory Number 3. Please include the amount of each charge, and the state and entity charged, and the methods used to calculate and allocate evaporative losses.

Answer:

Interrogatory Number 5: Other than the losses which you have identified and quantified in response to the above interrogatories, are there any other losses which might affect the

amount of water available from the San Juan River for consumption within New Mexico? If so, please identify and quantify or estimate each such loss to the best of your ability.

Answer:

Request for Designation of 30(B)(6) witnesses: Please identify those persons whom you designate as 30(B)(6) witnesses to testify about the above matters.

Answer:

Request for Production Number 1: Please produce all records relating to your answers to the above interrogatories.

Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

Victor R. Marshall
Attorneys for San Juan Agricultural Water Users
Association; Hammond Conservancy District;
Bloomfield Irrigation District; various ditches; and
various members thereof.
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February, 2013, a true and correct copy of the foregoing was served on the parties and claimants by attaching a copy of said document to an email sent to the following list server: wnavajointerse@nmcourts.gov and to the filing list referred to in paragraph 8 of the court's November 19, 2012 Corrected Order.

/s/ Victor R. Marshall

Victor R. Marshall, Esq.