

Bi-Weekly Navajo *Inter Se* Report February 18, 2013

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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 FEB 19 AM 8:05
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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>
To Be announced	N.M. Court of Appeals Supreme Court Building 237 Don Gaspar, Room 116 Santa Fe, NM 87501 And VIDEO CONNECTION TO Aztec District Court 103 South Oliver Drive Aztec, NM 87410

PENDING DEADLINES

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
Post Hearing Briefing	
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 February 4, 2013 through February 15, 2013

Date Filed	Document Title
2-4-2013	Bi-Weekly Navajo Inter Se Report
2-4-2013	The United States' Supplemental Disclosures <u>Summary:</u> Supplemental disclosures concerning addendum to the expert report of Mr. Travis Greenwall – Addendum A and B to the report and this supplemental disclosure.
2-5-2013	Filing of Exhibit: Allocation of Water Under Colorado River Compacts <u>Summary:</u> Community Ditch Defendant-counterclaimants file attached exhibit in conjunction with argument in apposition to U.S. motion for protective order
2-6-2013	The United States' Objection to The Community Ditch Defendants' Notice of Filing <u>Summary:</u> The United States' Objection to The Community Ditch Defendants' Notice of Filing
2-7-2013	Amended Notice of Rule 30(B)(6) Deposition <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Notice of Rule 30(B)(6) Deposition to the Navajo Nation
2-7-2013	Amended Notice of Deposition of John Leeper <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Notice of Deposition of John Leeper
2-7-2013	Amended Notice of Rule 30(B)(6) Deposition <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Notice of Rule 30(B)(6) Deposition to the United States of America
2-8-2013	Order Concerning Discovery Raised By The United States and The Navajo Nation
2-8-2013	The Navajo Nation's Concurrence With The United States' Objection to The Community Ditch Defendants' Notice of Filing <u>Summary:</u> The Navajo Nation with <i>The United States' Objection to the Community</i>

	<i>Ditch Defendants' Notice of Filing</i> , filed February 6, 2013
2-11-2013	The Navajo Nation's Third Supplemental Disclosure <u>Summary:</u> Supplemental disclosure concerning technical report
2-11-2013	Second Amended Notice of Rule 30(B)(6) Deposition <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Second Notice of Rule 30(B)(6) Deposition to the State of New Mexico
2-11-2013	Second Amended Notice of Rule 30(B)(6) Deposition <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Second Notice of Rule 30(B)(6) Deposition to the Navajo Nation
2-11-2013	Request for Admission and Stipulation About Water Units of Measurement <u>Summary:</u> Request for admission and stipulation on water units of measurement for use by the court and the parties
2-11-2013	Notice of Unavailability by Victor R Marshall <u>Summary:</u> None
2-12-2013	Notice of Impasse and Filing of Navajo Nation's Responses and Objections to Additional Interrogatories on NIIP <u>Summary:</u> Notice of impasse and filing the responses and objections to the additional interrogatories about NIIP that were ordered by the court. The Navajo Nation has not answered the interrogatories. Once again, it has referred to documents from which the answers cannot be answered with reasonable effort by the defendants
2-12-2013	Notice By San Juan water Commission and State of New Mexico of Settlement Agreement <u>Summary:</u> The San Juan water Commission and the State give notice that they have entered a settlement agreement that, when satisfied, will dispose of SJWC's objections filed in the Navajo <i>Inter Se</i> proceeding
2-12-2013	Notice of Impasse and Filing of The United States Objections and Responses to Discovery Concerning Other Water Claims By The U.S. <u>Summary:</u> Notice of discovery impasse and filing of United States objections and responses to discovery about other water claims by The U.S. on the Colorado River System
2-13-2013	Notice of Withdrawal of Notices of Deposition <u>Summary:</u> ConocoPhillips and El Paso Natural Gas Company's Notice of Withdrawal of Deposition Notices
2-14-2013	Supplemental authority concerning Inter Se proceedings in support of counterclaim <u>Summary:</u> Supplemental authority from the <i>Tri-State</i> case, concerning the nature of an inter se proceeding under Rule 1-071.2, in support of the Counterclaim filed by the Community Ditch Defendant-counterclaimants
2-15-2013	Order Striking Community Ditch Defendants Answer and Counterclaim
2-15-2013	Order Denying B Square Ranch, LLC et al.'s Motion to Disqualify Attorneys for The United States
2-15-2013	Order Granting in Part Motion for Protective Order
2-15-2013	Joint Discovery About Evaporative and Other Losses <u>Summary:</u> Discovery about evaporation and seepage losses which reduce New Mexico's share of the San Juan River
2-15-2013	Revised Calculations About Allocation of Water Under Colorado

	<p>River Compacts <u>Summary:</u> Revisions to calculations about the water deficits of the San Juan River which were filed on February 5, 2013. The main revisions are: revised depletion and diversion amounts under the proposed “settlement” addition of the San Juan – Chama Project; and additional notes. The revised projected deficit at 13.7 maf is: negative 654,474 acre-feet per year. Further revisions will be filed as better information becomes available from discovery and other sources.</p>
2-15-2013	<p>Stipulation Regarding Discovery <u>Summary:</u> Stipulation Regarding Discovery In Aid of Compromise and Settlement Discussions Between ConocoPhillips and EPNG and the Settling Parties</p>

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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