

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 FEB 25 PM 3:02

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer,

Plaintiff,

vs.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

JICARILLA APACHE TRIBE and the
NAVAJO NATION,
Defendant-Intervenor.

CV 75-184
Hon. James J. Wechsler
Presiding Judge

AB-07-1
Claims of the Navajo Nation

ORDER GRANTING IN PART MOTION TO COMPEL

THIS MATTER comes before the Court on the Motion to Compel Responses to Discovery About Evaporative and Other Losses filed February 19, 2013 by the Community Ditch Defendants. The Community Ditch Defendants request the Court to compel each of the Settling Parties (the United States, the State of New Mexico, and the Navajo Nation) to answer their Joint Discovery About Evaporative and Other Losses, filed February 15, 2013. The Court heard argument at the February 21, 2013 discovery conference.

The requested discovery consists of five interrogatories concerning evaporative and seepage losses from reservoirs on the Colorado River both inside and outside of New Mexico, and any losses of water other than evaporative and seepage losses that might affect the amount of water available from the San Juan River for consumption within New Mexico. Additionally, there is a request for designation of Rule 1-030(B)(6) NMRA witnesses and a request for production of all records relating to the answers to interrogatories.

The Court first notes that, under the existing deadline for the close of discovery (March 1, 2013), the Joint Discovery is untimely without leave of the Court to shorten the time required for responses.

With regard to content, the Court finds the following:

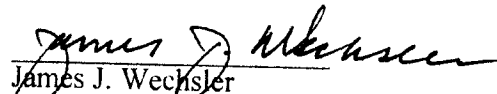
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1. The Court has previously determined that requests related to matters outside the San Juan River Basin in New Mexico are overly broad. July 9, 2012 Order Concerning the Objections of the Navajo Nation, the United States and the State of New Mexico to Discovery Requests; February 15, 2013 Order Granting in Part Motion for Protective Order.

2. Seepage and evaporative losses from the Navajo Reservoir in New Mexico may be relevant to the legal standard by which the Settlement Agreement is to be evaluated by this Court.

IT IS THEREFORE ORDERED that the Settling Parties shall answer Interrogatory Nos. 1 and 3 by March 2, 2013 with reference to the Navajo Reservoir only. If this information has already been provided to the Community Ditch Defendants, the Settling Parties shall so note in their responses.

IT IS SO ORDERED.


James J. Wechsler
Presiding Judge