

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 FEB 25 PM 3:01

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 REGARDING NOTICE OF IMPASSE WITH UNITED STATES

THIS MATTER comes before the Court on the Notice of Impasse and Filing of the United States Objections and Responses to Discovery Concerning Other Water Claims by the U.S., filed February 12, 2013 by the Community Ditch Defendants. The Notice asserts that the United States' responses to the Community Ditch Defendants' interrogatories regarding the United States' claims to water rights in the San Juan River Basin and the Upper Basin of the Colorado River are inaccurate, particularly those responses which reference previously produced documents.¹ The Court heard argument at the February 21, 2013 discovery conference.

Having reviewed the Notice and having heard argument from the Community Ditch Defendants and the United States, the Court finds:

1. The discovery previously provided to the Community Ditch Defendants concerning the known water right claims of the United States is sufficient to answer Interrogatory Nos. 1, 4, 5, and 6 as written.
2. With regard to Interrogatory Nos. 2 and 3, whether the United States claims water rights in the San Juan River Basin for endangered species, the Court has previously determined that requests related to the United States' regulatory rights, duties, and obligations in matters not related

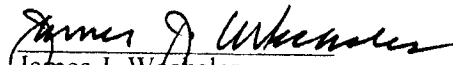
¹ The United States' December 28, 2012 responses are appended to the February 12 Notice.

✓

to the Settlement Agreement or the four prongs of the legal standard are either irrelevant or not generally reasonably calculated to lead to the discovery of admissible evidence.²

3. With regard to Interrogatory Nos. 7, 8, and 9, whether the United States claims water rights or obligations in the Upper and Lower Basins of the Colorado River, which might directly or indirectly affect the amount of water available for diversion or use in New Mexico, the Court has previously determined that requests related matters outside the San Juan River Basin in New Mexico are overly broad.³

IT IS SO ORDERED.


James J. Wechsler
Presiding Judge

² 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.

³ July 9, 2012 Order; February 15 Order.