

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 MAR 11 AM 11:54

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

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

Plaintiff,

vs.

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

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NÁVAJÓ NATION,

Defendant-Intervenors.

D-1116-CV-75-184

HON. JAMES J. WECHSLER
Presiding Judge

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

AB-07-1

Claims of the Navajo Nation

NAME OF PARTY: The United States of America

DESCRIPTIVE SUMMARY: Notice concerning extended discovery period in response to Court's orders of March 8, 2013.

NUMBER OF PAGES: 4

DATE OF FILING: March 11, 2013

NOTICE CONCERNING DISCOVERY AND THE UNITED STATES' RESPONSE TO THE COURT'S INQUIRY CONCERNING REGIONAL REPOSITORIES

On March 8, 2013, the Court held a hearing and addressed concerns that had been raised by B-Square Ranch, *et al.* over the discovery period ending on March 1, 2013. At the conclusion of the hearing, the Court informed the parties that it would permit non-settling parties to complete the depositions that had been scheduled by non-settling parties who recently indicated that they had resolved (or would likely resolve) their articulated objections to the Settlement Motion (*i.e.*, ConocoPhillips and San Juan Water Commission). In addition, the Court stated that it would order the United States to keep the regional records repositories open until March 31,

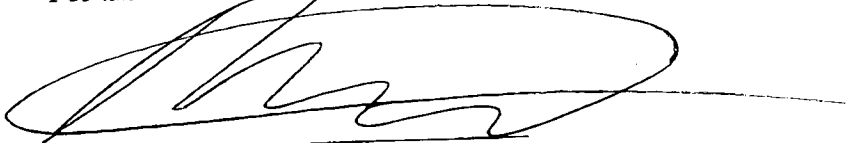
2013. Finally, the Court requested that counsel for the United States inquire of the Department of the Interior whether two people might simultaneously examine records at regional repositories in the event a non-settling party wished to examine documents at the regional repositories before March 31st.

In response to the Court's stated order of March 8th and immediately following the hearing, counsel for the United States contacted Christopher Banet of the Bureau of Indian Affairs in Albuquerque, New Mexico. Before March 1st, ConocoPhillips and Community Ditch Defendants had scheduled depositions and issued notices of deposition to take Mr. Banet's deposition in Albuquerque, New Mexico. Counsel for the United States identified that the following days were available before March 31st to conduct Mr. Banet's deposition: March 12, 15, 18, 19, 20, 21, and 22. On March 8th, counsel for the United States informed non-settling parties of Mr. Banet's availability; however, no non-settling party has yet informed counsel for the United States that they would depose Mr. Banet on any of the identified available dates.

In addition, in response to the Court's request regarding the procedures associated with the regional repositories, counsel for the United States inquired with the Department of the Interior with respect to the number of persons that might be permissible to examine records as one time. Counsel for the United States has been informed that two persons may examine records at a regional repository at one time; however, such persons must remain together during the examination so that additional Department of Interior personnel are not necessary to monitor a non-settling party's records examination. Also, in the event that more than one person examines and identifies records for review and copying, the Albuquerque Regional Office of the Solicitor will require more than three days to examine identified records for applicable privileges.

Respectfully submitted this 11th day of March 2013.

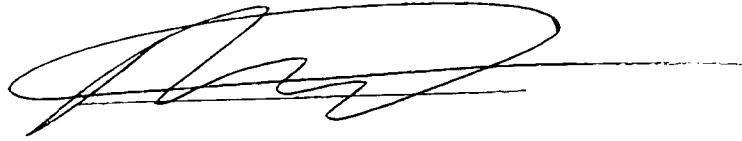
For the United States of America:



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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March 2012, an electronic version of this **NOTICE CONCERNING DISCOVERY AND THE UNITED STATES' RESPONSE TO THE COURT'S INQUIRY CONCERNING REGIONAL REPOSITORIES** was served by attaching an electronic copy to an email sent to the following address: wnavajointerse@nmcourts.gov. In addition, an electronic copy of this document was sent by e-mail to the list of persons identified in the Court's order of November 16, 2012.

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by several loops and a horizontal line extending to the right.