

Bi-Weekly Navajo *Inter Se* Report April 16, 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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505-334-7805

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

DISTRICT COURT
SAN JUAN COUNTY, NM
FILED
2013 APR 16 AM 8:56

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
March 15, 2013	Third Amended Order Granting Motions to Extend Deadlines In Part and Setting Schedule Governing Discovery and Remaining proceedings
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>
June 11th & 12th, 2013 8:30 AM	Aztec District Court 103 South Oliver Drive Aztec, NM 87410

PENDING DEADLINES

<u>Dispositive Motions</u>	
April 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
April 15, 2013	Non-Settling Parties' dispositive motions
May 10, 2013	Responses to dispositive motions
May 24, 2013	Replies to responses to dispositive motions
June 11th and June 12th, 2013	Hearing on dispositive motions
Week of July 8, 2013	Decision on the need for evidentiary hearing
July 22, 2013	Submittal of Witness Lists and Exchange of Exhibits
July 25, 2013	Parties Submit Proposed Pretrial Order
July 30, 2013	Pre-hearing Conference

August 19, 2013	Parties Submit Proposed pre-hearing findings of facts and conclusions of law
Weeks of August 26, September 2, and September 9, 2013:	Evidentiary Hearing (If necessary)
<u>Post Hearing Briefing</u>	
24 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 April 1, 2013 through April 12, 2013

Date Filed	Document Title
4-1-2013	Bi-Weekly Navajo Inter Se Report
4-1-2013	Amended Bi-Weekly Navajo Inter Se Report
4-1-2013	Second Supplement to Community Ditch Witness List <u>Summary:</u> Second Supplement to the Community Ditch Defendant Witness List, subject to continuing supplementation
4-1-2013	Additional Motion to Compel Concerning NIIP-NAPI <u>Summary:</u> Additional motion to compel discovery concerning NIIP-NAPI. Mr. Lionel Haskie was deposed on March 26 as the designated Rule 1-030(B)(6) witness on NIIP-NAPI. He was unable to answer questions about the financial performance of NIIP-NAPI.
4-1-2013	Community Ditch Motion for Reconsideration About Evaporation from Colorado River Reservoirs <u>Summary:</u> Community Ditches move for reconsideration of discovery about evaporation reduces the amount available from the San Juan River in New Mexico, contrary to the statements of counsel for the settling parties
4-1-2013	Community Ditch Motion to Compel Plaintiffs to Respond to Request for Admission Concerning Water Units of Measurement <u>Summary:</u> Motion to compel the plaintiff-settling parties to respond in good faith to the Request for Admission and Stipulation About Water Units of Measurement, filed on February 11, 2013
4-2-2013	Clarification by Community Ditch Defendants-Counterclaimants Concerning the Water Rights to be Adjudicated in The Navajo Inter Se <u>Summary:</u> The Community Ditch Defendant-Counterclaimants do not seek an adjudication of their water rights in this inter se proceeding, No. AB-07-1. This limited-scope inter se can determine the amounts and priorities of the water rights

	of Navajo Tribe, not the water rights of anyone else
4-3-2013	Notice of Unavailability by Guss Guarino
4-5-2013	Notice of Hearing Concerning Community Ditch Defendants' Motion to Compel Discovery Concerning NIIP and NAPI
4-10-2013	Notice of Cancellation of Hearing Concerning Community Ditch Defendants' Motion to Compel Discovery Concerning NIIP and NAPI
4-11-2013	Defendants B Square Ranch, LLC Et Al.'s Motion for Extension of Time to Close Discovery and Extend Deadlines <u>Summary:</u> Defendants B Square Ranch, LLC et al's Motion for Extension of Time
4-11-2013	Certificate of Service by Richard T.C. Tully <u>Summary:</u> None
4-11-2013	States Request for Entry of Order Granting Motion to Strike Filing of Exhibit by Community Ditch Defendants <u>Summary:</u> States Request for Entry of Order Granting Motion to Strike Filing of Exhibit by Community Ditch Defendants
4-11-2013	Order Striking Community Ditch Defendants' February 5, 2013 Filing of Exhibit
4-12-2013	Robert E. Oxford's Dispositive Motion For Summary Judgement <u>Summary:</u> This document represents Robert E. Oxford's, pro-se, brief that there are undisputed facts that should be considered by the court to deny the motion by the Settling Parties to approve the Navajo Settlement Agreement and proposed decrees associate therewith

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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