



Degree in Electrical Engineering in 1972.

3. I graduated from Southwestern University School of Law, Los Angeles, California with a Juris Doctor Degree in 1986.

### **LICENSES AND REGISTRATIONS**

4. I am a licensed attorney in the State of New Mexico since 1986, and in the State of Arizona since 1987.

5. In the State of Arizona, I am: a Registered Professional Electrical Engineer (Registration No. 11074 - since 1977); a Registered Professional Civil Engineer (Registration No. 18152 - since 1985); and a Registered Professional Surveyor (Registration No. 16149 - since 1983).

6. In the State of Colorado, I am a Registered Professional Engineer (License No. 22146 - since 1984).

7. In the State of New Mexico, I am a Registered Professional Engineer (Electrical and Civil - Certificate No. 8189 - since 1982); and a Registered Professional Surveyor (Registration No. 13978 - since 1998).

8. I am a Licensed General, Electrical and Mechanical Contractor in the State of New Mexico (GB-98, EE-98, MM-98 - 1981; GF-09 - 1997 - License No. 18837).

9. I am a Licensed Real Estate Qualifying Broker in the State of New Mexico (License No. 07894I - since 1982).

10. I am a Certified Journeyman in the State of New Mexico (Electrician - 1981 - No. 6846; Plumber and Gas Fitter - 1981 - No. 4397; Boiler Operator - 1981 - No. 494; Sheet Metal - 1984 - No. 1).

### **WORK EXPERIENCE**

11. Gary L. Horner, Attorney at Law - Owner - since 1986. General legal practice. I have been extensively involved with water issues (water rights, Animas-La Plata Project, San Juan Basin adjudication suit, Indian water rights, BOR water rights, Colorado River inter-state issues) since 1989.

12. Horner Development - Owner - since 1981.

Building and Construction; Responsible for general, electrical and mechanical phases of residential and commercial projects.

Engineering; Responsible for the design and/or engineering of several subdivision projects.

13. State of New Mexico - July 1989 to June 1991. Human Services Department - Attorney; Responsible for representing the Department in cases involving the neglect or abuse of children and the termination of parental rights.

14. Arizona Public Service Company - 1972 to 1980.

Power Operations Department; Responsible for system-wide voltage regulation criteria and design; contract analysis and technical input; reliability studies; disturbance analysis; and special projects.

Environmental Department; Responsible for consultant coordination and environmental report preparation.

Transmission Eng. Dept. - Subtransmission Planning; Responsible for: expansion plans for the 69KV transmission network (statewide); engineering department budget preparation and operating studies.

Transmission Design Department; Responsible for 69KV and 115KV line design and route selection.

System's Planning Department; Responsible for various computer programs and computer programming.

**THE PRESENT ADJUDICATION SUIT**

15. I have been involved with the present adjudication suit since 1998. I formally intervened in the present matter in 2004.

16. I prepared GARY L. HORNER'S MOTION FOR THE DETERMINATION OF THE APPLICABLE STANDARD FOR THE DETERMINATION OF FEDERAL RESERVED WATER RIGHTS ("Horner's Motion re Reserved Rights"), and GARY L. HORNER'S BRIEF IN SUPPORT OF GARY L. HORNER'S MOTION FOR THE DETERMINATION OF THE APPLICABLE STANDARD FOR THE DETERMINATION OF FEDERAL RESERVED WATER RIGHTS ("Horner's Brief re Reserved Rights"), which were both filed in the present matter on November 8, 2012 (both of which are hereby incorporated herein by reference).

17. I prepared GARY L. HORNER'S MOTION FOR A DETERMINATION THAT FEDERAL LAW, PERMITS, OR CONTRACTS DO NOT DEFINE THE EXTENT OF THE WATER RIGHTS FOR THE NAVAJO NATION ("Horner's Motion re Federal Law, Permits and Contracts"), and GARY L. HORNER'S BRIEF IN SUPPORT OF GARY L. HORNER'S MOTION FOR A DETERMINATION THAT FEDERAL LAW, PERMITS, OR CONTRACTS DO NOT DEFINE THE EXTENT OF THE WATER RIGHTS FOR THE NAVAJO NATION ("Horner's Brief re Federal Law, Permits and Contracts"), which were both filed in the present matter on April 15, 2013 (both of which are hereby incorporated herein by reference)

18. I prepared GARY L. HORNER'S MOTION FOR SUMMARY JUDGMENT: THAT IS, THE "SETTLEMENT MOTION OF THE UNITED STATES, NAVAJO NATION AND THE STATE OF NEW MEXICO FOR ENTRY OF PARTIAL FINAL DECREES"

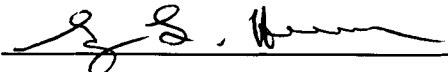
SHOULD BE DENIED (“Horner’s Motion for Summary Judgment”), and GARY L. HORNER’S MEMORANDUM IN SUPPORT OF GARY L. HORNER’S MOTION FOR SUMMARY JUDGMENT: THAT IS, THE “SETTLEMENT MOTION OF THE UNITED STATES, NAVAJO NATION AND THE STATE OF NEW MEXICO FOR ENTRY OF PARTIAL FINAL DECREES” SHOULD BE DENIED (“Horner’s Memo re Summary Judgment”), which were both filed in the present matter on April 15, 2013 (both of which are hereby incorporated herein by reference).

19. I prepared GARY L. HORNER’S RESPONSE TO THE STATE OF NEW MEXICO’S MEMORANDUM IN SUPPORT OF SETTLEMENT MOTION FOR ENTRY OF PARTIAL FINAL DECREES which is being filed concurrently herewith (said document is hereby incorporated herein by reference).

20. I prepared GARY L. HORNER’S RESPONSE TO THE JOINT MEMORANDUM OF THE NAVAJO NATION AND THE UNITED STATES IN SUPPORT OF THE SETTLEMENT MOTION which is being filed concurrently herewith (said document is hereby incorporated herein by reference).

21. I personally prepared, and have read, the present Affidavit, as well as the documents referred to in paragraphs 16 through 20 herein above. I also assembled, and prepared where indicated, the Exhibits associated with such documents. I declare that the same are true and accurate to the best of my knowledge and belief.

Respectfully, submitted by:

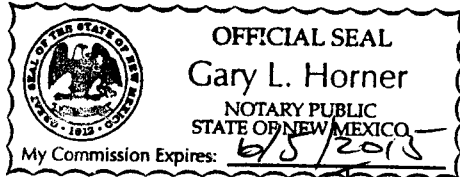
  
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April 15, 2013  
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GARY L. HORNER, P.E., P.S., Esq.,  
*In Propria Persona*  
Post Office Box 2497  
Farmington, New Mexico 87499  
(505) 326-2378

Date

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me this 10<sup>th</sup> day of May 2013  
by GARY L. HORNER.



  
NOTARY PUBLIC

My Commission Expires: June 5, 2015

**PROOF OF SERVICE BY ELECTRONIC TRANSMISSION**

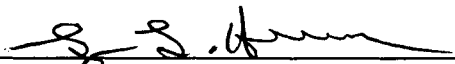
I HEREBY CERTIFY - in accordance with the ORDER MANDATING ALTERNATIVE METHOD FOR SERVICE OF ORDERS, MOTIONS, NOTICES AND OTHER COURT PAPERS, entered in the present matter on September 28, 2011 by the Honorable James Wechsler, Presiding Judge - that a true copy of the foregoing was served on the parties and Claimants in the present matter, by attaching a copy of said document to an email sent to the following email list server(s) maintained by the Court, this 10<sup>th</sup> day of May, 2013:

wrnavajointerse@nmcourts.gov

Further, pursuant to the Court's CORRECTED ORDER SUMMARIZING DISCOVERY ACTIVITIES DISCUSSED AT THE NOVEMBER 6, 2012 DISCOVERY CONFERENCE, entered in the present matter on November 19, 2012, that a true copy of the foregoing document was emailed to the following individuals, this 10<sup>th</sup> day of May, 2013.

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 GARY L. HORNER