

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2013 MAY 31 AM 11:20

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

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

Plaintiff,

**AB-07-1**

Claims of Navajo Nation

vs.

No. CV 75-184

Honorable James J. Wechsler

Presiding Judge

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

Defendants.

DESCRIPTIVE SUMMARY: Errata Notice by Ditch Defendants re filing of May 24, 2013, Reply on Partial Summary Judgment #4 – NIIP. The word “not” was omitted from the last sentence of the summary. The last paragraph is corrected to read: “The US, NN and OSE claim that the 1962 NIIP Act establishes a water right for NIIP. They have failed to inform the court that section 13 of the 1962 Act expressly states that it does **not** establish any water rights.” A new page one for the Reply is attached.

NUMBER OF PAGES: 3

DATE OF FILING: May 31, 2013

**ERRATA NOTICE**

The Community Ditch Defendants file this notice that in their filing of May 24, 2013 entitled **REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT # 4 – NIIP**, the summary in the text box omitted the word “not” in the last sentence.

The last paragraph is corrected to read: “The US, NN and OSE claim that the 1962 NIIP Act establishes a water right for NIIP. They have failed to inform the court that section 13 of the 1962 Act expressly states that it does **not** establish any water rights.”

A corrected first page of that document is attached.

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Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

Victor R. Marshall  
Attorneys for San Juan Agricultural Water Users  
Association; Hammond Conservancy District;  
Bloomfield Irrigation District; various ditches; and  
various members thereof.  
12509 Oakland NE  
Albuquerque, NM 87122  
505-332-9400 / 505-332-3793 FAX

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2013, a true and correct copy of the foregoing was served on the parties and claimants by attaching a copy of said document to an email sent to the following list server: [wrvavajointerse@nmcourts.gov](mailto:wrvavajointerse@nmcourts.gov) and to the filing list referred to in the Notice of Amended Service List filed February 25, 2013.

/s/ Victor R. Marshall

Victor R. Marshall, Esq.

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
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THE STATE ENGINEER,

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No. CV 75-184

Honorable James J. Wechsler  
Presiding Judge

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

Defendants.

**DESCRIPTIVE SUMMARY:** The US, NN and OSE concede that NIIP is not PIA, and make no claim based on PIA. Because NIIP is not PIA, water for NIIP cannot be included in the Navajo water claim.

The US, NN and OSE claim that the 1962 NIIP Act establishes a water right for NIIP. They have failed to inform the court that section 13 of the 1962 Act expressly states that it does **not** establish any water rights.

NUMBER OF PAGES: 7 + 3-page exhibit

DATE OF FILING: May 24, 2013

**REPLY IN SUPPORT OF  
MOTION FOR PARTIAL SUMMARY JUDGMENT # 4 – NIIP**

**SUMMARY:**

- A. The US, NN and OSE concede that NIIP is not PIA.
- B. Because NIIP is not PIA, water for NIIP cannot be included in the Navajo water claim.
- C. To compensate for this fatal defect in their case, the US, NN, and OSE attack the jurisdiction and authority of the court.
- D. The US, NN and OSE have failed to tell this court that the 1962 NIIP act explicitly states that it does not create any water rights.