

Bi-Weekly Navajo *Inter Se* Report June 13, 2013

San Juan River Basin Adjudication Claims of the Navajo Nation CV-75-184; Case No. AB-07-1

Eleventh Judicial District Court
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<http://sjrba.11thjdc.com/Navajo%20Claim%20Subfiles>

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 JUN 13 AM 11:57
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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>
To Be Determined	

PENDING DEADLINES

<u>Dispositive Motions</u>	
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)

Post Hearing Briefing	
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 May 27, 2013 through June 13, 2013

Date Filed	Document Title
5-29-2013	Bi-Weekly Navajo Inter-se Report
5-30-2013	Notice of Errata Regarding Reply Memorandum of The Navajo Nation and United States in Support of The Settlement Motion <u>Summary:</u> Notice of Errata regarding Reply Memorandum in support of the Settlement Motion
5-31-2013	Errata Notice <u>Summary:</u> 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.
6-4-2013	Gary L. Horner’s Proposal Re June 11 - 12 2013 Hearing Procedure <u>Summary:</u> This document represents Mr. Horner’s proposal re June 11 – 12, 2013 hearing procedure
6-4-2013	Proposed Schedule and Allocation of Time for Hearing on Dispositive Motions <u>Summary:</u> The Navajo Nation submits a proposed schedule and allocation of time for oral argument for the hearing on June 11 and 12, 2013
6-5-2013	Defendants B Square Ranch LLC et al.’s Proposed Schedule for Motions Hearing to be Held on June 11, 2013 and June 12, 2013 <u>Summary:</u> Overview of summary judgment motions. Partial summary judgment must be entered that the United States does not hold valid permits from the state engineer for files numbered 2847, 2829, 2873, 2883, 2917, 3215 or 2847, 2849, 2873, 2917 Combined. The US, NN and OSE admit that no such permits exist
6-5-2013	Certificate of Service by Richard T.C. Tully <u>Summary:</u> None
6-5-2013	Verification of Affidavit of Jim Rogers Filed 4-15-2013 <u>Summary:</u> Attached herewith is the verified and notarized affidavit of Jim Rogers first filed April 15, 2013 as Exhibit 1 to Motion for Partial Summary Judgment Concerning NIIP
6-5-2013	Verification of Affidavit of Jim Rogers Filed 5-10-2013 Concerning Cross-Motions

	for Summary Judgment <u>Summary</u> : Notarized and verified affidavit of Jim Rogers. This affidavit was originally filed May 10, 2013 in opposition to the purported dispositive motions filed by US, NN, and OSE, and also in support of the Community Ditch motions for partial summary judgment
6-6-2013	Schedule for Oral Argument on Dispositive Motions June 11 th & June 12 th , 2013 at 11 th Judicial District Court, Aztec New Mexico
6-11-2013	Notice of Withdrawal of Intent to Participate in The Navajo <i>Inter Se</i> Proceeding
6-11-2013	Notice of Withdrawal of Objections and Responses to The Proposed Decrees
6-12-2013	Certificate of Service by Adam Rankin
6-13-2013	Bi-Weekly <i>Navajo Inter Se</i> Report for 6/13/2013

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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