

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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

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

Plaintiff,

vs.

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

Defendants.

AB-07-1

Claims of Navajo Nation

No. CV 75-184

Honorable James J. Wechsler
Presiding Judge

DESCRIPTIVE SUMMARY: On June 12, the US and NN informed the Court that they could contract for additional water from Navajo Reservoir even if the Court were to rule that the NN had no reserved water rights. Now the US and NN have moved to strike this from the record. It is hard to understand why the US and NN would want to strike their own statements to the Court.
NUMBER OF PAGES: 2

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**COMMUNITY DITCH RESPONSE TO MOTION TO STRIKE
EXCERPT FROM JUNE 12 HEARING ABOUT BOR CONTRACT WATER**

During the hearing on June 12, the US and NN informed the Court that they could contract for additional water from Navajo Reservoir even if the Court were to rule that the NN has no reserved water rights. As the Court indicated by its questioning during the hearing, this is a significant new contention by the US and NN.

Given the importance of this novel claim by the US and NN, the Community Ditch Defendants simply transcribed and filed their remarks so that a transcript would be part of the written record in this case. The transcript only contains argument by the US and NN, with questions by the Court. It does not contain any argument by the defendants.

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So it is hard to understand why the US and NN would want to strike their own statements to the Court.

Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 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: wrnavajointerse@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.