

Bi-Weekly Navajo *Inter Se* Report July 12, 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 NM
SAN JUAN COUNTY
FILED
2013 JUL 16 AM 10:28
JP

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>
None Currently Scheduled	

PENDING DEADLINES

No Current Deadlines	
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DOCUMENTS FILED July 1, 2013 through July 12, 2013

Date Filed	Document Title
7-1-2013	State's Motion to Strike Affidavit of Jim Rogers <u>Summary:</u> State's Motion to Strike Affidavit of Jim Rogers
7-1-2013	State's Brief in Support of Motion to Strike Affidavit of Jim Rogers <u>Summary:</u> State's Brief in Support of Motion to Strike April 15, 2013 Affidavit of Jim Rogers
7-1-2013	Bi-Weekly Navajo <i>Inter Se</i> Report for June 14, 2013 through June 28, 2013

7-3-2013	<p>Community Ditch Reply on Their Request For Judicial Notice of Weights and Measures of Water</p> <p><u>Summary:</u> The US and NN do not want the court to take judicial notice of common weights and measures of water because they want the court to know as little as possible about this case and the controlling law. The US and NN do not dispute the correctness of the water measures and conversion factors.</p>
7-5-2013	<p>Community Ditch Response to Motion to Strike Affidavit of Jim Rogers</p> <p><u>Summary:</u> The OSE and NN and US have belatedly moved to strike the April 15 affidavit of Jim Rogers concerning NIIP. The settling parties did not dispute Mr. Rogers testimony as required by Rule 1-056. Indeed, the settling parties agreed with Mr. Rogers that NIIP is not PIA.</p>
7-8-2013	<p>Response to US-NN Motion to Strike Notice Concerning Amendments to Objections</p> <p><u>Summary:</u> During the June 11-12 hearings, the defendants raised some issues of law and fact which came to light recently, such as section 8 of the Reclamation Act of 1902 and Section 13© of the 1962 NIIP ACT. By their "motion to strike," the settling parties are asking the court to disregard these statutes.</p>
7-8-2013	<p>Community Ditch Response to Motion to Strike Excerpt From June 12 Hearing About BOR Contract Water</p> <p><u>Summary:</u> 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 USW and NN would want to strike their own statements to the Court.</p>
7-12-2013	<p><u>DECISION REGARDING THE NEED FOR AN EVIDENTIARY HEARING</u></p> <p>After reviewing the dispositive motions and memoranda filed in accordance with this Court's third amended scheduling order entered March 15, 2013, and considering the arguments of the parties presented at the hearing on dispositive motions conducted on June 11 and 12, 2013, the Court hereby determines that an evidentiary hearing is not warranted. An order addressing the issues raised by the parties shall be entered forthwith</p>

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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