

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

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

Plaintiff,

CV-75-184

HON. JAMES J. WECHSLER
PRESIDING JUDGE

v.

THE UNITED STATES OF AMERICA,
et al.,

Defendants,

SAN JUAN RIVER
ADJUDICATION

NAME OF PARTY: State of New Mexico *ex rel.* State Engineer ("the State")
DESCRIPTIVE SUMMARY: The State submits the *State's Rule 1-071.3(B) Report FY 2014*
NUMBER OF PAGES: 25
DATE OF FILING: July 30, 2013

NOTICE OF FILING STATE'S RULE 1-071.3(B) REPORT FY 2014

The State of New Mexico, by and through its counsel, hereby files its *Notice of Filing of State's Rule 1-071.3(B) Report FY 2014* setting out its priorities and analysis of resources for all adjudications pending in both state and federal courts. The report is submitted in the form of the attached exhibits, setting out priorities and resources of the Lower Rio Grande Adjudication Bureau in Attachment A, those of the Pecos Adjudication Bureau in Attachment B, and those of the Northern New Mexico Adjudication Bureau in Attachment C. Copies of this report are also available on the website of the Office of the State Engineer at:

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http://www.ose.state.nm.us/legal_ose_adjudication.html.

Respectfully submitted, this 30th day of July 2013.

STATE OF NEW MEXICO



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CERTIFICATE OF SERVICE

I certify that on this 30th day of July 2013, at approximately 1:00 pm, an electronic copy of this *Notice of Filing of State's Rule 1-071.3(B) Report FY 2014* was served by attaching an electronic copy to an email sent to wrattorney@11thjdc.com.

/s/ Misty M. Braswell

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2014
LOWER RIO GRANDE ADJUDICATION BUREAU

July 29, 2013

Matters to Be Completed Prior to Preparation of Final Decree
(Highlighting indicates the State's priorities for fiscal year 2014)

Total Bureau Staff FTE and Contractor Resources: ~~FY 2010 16.75~~
FY 2011 13.85
FY 2012 13.95
FY 2013 15.05
FY 2014 14.55

I. LOWER RIO GRANDE ADJUDICATION

(Total Staff & Contract Resources: ~~14.90 12.20 12.00 13.05~~ 13.05)

A. General (Staff & Contract Resources: ~~2.45 2.85 2.40 2.60~~ 5.15)

1. Litigation of proposed or designated stream system/expedited *inter se* issues

- a. ~~Stream System Issue No. 101 (irrigation water requirements for pecans and basin-wide for all other crops; Final Judgment entered August 22, 2011)~~
Completed FY 2012
- b. ~~Stream System Issue No. 102 (EBID separate groundwater claim)~~
Completed FY 2011
- c. ~~New Mexico Pecan Growers (joint motion to designate pecan irrigation-water requirements as a stream system issue)~~ Pecan Agreement subsumed by Final Judgment in SSI No. 101; Completed FY 2012
- d. ~~EBID Threshold Motion No. 1 (division of authority between Office of the State Engineer and EBID)~~ Withdrawn FY 2010
- e. Stream System Issue No. 103 (domestic wells – manner of determining priority date and amount of water put to beneficial use; schedule deferred)
- f. Stream System Issue No. 104 (United States' interests in the Rio Grande Project; by sub-issue:
 - i. ~~sub-issue 1: Project source of water; Order granting State's motion to dismiss U.S. claims to groundwater entered August 16, 2012~~
Completed FY 2013
 - ii. ~~sub-issue 2: Project amount(s) and priority date(s); replies on motions for summary judgment due August 5, 2013)~~
- g. Proposed Stream System Issue/Expedited *inter se* No. 105 (claims of the Estate of Nathan Boyd regarding legality of U.S. rights in the Rio Grande Project; Order granting motions to dismiss filed February 24, 2012; Dismissal appealed to Court of Appeals, in briefing as of July 2013.)
- h. Proposed Steam System Issue No. 106 (rights of Pre-1906 Claimants; Order denying the proposed stream system issue entered April 25, 2013, motion to reconsider filed May 6, 2013)
- i. Additional issues to be raised during course of adjudication

2. Negotiations with major parties
 - a. ~~United States (Rio Grande Project storage, release, and diversion rights)~~ Negotiations terminated FY 2012; issues being litigated in SSI No. 104
 - b. ~~Southern Rio Grande Diversified Crop Association (irrigation water requirements)~~ Negotiations terminated FY 2011; issues resolved under Final Judgment in SSI No. 101; Completed FY 2012
 - c. City of Las Cruces (majority of rights adjudicated; Jornada wells and assorted other rights remaining)
 - d. NMSU (majority of rights adjudicated; livestock rights on university ranch and irrigation rights on university farms remaining)
 - e. City of El Paso (irrigation rights)

3. ~~Litigation of other substantive issues~~
 - a. ~~New Mexico Groundwater Association (motion to intervene)~~ Completed FY 2011
 - b. ~~Lion's Gate (motion to intervene; Court of Appeals upheld Order denying motion to intervene)~~ Completed FY 2010
 - c. ~~Gonzales (Rincon subfile litigation; State prevailed on basis of forfeiture and abandonment; Court of Appeals affirmed April 28, 2013; Petition for writ of certiorari denied August 6, 2012)~~ Completed FY 2013
 - d. ~~Good Spring LLC (Outlying Area subfile litigation over extent of forage irrigation and existence of surface water right used to create a wetland habitat; settled after referral to special master for trial)~~ Completed FY 2013
 - e. Numerous parties (motions to vacate subfile orders for surface water-only rights to add claimed groundwater rights)
 - f. Baca (Rincon subfile litigation; claimant-appellant prevailed in Court of Appeals October 24, 2012, on basis of sufficiency of evidence of historical beneficial use; cause remanded to adjudication court for further proceedings on question of abandonment; issue briefed, argued May 15, 2013; decision pending)
 - g. Sunnyside Properties (Southern Mesilla subfile litigation; dispute over commercial and irrigation water rights abandonment; tried before special master March 25, 2013; trial briefs due July 15, 2013)
 - h. Lion's Gate (motion to lift stay and permit *amicus curiae* status to address SSI No. 104; taken under advisement by the Court)
 - i. Romero (Outlying Area subfile litigation; dispute as to whether groundwater used for steam railroads was abandoned; parties currently in discovery)
 - j. Faykus and Rio Vista (Outlying Area subfile litigation; dispute over right to pump river water; referred to special master for trial)
 - k. Additional issues to be litigated during course of adjudication

4. ~~EBID delivery and groundwater rights~~ Offer of Judgment withdrawn FY 2010 to allow litigation of certain of EBID's claims as stream system issues

5. ~~Implementation of agreement with EBID regarding adjudication of water rights on assessed lands~~ Completed FY 2010
6. ~~Creation and population of a database for processing claims to an FDR higher than 4.5 afay, as provided for under the Final Judgment in SSI No. 101~~ Completed FY 2013
7. ~~Development of definition for mature pecan orchards under agreement with New Mexico Pecan Growers~~ Definition completed FY 2011; Issues resolved under Final Judgment in SSI No. 101; Completed FY 2012
8. ~~Development of basin-wide irrigation water requirements for crops other than pecans~~ Completed FY 2010
9. ~~Determination of proper party to be served for water rights on leased government lands~~ Completed FY 2013
10. Evaluation of evidence submitted by 600 water right owners to prove an FDR higher than 4.5 afay under the Final Judgment in SSI No. 101
11. Coordination with the Water Rights Allocation Program on implementation of the Settlement and Final Judgment in SSI No. 101
12. Incorporation into the adjudication of water rights established through permits issued subsequent to the hydrographic survey
13. Coordination with the Court re adjudication procedures/status
14. Coordination with the Utton Center
15. Litigation of non-subfile motions (i.e., procedural and scheduling issues)
16. Stream system *inter se*
17. Final decree

B. Nutt Hockett (Staff Resources: 0.00 0.00 0.00 0.00 0.00)
43 subfiles—98% adjudicated

1. Review of adjudicated subfiles on leased government lands
2. Reconciliation of maps and orders for *inter se*
3. Section *Inter se*
4. Partial final decree

C. Rincon (Staff & Contract Resources: 3.20 1.55 1.65 1.25 0.65)
1234 subfiles—96% served, 85% adjudicated

1. Primary subfile work
2. River pumper claims
3. Federal proprietary claims
4. State proprietary claims
5. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
6. Mediation of disputed subfiles
7. Litigation of unresolved subfiles
8. Reconciliation of maps and orders for *inter se*
9. Section *inter se*
10. Partial final decree

D. Northern Mesilla (Staff & Contract Resources: .50 1.55 1.70 5.75 3.95)
5953 subfiles—51% served, 28% adjudicated

1. Primary subfile work
2. Revocation and revision of unaccepted offers of judgment sent prior to cessation of adjudication activity in the Northern Mesilla
3. River pumper claims
4. Federal proprietary claims
5. State proprietary claims
6. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
7. Mediation of disputed subfiles
8. Litigation of unresolved subfiles
9. Reconciliation of maps and orders for *inter se*
10. Section *inter se*
11. Partial final decree

E. Southern Mesilla (Staff & Contract Resources: 7.50 4.70 4.30 1.30 0.65)
5376 subfiles—55% served, 40% adjudicated

1. Primary subfile work
2. Federal proprietary claims
3. State proprietary claims
4. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
5. Mediation of disputed subfiles
6. Litigation of unresolved subfiles
7. Reconciliation of maps and orders for *inter se*
8. Section *inter se*
9. Partial final decree

F. Outlying Areas (Staff & Contract Resources: 1.25 1.55 1.95 2.15 2.65)
1303 subfiles—75% served, 54% adjudicated

1. Primary subfile work
2. Federal proprietary claims
3. State proprietary claims
4. River pumper claims
5. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
6. Mediation of disputed subfiles
7. Litigation of unresolved subfiles
8. Reconciliation of maps and orders for *inter se*
9. Section *inter se*
10. Partial final decree

II. ANIMAS UNDERGROUND WATER BASIN ADJUDICATION
(Total Staff & Contract Resources: ~~1.85~~ ~~1.65~~ ~~1.95~~ ~~2.00~~ 1.50)

A. General (Staff & Contract Resources: ~~0.10~~ ~~0.10~~ ~~0.10~~ ~~0.15~~ 0.20)

1. ~~Litigation of basin-wide issue-determining irrigation water requirements~~
Completed July 2013
2. ~~Status reporting to Court regarding hydrographic survey progress~~
3. ~~Coordination with Court regarding adjudication procedures~~
4. ~~Establishment of procedures for identifying and adjudicating stock and domestic wells~~
5. ~~Non-subfile general motion litigation (i.e., procedural and scheduling issues)~~
6. ~~Final decree~~

B. Section 1 (Northern Area) (Staff & Contract Resources: ~~0.00~~ ~~0.00~~ ~~0.70~~ ~~0.70~~ 0.35)

1. ~~Hydrographic Survey~~ Completed FY 2013
2. ~~Primary subfile work~~
3. ~~Expedited *inter se* and litigation of individual subfiles~~

C. Section 2 (Cotton City) (Staff & Contract Resources: ~~0.00~~ ~~0.00~~ ~~0.00~~ ~~0.00~~ 0.35)

1. ~~Hydrographic Survey~~
2. ~~Primary subfile work~~
3. ~~Expedited *inter se* and litigation of individual subfiles~~

D. Section 3 (Village of Animas) (Staff & Contract Resources: ~~1.75~~ ~~1.55~~ ~~0.70~~ ~~0.70~~ 0.45)

1. ~~Hydrographic Survey~~ Completed FY 2013
2. ~~Primary subfile work~~
3. ~~Expedited *inter se* and litigation of individual subfiles~~

E. Section 4 (Southern Area) (Staff & Contract Resources: ~~0.00~~ ~~0.00~~ ~~0.45~~ ~~0.45~~ 0.15)

1. ~~Hydrographic Survey~~ Completed FY 2013
2. ~~Primary subfile work~~
3. ~~Expedited *inter se* and litigation of individual subfiles~~

Lower Rio Grande Adjudication Bureau -- Adjudication Sections and Resources Allocated								
<i>Adjudication Section</i>	<i>Staff Atty</i>	<i>Contract Atty</i>	<i>Staff Para-legal</i>	<i>Contract Para-legal</i>	<i>Tech & Field Staff</i>	<i>HSMB Staff</i>	<i>Data Staff</i>	<i>Section Totals</i>
<i>Lower Rio Grande</i>								
<i>1. General</i>	2.15		0.20	0.20	2.30		0.30	5.15
<i>2. Rincon</i>	0.15		0.10	0.05	0.35			0.65
<i>3. Northern Mesilla</i>	0.60		0.85	0.25	2.25			3.95
<i>4. Southern Mesilla</i>	0.10		0.15	0.05	0.35			0.65
<i>5. Outlying Areas</i>	0.45		0.60	0.20	1.40			2.65
<i>Animas Underground Water Basin</i>		0.15				1.35		1.50
Category Totals - All Sections	3.45	0.15	1.90	0.75	6.65	1.35	0.30	14.55

STATE OF NEW MEXICO'S FY 2014 RULE 71.3 REPORT
PECOS ADJUDICATION BUREAU
July 29, 2013

Matters To Be Completed Prior to Preparation of Final Decree
(Highlighting indicates the State's priorities for fiscal year 2014.)

Total Bureau Staff FTE and Contractor Resources: ~~FY 2010 12.65~~
~~FY 2011 10.20~~
~~FY 2012 9.15~~
~~FY 2013 7.95~~
FY 2014 9.35

I. PECOS ADJUDICATION (STAFF & CONTRACT RESOURCES: ~~12.65 10.20 9.15 7.95 9.35~~)

A. Gallinas River (Staff & Contract Resources: ~~6.10 3.85 3.75 4.60 4.10~~)

1. ~~Update of hydrographic survey for unadjudicated surface water irrigation subfiles.~~ Completed FY 2010
2. ~~Primary subfile work.~~ Completed FY 2010
3. ~~Acequia motions to intervene in individual subfiles.~~ Completed FY 2010
4. ~~Show cause proceedings for no rights.~~ Completed FY 2010
5. ~~Omitted claims as required by procedural order.~~ Completed FY 2010
6. ~~Acequia motion regarding irrigation water requirements.~~ Completed FY 2011
7. ~~Defendant motions to reopen subfile orders.~~ Completed FY 2011
8. ~~Acequias' claims to surface water rights~~ Completed FY 2012
9. ~~Non subfile general motion litigation (e.g. procedural, scheduling and standing issues).~~ Completed FY 2013
10. ~~Litigation of subfiles contested on issues other than acreage.~~ Completed FY 2013
11. ~~Litigation of contested subfiles – disputed acreage claims only.~~
12. ~~Determination of Project Diversion Requirement~~
13. ~~Resolution of Acequias' motion regarding priority dates.~~
14. ~~Reconciliation of maps and orders for *inter se*.~~
15. ~~Section *Inter se* and partial final decree.~~

B. Roswell Underground Water Basin (Staff & Contract Resources: ~~0.50 0.20 0.00 0.10 2.85~~)

1. ~~Defendant motions to reopen subfile orders in Pecos Supplemental.~~ Completed FY 2010
2. ~~Mendenhall claim.~~ Completed FY 2010
3. ~~Review of 1000+ PVACD relation back claims to determine adjudication status.~~ Completed FY 2013
4. ~~Non subfile general motion litigation (e.g. procedural, scheduling and standing issues.)~~
5. ~~Identification of water rights subject to relation back claims.~~
6. ~~Determination of current status of water right.~~
7. ~~Identification of owners of water rights subject to relation back claims.~~
8. ~~Notification of relation back proceeding to claimants.~~
9. ~~Litigation of contested relation back claims.~~

C. City of Las Vegas Remand Proceeding to Determine the City's Equitable Water Right
(Staff & Contract Resources: ~~0.25 0.05 0.05 0.05 0.03~~)

1. ~~Mediation among CLV, acequias, and State related to remand.~~ Mediation ceased FY 2011
2. ~~Issues of parties and notice of possible settlement.~~ Mediation ceased FY 2011

3. ~~Issues arising from implementation of possible settlement.~~ Mediation ceased FY 2011
4. ~~Issues of form and enforcement of final order on remand.~~ Mediation ceased FY 2011
5. ~~Litigation of City's Claim~~

D. Carlsbad Irrigation District (Staff & Contract Resources: ~~2.00 1.20 1.15 1.45 1.35~~)

1. ~~Litigation of contested subfile (1 remaining).~~ Completed FY 2010
2. ~~State motions to amend multiple consent orders~~ Completed FY 2010
3. ~~Reconciliation of previously adjudicated acreage with CID assessed acreage.~~ Completed FY 2010
4. ~~State motion to amend supplemental groundwater right priority dates.~~ Completed FY 2011
5. ~~State motion to amend acreage in multiple subfiles to conform to 1927 permit.~~ Completed FY 2010
6. Adjudication of supplemental rights
7. Reconciliation of maps and orders for *inter se*.
8. Section *inter se* and partial final decree

E. Upper Pecos Surface Water (Staff and Contract Resources: ~~0.00 2.15 2.65 0.45 1.0~~)

1. Hydrographic survey of surface water uses in the Upper Cow Creek subsection. Completed FY 2013
2. Preparation of hydrographic survey report.
3. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues)
4. Primary subfile work.
5. Litigation of contested subfiles—disputed acreage claims only.
6. Hydrographic survey of surface water uses in remaining unsurveyed tributaries of the Upper Pecos.
7. Primary subfile work for remaining unsurveyed areas.
8. Litigation of contested subfiles—disputed acreage claims only for remaining unsurveyed areas.
9. Litigation of all subfiles contested on issues other than acreage.
10. Reconciliation of maps and orders for *inter se*.
11. Section *inter se* and partial final decree.

F. Hondo Stream System and Underground Water Basin (Staff and Contract Resources: ~~0.00 0.65 0.65 0.55 0.02~~)

1. Review of 685 subfiles to determine adjudication status and update database.
2. Updated hydrographic survey of surface and groundwater uses on Rio Hondo.
3. Primary subfile work.
4. Litigation of contested subfiles.
5. Updated hydrographic survey of surface and groundwater uses on Rio Ruidoso.
6. Primary subfile work.
7. Litigation of contested subfiles.
8. Updated hydrographic survey of surface and groundwater uses on Rio Bonito.
9. Primary subfile work.
10. Litigation of contested subfiles.
11. Federal proprietary claims.
12. Mescalero Apache claims on Rio Felix.
13. Reconciliation of maps and orders for *inter se*.
14. Section *inter se* and partial final decree.

G. Upper Pecos Groundwater (Staff and Contract Resources: ~~0.00 1.65 0.35 0.35 0.00~~)

1. Completion of hydrographic survey of Upper Pecos ground water uses including expansion areas.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).

3. Primary subfile work.
4. Litigation of contested subfiles-disputed acreage claims only.
5. Litigation of subfiles contested on issues other than acreage.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

H. Fort Sumner Irrigation District (Staff & Contract Resources: 0.85 0.55 0.50 0.40 0.00)

1. ~~Determination of irrigated acreage and assessed acreage.~~ Completed FY 2010
2. Analysis of potential approaches to irrigation district adjudication.
3. Irrigation water requirements including conversion of Hope decree flow rate.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

I. Carlsbad Underground Water Basin (Staff & Contract Resources: 2.95 0.00 0.00 0.00)

1. Hydrographic survey of groundwater uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Primary subfile work.
4. Litigation of contested subfiles.
5. Reconciliation of maps and orders for *inter se*.
6. Section *inter se* and partial final decree.

J. Black River

1. Hydrographic survey of surface water uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Irrigation water requirements.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.

K. Peñasco Underground Water Basin

1. Hydrographic survey of surface and groundwater uses in Upper Peñasco.
2. Updated hydrographic survey of surface and groundwater uses in Lower Peñasco, including but not limited to Bluewater Creek and Agua Chiquito.
3. Mescalero Apache water rights on Rio Peñasco.
4. Irrigation water requirements.
5. Primary subfile work.
6. Litigation of contested subfiles.
7. Reconciliation of maps and orders for *inter se*.
8. Section *inter se* and partial final decree.

L. Pecos Miscellaneous

1. Hydrographic survey of surface and groundwater.
2. Primary subfile work.
3. Litigation of contested subfiles.
4. Irrigation water requirements.
5. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree

Pecos Adjudication Bureau -- Adjudication Sections and Resources Allocated								
Adjudication Section	Staff Atty FTE	Contract Atty FTE	Staff Paralegal FTE	Contract Paralegal	Tech & Field Staff FTE	HSMB Staff	Data Staff FTE	Section Totals
<i>A. Gallinas River</i>	2.03	0.01	0.73		1.30		0.03	4.10
<i>B. Roswell Underground Water Basin</i>	0.40	0.78	0.32		1.35			2.85
<i>C. Las Vegas Remand</i>	0.02		0.01					0.03
<i>D. Carlsbad Irrigation District</i>	0.25		0.26		0.80		0.04	1.35
<i>E. Upper Pecos Surface Water</i>	0.15		0.02		0.80		0.03	1.00
<i>F. Hondo Underground Water Basin</i>		0.01	0.01					0.02
<i>G. Upper Pecos Underground Water</i>								0.00
<i>H. Fort Sumner Irrigation District</i>								0.00
<i>I. Carlsbad Underground Water Basin</i>								0.00
<i>J. Black River</i>								0.00
<i>K. Penasco Underground Water Basin</i>								0.00
<i>L. Pecos Miscellaneous</i>								0.00
Category Totals – All Sections	2.85	0.80	1.35	0.00	4.25	0.00	0.10	9.35

STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2014
NORTHERN NEW MEXICO ADJUDICATION BUREAU

July 29, 2013

Matters to Be Completed Prior to Preparation of Final Decrees
(Highlighting indicates the State's priorities for fiscal year 2014)

Total Bureau Staff FTE and Contractor Resources: ~~FY 2010 20.10~~
FY 2011 15.95
FY 2012 14.40
FY 2013 11.15
FY 2014 13.80

I. TAOS ADJUDICATION (STAFF & CONTRACTOR RESOURCES: ~~1.80 0.70 0.95 0.40 0.40~~)

1. Non-Indian claims: (0.15)

- a. ~~Litigation of (1) disputed individual priority date.~~ Completed FY 2010
- b. Rio Hondo Cuchilla ditch priorities.
- c. ~~Litigation of disputed springs claims.~~ Completed FY 2010
- d. ~~Reconciliation of maps and orders for Interim Order.~~ Completed FY 2012 except for priority dates for springs associated with 2 subfiles in Hondo.
- e. Entry of Interim Order.
- f. Joint motion to adopt uniform irrigation requirements for Pueblo and non-Pueblo water rights.
- g. Hydrographic survey of groundwater, domestic, and stock water uses.
- h. *Inter se* and entry of Partial Final Decree.

2. Indian claims: (0.25)

- a. Taos Pueblo Settlement Agreement.
 - i. ~~Enactment of federal legislation approving the Settlement Agreement.~~ Completed FY 2011
 - ii. ~~Revisions to Settlement Agreement to conform to federal legislation.~~ Completed FY 2012
 - iii. ~~Execution of revised Settlement Agreement.~~ Completed FY 2013
 - iv. *Inter se* proceeding for approval of Settlement Agreement and entry of Partial Final Decree on the Pueblo's water rights.
 - Joint Motion and entry of Procedural and Scheduling Order. Completed FY 2013
 - Joint Motion for approval of Settlement Agreement and entry of PFD. Completed FY 2013
 - Filing of updated service list.
 - Service of notice of opportunity to object.
 - Schedule and hold public meetings.
 - Filing of objections.

- Scheduling conference.
- Hearing on objections.
- Entry of PFD and approval of Settlement Agreement by March 31, 2017.

II. CHAMA ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~3-85 3-35 3-10 2-50~~ 3.15)

1. Section 1: (Chama Mainstem): (1.25)

- a. ~~Reconciliation of maps and orders for *inter se* and revision of partial final decree. Completed FY 2010~~
- b. ~~Special Master's Report and Recommendations on disputed acequia priority dates. Report Issued FY 2010~~
- c. ~~Resolution of objections to Special Master's Report and Recommendations on disputed acequia priority dates.~~
- d. ~~Priority dates of (4) private ditches. Completed FY 2010~~
- e. ~~Federal Wild and Scenic River Act claim Completed FY 2012~~
- f. ~~Redetermination of priority date for 1 remaining ditch. Completed FY 2011~~
- g. ~~Entry of order confirming priority dates for all ditches in Section 1. Completed FY 2011~~
- h. ~~Hydrographic survey of surface water uses in Rio del Oso and Vallecito area. Completed FY 2013~~
- i. ~~Primary subfile work, i.e., obtain entry of subfile orders in Rio del Oso and Vallecito area.~~
- j. ~~Litigation of priority date for individual subfile 22-17. Completed FY 2013~~
- k. Federal proprietary claims.
- l. Hydrographic survey of groundwater, domestic and stock water uses.
- m. *Inter se* and revision of partial final decree.

2. Section 2: (Ojo Caliente):

- a. Primary subfile work, i.e., obtain entry of subfile orders (about 30% have no subfile order).
- b. Litigation of disputed subfiles.
- c. Acequia and private ditch priority dates.
- d. Reconciliation of maps and orders for *inter se* and partial final decree.
- e. Federal proprietary claims.
- f. Hydrographic survey of groundwater, domestic and stock water uses.
- g. *Inter se* and partial final decree.

3. Section 3: (Rio Nutrias, Rio Cebolla, Canjilon Creek): (1.35)

- a. ~~Primary subfile work, i.e., obtain entry of 1 remaining subfile order. Completed FY 2011~~

- b. **Litigation of (4) disputed subfiles.**
- c. **Irrigation water requirements.** Completed FY 2011 in Rio Nutrias subsection.
- d. **Acequia and private ditch priority dates.** Completed FY 2011 in Rio Nutrias subsection.
- e. **Federal proprietary claims.**
- f. **Hydrographic survey of groundwater, domestic and stock water uses.**
- g. ***Inter se* and partial final decree for surface water irrigation rights in Rio Nutrias, Rio Cebolla and Canjilon Creek.** Completed FY 2013 in Rio Nutrias subsection.
- h. ***Inter se* and partial final decree for all other water rights.**

4. Section 4: (El Rito):

- a. Reconciliation of maps and orders.
- b. Priority dates of private ditches.
- c. Federal proprietary claims.
- d. Hydrographic survey of groundwater, domestic and stock water uses.

5. Section 5: (Rio Gallina):

- a. Federal proprietary claims.
- b. Hydrographic survey of groundwater, domestic and stock water uses.
- c. ~~*Inter se* and partial final decree.~~ Completed FY 2010 for surface water irrigation rights.

6. Section 6 (Cañones):

- a. Reconciliation of maps and orders.

7. Section 7 (Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Cañones Creek, Village of Chama): (0.50)

- a. ~~Primary subfile work, i.e., obtain entry of remaining subfile orders.~~ Completed FY 2010
- b. ~~Litigation of (1) disputed subfile.~~ Completed FY 2010
- c. **Irrigation water requirements.**
- d. ~~Jicarilla Apache Nation state law based claims on recently acquired lands.~~ Completed FY 2012
- e. **Acequia and private ditch priority dates.** Completed FY 2011 in Rito de Tierra Amarilla subsection
- f. Federal proprietary claims.
- g. Hydrographic survey of groundwater, domestic and stock water uses.
- h. **Claims based on the Treaty of Guadalupe Hidalgo.**

i. *Inter se* and partial final decree for surface water irrigation water rights in Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Cañones Creek, and Village of Chama subsections.

j. *Inter se* and partial final decree for all other water rights.

8. **Section 8 (Rio Puerco):**

a. Reconciliation of maps and orders.

9. **Indian claims:** (0.05)

a. **Subproceeding 1: Past and Present Use Water Rights Claims of Ohkay Owingeh**
Settlement negotiation discussions.

i. Scheduling Conference.

ii. Expert reports from US June 2012.

iii. Expert reports from Ohkay Owingeh September 2013.

iv. Expert reports from State April 2015.

v. Expert reports from other parties October 2015.

vi. Rebuttal expert reports April 2016.

vii. Discovery thru April 2017 (depositions, interrogatories, etc.).

viii. Dispositive motions July 2017.

ix. Pretrial motions November 2017.

x. Trial April 2018.

xi. Post-trial motions.

b. **Subproceeding 2: Ohkay Owingeh all other claims**

Settlement negotiation discussions.

(establish expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pre-trial motions, trial, post-trial motions).

III. SANTA CRUZ/TRUCHAS ADJUDICATION:

(STAFF & CONTRACTOR RESOURCES: 0.70 1.65 0.40 0.15 0.10)

1. **Non-Indian claims:** (0.00)

a. Primary subfile work on remaining individual claims.

b. Federal proprietary claims.

c. Santa Cruz Irrigation District storage right claim.

d. Irrigation water requirements – unified proceeding.

e. ~~Special Master's Report and Recommendations on Truchas acequias' priorities and customs.~~ Report issued FY 2010

f. **Resolution of objections to Special Master's Report and Recommendations on Truchas acequias' priorities and customs.**

- g. ~~Field re-check to identify correct acequias for tracts in El Rincon.~~ Completed FY 2013.
- h. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- i. Hydrographic survey of groundwater and domestic and stock water uses.
- j. Reconciliation of maps and orders for *inter se* and partial final decree.
- k. *Inter se* and partial final decree.

2. **Indian claims:** (0.10)

a. **Subproceeding 2: Past and Present Use Water Rights Claims of Ohkay Owingeh**

- i. ~~Discovery (depositions, interrogatories, etc.) to end November 2, 2009.~~
Completed FY 2010
- ii. ~~Dispositive motions due January 29, 2010.~~ Filed FY 2010
- iii. ~~Briefing on dispositive motions.~~ Completed FY 2011
- iv. ~~Witness and preliminary exhibit lists due October 1, 2010.~~ Completed FY 2011
- v. Motions directed to expert witnesses. Trial schedule vacated FY 2011.
- vi. Final exhibit lists. Trial schedule vacated FY 2011.
- vii. Pretrial conference. Trial schedule vacated FY 2011.
- viii. Trial. Trial schedule vacated FY 2011.
- ix. Post-trial motions. Trial schedule vacated FY 2011
- x. **Settlement negotiation discussions.**

b. **Subproceeding 3: Past and Present Use Water Rights Claims of Santa Clara Pueblo**
(Scheduling conference, US and Santa Clara Pueblo Subproceeding Complaints, Answers, expert reports from US, expert reports from Santa Clara Pueblo, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions).

c. **Subproceeding 4: Pueblos' claims to instream uses**
Settlement negotiation discussions.

(Scheduling conference, US and Pueblos' Subproceeding Complaints, Answers, expert reports from US, expert reports from Pueblos, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions)

d. **Subproceeding 5: all other Pueblo claims**
Settlement negotiation discussions.

(Scheduling conference, US and Pueblos' Subproceeding Complaints, Answers, expert reports from US, expert reports from Pueblos, expert reports from State, expert reports from other parties, discovery (depositions, interrogatories, etc.), dispositive and other pre-trial motions, trial, post-trial motions)

IV. ZUNI ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.85 0.45 0.35 0.45 0.35)

1. Non-Indian claims: (0.15)

- a. Primary subfile work, i.e., obtain entry of subfile orders.
- b. Litigation of disputed subfiles.
- c. ~~State Land Office proprietary claims. Completed July 2013~~
- d. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- e. Federal proprietary claims.
- f. Irrigation water requirements.
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

2. Indian claims: (0.20)

a. Subproceeding 1: Zuni Indian Claims

- i. Claims based on Past and Present Irrigation use from Permanent Works
 - ~~Expert reports from State November 2009~~ Completed FY 2010
 - ~~Expert reports from other parties (other than US, Zuni, State May 21, 2010)~~ Completed FY 2010
 - ~~Rebuttal/ Supplemental reports non-US/ Zuni parties~~ Completed FY 2013
 - ~~State's expert historian report~~ Completed FY 2013
 - Depositions and discovery restart June 2013
 - State's Rebuttal Report on historically irrigated acreage and CIR October, 2013
 - Rebuttal reports to State's expert historian report November, 2013
 - Dispositive motions April 2014.
 - Pretrial motions September 2014.
 - Trial scheduled January - April 2015.
- ii. Claims for rights to use water for Domestic, Commercial, Municipal or Industrial Purposes
 - Expert reports from US on DCMI uses October 2015.
 - Expert reports from Zuni Indian Tribe on DCMI uses February 2016.
 - Expert reports from State on DCMI uses November 2016.
 - Expert reports on DCMI uses from other parties February 2017.
Rebuttal reports from all parties September 2017.
 - Discovery (depositions, interrogatories, etc.) closes June 2018.
 - Dispositive motions August 2018.
Pretrial motions December 2018.
 - Trial Scheduled June 2019.
Post-trial motions August 2019.

- iii. All other Zuni claims
(scheduling and management conference 2014, expert reports and discovery, dispositive and other pretrial motions, trial.)

b. **Subproceeding 2: Navajo Nation claims**

- i. ~~US Subproceeding Complaint December 14, 2012. Completed FY 2013~~
- ii. ~~Navajo Supplemental Subproceeding Complaint May 2013. Completed FY 2013~~
- iii. Establish expedited *inter se* subproceeding August 2013.
- iv. Scheduling conference November 2013.
- v. Answers February 2014.
- vi. Expert reports from US on DCMI uses October 2014.
- vii. Expert reports from Navajo Nation on DCMI uses February 2016.
- viii. Expert reports from State on DCMI uses November 2016.
- ix. Expert reports on DCMI uses from other parties February 2017.
- x. Discovery (depositions, interrogatories, etc.) close June 2018.
- xi. Dispositive motions August 2018.
- xii. Pretrial motions November 2018.
- xiii. Trial scheduled April 2019.
- xiv. Post-trial motions July 2019.

V. **NAMBE-POJOAQUE-TESUQUE (AAMODT) ADJUDICATION:**

(STAFF & CONTRACTOR RESOURCES: ~~3.85 3.30 5.35 4.80 6.05~~)

1. **Non-Indian claims: (5.55)**

- a. ~~Litigation of acequia and individual priority dates. Completed FY 2012~~
- b. Hydrographic survey of remaining domestic well uses.
- c. Primary subfile work, i.e., obtain entry of subfile orders on domestic well uses.
- d. Litigation of disputed domestic well uses.
- e. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- f. Reconciliation of maps and orders for *inter se* and partial final decree.
- g. *Inter se*
- h. Entry of Partial Final Judgment and Decree on Non-Indian water rights.

2. **Indian claims: (0.50)**

a. **Aamodt Settlement Agreement.**

- i. ~~Enactment of federal legislation approving the Settlement Agreement. Completed FY 2011~~
- ii. ~~Revisions to Settlement Agreement to conform to federal legislation. Completed FY 2012~~
- iii. ~~Filing of notice of federal legislation Completed FY 2012~~

- iv. Filing updated service list.
 - v. Establish Order to Show Cause *inter se* proceeding for approval of Settlement Agreement and entry of Partial Final Judgment and Decree on Pueblos' water rights.
 - vi. Contributed Funds Agreement.
 - vii. Proposed rules and regulations.
 - viii. Joint motion for Order to Show Cause why non-responding owners should not be deemed to be Settlement Party.
- b. Entry of Partial Final Judgment and Decree on Pueblos' water rights claims.
 - c. Entry of Interim Administrative Order.
 - d. Entry of Final Judgment and Decree by September 15, 2017.

VI. JEMEZ ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.15 0.10 0.15 0.25~~ 0.25)

- 1. **Indian claims:** (0.25)
 - a. Settlement negotiations. Ended FY 2012.
 - b. Resumption of litigation of claims of Pueblos of Jemez, Zia, and Santa Ana for historic and existing uses and future use
 - i. ~~Court determines whether to allow additional fact development and discovery.~~ Completed FY 2013
 - ii. ~~Possible expert reports.~~ Completed FY 2013
 - iii. Evidentiary hearing on threshold legal issues 1 and 2 December 2013.
 - iv. Briefing on threshold legal issues 1 and 2 February – March 2014. Completed briefing on issues 3, 4, and 5 in FY 2013

VII. RED RIVER ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.10 0.05 0.00 0.00~~ 0.00)

- 1. ~~Motion and *inter se* proceeding to enter consent order for omitted storage rights.~~ Completed FY 2010.
- 2. ~~Entry of supplement to Final Judgment and Decree for omitted storage rights.~~ Completed FY 2012.

VIII. SAN JUAN ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~7.30 5.20 2.65 1.40~~ 2.50)

- 1. **Section 1: (La Plata):** (1.05)
 - a. Primary subfile work, i.e., obtain entry of subfile orders.
 - b. Mediation/litigation of disputed subfiles.

- c. Hydrographic survey of groundwater, domestic and stock water uses.
- d. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- e. Reconciliation of maps and orders for *inter se* and partial final decree.
- f. *Inter se* and partial final decree.

2. Section 2: San Juan Mainstem

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

3. Section 3: Hammond Conservancy District

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

4. Section 4: Animas

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

5. Section 5: Los Pinos and Navajo Rivers

- a. Hydrographic survey of surface and ground water, including domestic and stock uses.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Mediation/Litigation of disputed subfiles.
- d. Irrigation water requirements.

- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

6. Indian Claims: (1.45)

- a. Navajo Nation Water Rights Settlement
 - i. *Inter se* proceeding for entry of Partial Final Decree on the Water Rights of the Navajo Nation.
 - Joint motion for entry of Partial Final Decree. Completed FY 2011
 - Service of notice of opportunity to object. Completed FY 2011
 - Completion of discovery. Completed FY 2013
 - Filing of objections. Completed FY 2013
 - Dispositive motions. Completed FY 2013
 - Entry of Partial Final Judgment and Decree.
 - ii. Supplemental Partial Final Decree on the Water Rights of the Navajo Nation.
 - Review hydrographic survey of historic and existing water uses on Navajo lands. Completed FY 2012.
 - ~~*Inter se* proceeding on the Supplemental Partial Final Judgment and Decree combined with *Inter Se* proceeding for entry of Partial Final Decree.~~ Completed FY 2013
 - Entry of Supplemental Partial Final Judgment and Decree
- b. Ute Mountain Ute claims
(establish Rule 1-071.2 (B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).

IX. SANTA FE ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.65 0.35 0.50 0.25 0.10)

1. Non-Indian claims:

- a. Primary subfile work, i.e. obtain entry of subfile orders
 - i. City of Santa Fe.
 - ii. Kewa Pueblo state law based claims.
 - iii. Arroyo Hondo.
 - iv. Any remaining individual subfiles.
 - v. County of Santa Fe.
- b. Litigation of disputed subfiles. Completed litigation of two disputed subfiles in FY 2013
- c. Hydrographic survey of remaining domestic wells.
- d. Federal proprietary claims.
- e. Remaining acequia priority dates (requires additional historical work).
- f. Non-subfile general motion litigation (e.g. procedural and scheduling

- issues).
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

X. RIO SAN JOSE ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.85 0.80 0.95 0.90~~ 0.85)

1. Indian claims:

- a. **Subproceeding 1: Past and Present Use Water Rights of the Pueblos of Acoma and Laguna**
 - i. ~~Expert reports from other parties (other than US, Pueblos, State) August 13, 2009. Completed FY 2010~~
 - ii. ~~All parties' rebuttal reports October 29, 2010. Completed FY 2011~~
 - iii. ~~Depositions. Completed FY 2013~~
 - iv. ~~Written discovery to end November 2013.~~
 - v. ~~Dispositive motions January 2014.~~
 - vi. Pretrial motions July 2014.
 - vii. Pretrial conference October 2014.
 - viii. Trial scheduled November 2014 thru May 2015.
 - ix. Post-trial motions.
- b. Subproceeding on all other Pueblo claims
(establish Rule 1-071.2(B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).
- c. Subproceeding on Navajo claims
(establish Rule 1-071.2(B) expedited *inter se* subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).

2. Non-Indian claims:

- a. Hydrographic survey of surface and ground water uses, including domestic and stock.
- b. Primary subfile work, i.e., obtain entry of subfile orders.
- c. Litigation of disputed subfiles.
- d. Irrigation water requirements.
- e. Federal proprietary claims.
- f. Non-subfile general motion litigation (e.g. procedural and scheduling issues).
- g. Reconciliation of maps and orders for *inter se* and partial final decree.
- h. *Inter se* and partial final decree.

Northern New Mexico Adjudication Bureau -- Adjudication Sections and Resources Allocated

ADJUDICATION SECTION	Staff Atty	Contract Atty	Staff Paralegal	Contract Paralegal	Tech & Field Staff	HSMB Staff	Data Staff	Section Totals
FEDERAL COURT ADJUDICATIONS								
I. Taos								
<i>Non-Indian</i>		0.05				0.05	0.05	0.15
<i>Taos Pueblo Settlement</i>	0.10	0.10	0.05					0.25
Taos Subtotals	0.10	0.15	0.05			0.05	0.05	0.40
II. Chama								
<i>Section 1 (Mainstem)</i>		0.05			1.20			1.25
<i>Section 3 (Nutrias/Cebolla/Canjilon)</i>	0.90	0.05	0.05		0.30	0.05		1.35
<i>Section 5 (Rio Gallina)</i>								0.00
<i>Section 7 (TA/Brazos/Rutheron/Chama Village)</i>	0.05	0.30				0.10	0.05	0.50
<i>Indian SP 1: Ohkay Owingeh Past/Present Uses</i>	0.05							0.05
Chama Subtotals	1.00	0.40	0.05		1.50	0.15	0.05	3.15
III. Santa Cruz/Truchas								
<i>Non-Indian</i>								0.00
<i>Indian SP2: OhkayOwingeh Past/Present Uses</i>	0.05	0.05						0.10
<i>Indian SP 3: Santa Clara Past/Present Uses</i>								0.00
Santa Cruz/Truchas Subtotals	0.05	0.05						0.10
IV Zuni								
<i>Non-Indian</i>	0.15							0.15
<i>Indian SP 1: Zuni Past/Present Uses</i>	0.05	0.10				0.05		0.20
<i>Indian SP 2: Navajo Nation Claims</i>								0.00
Zuni Subtotals	0.20	0.10				0.05		0.35
V. Aamodt								
<i>Non-Indian</i>	0.65	0.65	0.40		2.20	1.35	0.30	5.55
<i>Four Pueblos Settlement</i>	0.30	0.05	0.05			0.10		0.50
Aamodt Subtotals	0.95	0.70	0.45		2.20	1.45	0.30	6.05
VI Jemez								
<i>Three Pueblos Mediation</i>	0.10	0.15						0.25
VII. Red River								
								0.00

ADJUDICATION SECTION	Staff Atty	Cont- ract Atty	Staff Para- legal	Cont- ract Para- legal	Tech & Field Staff	HSMB Staff	Data Staff	Section Totals
STATE COURT ADJUDICATIONS								
VIII. San Juan								
<i>Section 1 (La Plata)</i>	0.25		0.05		0.70		0.05	1.05
<i>Section 2 (Mainstem)</i>								0.00
<i>Navajo Settlement</i>	0.80	0.35		0.05	0.20	0.05		1.45
San Juan Subtotals	1.05	0.35	0.05	0.05	0.90	0.05	0.05	2.50
IX. Santa Fe								
		0.05			0.10			0.15
X. San Jose								
<i>Indian SP 1: Laguna/Acoma Past/Present</i>								
<i>Uses</i>	0.10	0.55		0.15		0.05		0.85
CATEGORY TOTALS - ALL SECTIONS	3.55	2.50	0.60	0.20	4.70	1.80	0.45	13.80