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

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

Plaintiff,

vs.

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

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

Defendant-Intervenors.

D-1116-CV-75-184

HON. JAMES J. WECHSLER
Presiding Judge

SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

AB-07-1

Claims of the Navajo Nation

NAME OF PARTY: The United States of America

DESCRIPTIVE SUMMARY: Notice of Corrected Filing

NUMBER OF PAGES: 5

DATE OF FILING: August 28, 2014

THE UNITED STATES' NOTICE OF CORRECTED FILING

The United States gives notice that it is correcting and completing the filing previously intended for Monday August 25, 2014.

1. In response to the Court of Appeals' Third Order Regarding Record Proper ("Order"), dated August 12, 2014 (Nos. 33,439; 33,437; 33,534; 33,535), the United States prepared its *Response to the New Mexico Court of Appeals' Third Order Regarding Record Proper* (with an attached CD labeled Exhibit A to the Response) ("Response") on Friday August 22, 2014.
2. Though the Response was intended to be placed in the mail for both filing and service on

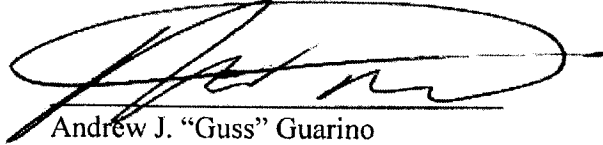
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Friday August 22, 2014, as the result of an error the Response was not placed in the mail for filing with the District Court as intended. Nevertheless, the Response with its attachment was served on parties as described in its Certificate of Service on August 22, 2014.

3. The United States discovered the error on August 27, 2014 and as a consequence has prepared this Notice.
4. Attached to this Notice as Attachment 1 is a copy of the Response intended to be delivered to the District Court for filing on Monday August 25, 2014. The Attachment 1 filed with the Court includes the CD associated with the Response.
5. Pursuant to both Rule 1-006, NMRA, and Rule 12-308 the United States is required to file its response to the Order on or before Friday August 29, 2014. Filing of this Notice constitutes the United States' response to the Order.

Respectfully submitted this 28th day of August 2014.

For the United States of America



Andrew J. "Guss" Guarino
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
(303) 844-1343

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August 2014, an electronic version of this **NOTICE OF CORRECTED FILING** (without attached CD) was served by electronic mail to: wrvnavajointerse@nmcourts.gov and aoccaj@nmcourts.gov.

I further certify that on this 28th day of August 2014, a paper copy of this **NOTICE OF**

CORRECTED FILING (without attached CD associated with Exhibit 1) was served by mail those listed below. The persons listed below were previously mailed a copy of the attached CD associated with Exhibit 1 on August 22, 2014.

Victor R. Marshall, Esq.
Victor R. Marshall & Associates, P.C.
12509 Oakland NE
Albuquerque, NM 87122
Attorneys for Defendant-Appellant San Juan Agricultural Water Users Association *et al.*

Richard T. C. Tully, Esq.
Tully Law Firm, P.A.
P.O. Box 268
Farmington, NM 87499-0268
Attorneys for Defendant-Appellant B Square Ranch *et al.*

Priscilla A. Shannon, Esq.
Law Office of Priscilla A. Shannon
P.O. Box 1894
Aztec, NM 87410-1894
Attorneys for McCarty Trust *et al.*

Gary L. Horner, Esq.
P.O. Box 2497
Farmington, NM 87499-2497
In Propria Persona

John Utton, Esq.
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271

and

Arianne Singer, Esq.
Misty M. Braswell, Esq.
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Attorneys for State of New Mexico *ex rel.* State Engineer

Richard B. Cole, Esq.
Cassandra R. Malone, Esq.
Kelleher & McLeod, P.A.
P.O. Box AA

Albuquerque, NM 87103
Attorneys for the Cities of Aztec and Bloomfield

Mark F. Sheridan, Esq.
Adam G. Rankin, Esq.
Holland & Hart LLP
P.O. Box 2208
Santa Fe, NM 87504-2208
Attorneys for ConocoPhillips and El Paso Natural Gas Company

Jay F. Stein, Esq.
Seth R. Fullerton, Esq.
Stein & Brockmann, P.A.
P.O. Box 2067
Santa Fe, NM 87504-2067
Attorneys for City of Espanola and Albuquerque Bernalillo County Water Utility
Authority

James Brockmann, Esq.
Stein & Brockmann, P.A.
P.O. Box 2067
Santa Fe, NM 87504-2067
Attorneys for City of Gallup

Jolene L. McCaleb, Esq.
Elizabeth Newlin Taylor, Esq.
Taylor & McCaleb, P.A.
P.O. Box 2540
Corrales, NM 87048-2540
Attorneys for San Juan Water Commission

Gary Risley, Esq.
The Risley Law Firm, P.C.
4991 N. Butler Avenue
Farmington, NM 87401
Attorneys for LaPlata Valley Acequia Association

Maria O'Brien, Esq.
Christina C. Sheehan, Esq.
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
P.O. Box 2168
Albuquerque, NM 87103-2168
Attorneys for BHP Navajo Coal Co. and Enterprise Field Services, LLC

Rebecca Dempsey, Esq.

Cuddy & McCarthy, LLP
P.O. Box 4160
Santa Fe, NM 87502-4160
Attorneys for Board of Education, Bloomfield Schools

Peter Ortego, Esq.
Celene Hawkins, Esq.
Office of the General Counsel
Ute Mountain Ute Tribe
P.O. Box 128
Towaoc, CO 81334

and

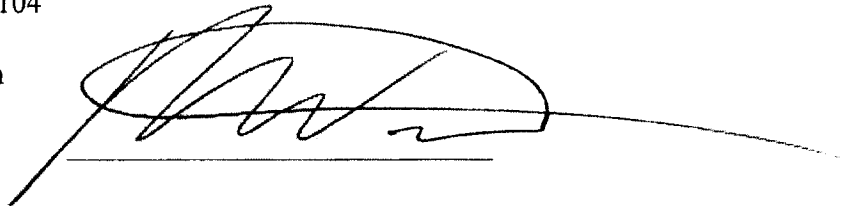
Lee Bergen, Esq.
Bergen Law Office LLC
4110 Wolcott Avenue NE, Ste. A
Albuquerque, NM 87109
Attorneys for the Ute Mountain Ute Tribe

Stanley M. Pollack
M. Kathryn Hoover
Navajo Nation Department of Justice
P.O. Drawer 2010
Window Rock, Navajo Nation (AZ) 86515

and

Samuel D. Gollis
Samuel D. Gollis, Attorney at Law, P.C.
901 Rio Grande Blvd. N.W, Ste. F-144
Albuquerque, New Mexico 87104

Attorneys for the Navajo Nation

A handwritten signature in black ink, appearing to read 'S. Gollis', is written over a horizontal line. The signature is stylized and extends to the right of the line.

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D-1116-CV-75-184

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ADJUDICATION

AB-07-1

Claims of the Navajo Nation

NAME OF PARTY: The United States of America

DESCRIPTIVE SUMMARY: Response to *Third Order Regarding Record Proper* issued by the New Mexico Court of Appeals (No. Nos. 33,439; 33,437; 33,534; 33,535, August 12, 2014).

NUMBER OF PAGES: 6

DATE OF MAILING FOR FILING: August 22, 2014

**THE UNITED STATES' RESPONSE TO THE NEW MEXICO COURT OF APPEALS'
THIRD ORDER REGARDING RECORD PROPER**

The United States responds to the Court of Appeals' Third Order Regarding Record Proper ("Order"), dated August 12, 2014 (Nos. 33,439; 33,437; 33,534; 33,535). The Order states in part that:

IT IS FURTHER ORDERED that the parties that submitted any hydrographic surveys (maps, CDs) or over-sized documents that are included in the above descriptions in paragraph 1 through 4 shall convert them to PDF electronic format and submit them to the district court within ten (10) days of this Order for inclusion in the electronic Record Proper[.]

Order p. 7.

Pursuant to the foregoing paragraph, the United States submits the enclosed CD (Attachment A) containing PDF copies of the following documents that were previously submitted to the District Court:

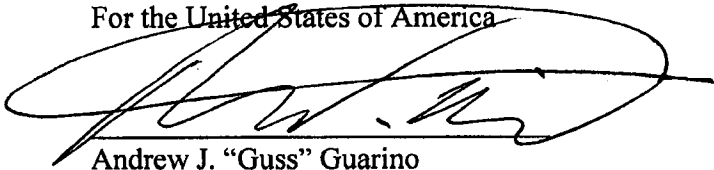
- a) *The United States' Hydrographic Survey of Navajo Lands in the San Juan River Basin* ("Hydrographic Survey"), (filed January 3, 2011);
- b) *The United States' Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation* ("Statement of Claims") (filed January 3, 2011); and
- c) *The Technical Reports Supporting the United States' Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation and Disclosures of Individuals with Information Concerning Such Technical Reports* (the "Technical Reports") (filed January 27, 2012). The Technical Reports consist of 15 separate reports, which were attached to the January 27, 2012 filing as Exhibits A through O.

The United States offers the following clarification with respect to these documents. The Court of Appeals' Order appears to assume that the "hydrographic surveys (maps, CDs) or oversized documents" that are to be included in the electronic Record Proper have not been provided to the District Court in PDF format previously. That is not the case. To the extent possible, the items listed above were submitted to the District Court (and served on the parties) in both hard copy and PDF format at the time they were originally filed. The United States filed no oversized material to the District Court. Further, the only material filed by the United States that was not in hard copy or in PDF format was GIS (geographic information system) layer material and weather

data associated with five of the Technical Reports submitted. This material was included as individual electronic attachments to technical reports when they were originally filed with the District Court. This material cannot be converted to PDF format and are not provided in Attachment A.

Respectfully submitted this 22nd day of August 2014.

For the United States of America



Andrew J. "Guss" Guarino
U.S. Department of Justice
Environment and Natural Resources Division
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
(303) 844-1343

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August 2014, an electronic version of this **RESPONSE TO THE NEW MEXICO COURT OF APPEALS THIRD ORDER REGARDING RECORD PROPER** (without attached CD) was served by electronic mail to: wrnavajointerse@nmcourts.gov and aoccaj@nmcourts.gov.

I further certify that on this 22nd day of August 2014, a paper copy of this **RESPONSE TO THE NEW MEXICO COURT OF APPEALS THIRD ORDER REGARDING RECORD PROPER** (with attached CD) was served by mail to

Victor R. Marshall, Esq.
Victor R. Marshall & Associates, P.C.
12509 Oakland NE
Albuquerque, NM 87122
Attorneys for Defendant-Appellant San Juan Agricultural Water Users
Association *et al.*

Richard T. C. Tully, Esq.
Tully Law Firm, P.A.

P.O. Box 268
Farmington, NM 87499-0268
Attorneys for Defendant-Appellant B Square Ranch *et al.*

Priscilla A. Shannon, Esq.
Law Office of Priscilla A. Shannon
P.O. Box 1894
Farmington, NM 87410-1894
Attorneys for McCarty Trust *et al.*

Gary L. Horner, Esq.
P.O. Box 2497
Farmington, NM 87499-2497
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John Utton, Esq.
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271

and

Arianne Singer, Esq.
Misty M. Braswell, Esq.
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Attorneys for State of New Mexico *ex rel.* State Engineer

Richard B. Cole, Esq.
Cassandra R. Malone, Esq.
Kelleher & McLeod, P.A.
P.O. Box AA
Albuquerque, NM 87103
Attorneys for the Cities of Aztec and Bloomfield

Mark F. Sheridan, Esq.
Adam G. Rankin, Esq.
Holland & Hart LLP

P.O. Box 2208
Santa Fe, NM 87504-2208
Attorneys for ConocoPhillips and El Paso Natural Gas Company

Jay F. Stein, Esq.
Seth R. Fullerton, Esq.
Stein & Brockmann, P.A.
P.O. Box 2067
Santa Fe, NM 87504-2067
Attorneys for City of Espanola and Albuquerque Bernalillo County
Water Utility Authority

James Brockmann, Esq.
Stein & Brockmann, P.A.
P.O. Box 2067
Santa Fe, NM 87504-2067
Attorneys for City of Gallup

Jolene L. McCaleb, Esq.
Elizabeth Newlin Taylor, Esq.
Taylor & McCaleb, P.A.
P.O. Box 2540
Corrales, NM 87048-2540
Attorneys for San Juan Water Commission

Gary Risley, Esq.
The Risley Law Firm, P.C.
4991 N. Butler Avenue
Farmington, NM 87401
Attorneys for LaPlata Valley Acequia Association

Maria O'Brien, Esq.
Christina C. Sheehan, Esq.
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
P.O. Box 2168
Albuquerque, NM 87103-2168
Attorneys for BHP Navajo Coal Co. and Enterprise Field Services, LLC

Rebecca Dempsey, Esq.
Cuddy & McCarthy, LLP

P.O. Box 4160
Santa Fe, NM 87502-4160
Attorneys for Board of Education, Bloomfield Schools

Peter Ortego, Esq.
Celene Hawkins, Esq.
Office of the General Counsel
Ute Mountain Ute Tribe
P.O. Box 128
Towaoc, CO 81334

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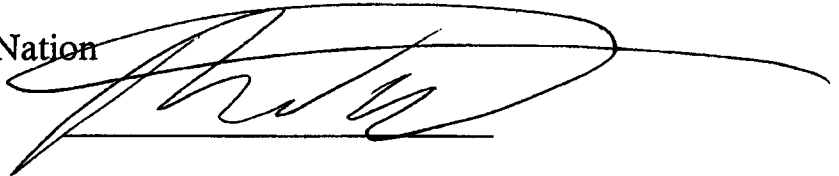
Lee Bergen, Esq.
Bergen Law Office LLC
4110 Wolcott Avenue NE, Ste. A
Albuquerque, NM 87109
Attorneys for the Ute Mountain Ute Tribe

Stanley M. Pollack
M. Kathryn Hoover
Navajo Nation Department of Justice
P.O. Drawer 2010
Window Rock, Navajo Nation (AZ) 86515

and

Samuel D. Gollis
Samuel D. Gollis, Attorney at Law, P.C.
901 Rio Grande Blvd. N.W, Ste. F-144
Albuquerque, New Mexico 87104

Attorneys for the Navajo Nation

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