

Description	<p>D-1116-CV-75-184 State of New Mexico, ex. Rel. The State Engineer V. San Juan County</p> <p>State of New Mexico County of San Juan In The District Court</p> <p>State of New Mexico, el rel. The State Engineer Plaintiff,</p> <p>Vs.</p> <p>The United States of America, et al. Defendants</p> <p>Vs.</p> <p>The Jicarilla Apache Tribe and The Navajo Nation Defendant-Intervenors,</p> <p>Judge: James J. Wechsler Type of Proceeding: Hearing on States Reports For the Plaintiff: Gary Storm, OSE For the Defendants: Various Monitor: Loressa Paris-Chesnut</p> <p>Legend:</p> <p>EX – Exhibit J – Judge M – Monitor W – Witness P – Plaintiff</p>
Date	2/15/2017
	Location CourtRoom4

Time	Sp	Note
10:06:29 AM	J	CALLS CASE
10:07:06 AM		HERE FOR A STATUS CONFERENCE
10:07:18 AM		NOTES LOCATIONS AND CONNECTIONS
10:07:28 AM	CO UN SE L	APPEARANCES IN SANTA FE
10:08:18 AM	CO UN SE L	APPEARANCES IN AZTEC
10:08:37 AM	CO UN SE L	APPEARANCES ON PHONE
10:10:17 AM	J	WE HAVE STATUS REPORTS WITH REGARD TO THE OVERALL STATUS OF THE ADJUDICATION AND MANNER IN WHICH WE ARE PROCEEDING AND A STATUS REPORT WITH RESPECT TO THE LA PLATA. I WOULD LIKE TO START FIRST WITH THE GENERAL STATUS AND GET A REPORT FROM THE STATE NOT ONLY WITH RESPECT TO THIS ADJUDICATION BUT WHERE IT STANDS WITH RESPECT TO ITS BUDGET. IT NOTES BOTH IN THE REQUEST FOR EXTENSION OF TIME TO FILE A STATUS REPORT, WHICH THE COURT DID NOT GRANT, AND IN THE STATUS REPORT THE STATE NOTES THE BUDGET SITUATION THAT IT IS IN AND THE POSSIBILITY OF REDUCTION IN ITS BUDGET FOR THIS CASE
10:11:55 AM		WHEN WE GET TO HOW WE ARE PROCEEDING IN THE ADJUDICATION WE ARE HERE.... THE BACKGROUND IS THE STATE HAD FILED A MOTION FOR READJUDICATION OF THE ECHO DITCH DECREE. THE PARTIES WERE ADDRESSING THE MANNER IN WHICH TO PROCEED AND THE SUBSTANCE OF THE MOTION THE COURT ORDERED THAT THE PARTIES CONTINUE DISCUSSIONS BEFORE WE PROCEEDED WITH THAT MOTION
10:12:28 AM		THEN THE STATE FILED A WITHDRAWAL OF THAT MOTION
10:12:37 AM		COURT AGAIN ORDERED PARTIES TO CONFER AGAIN
10:12:56 AM		THIS STATUS CONF WAS SET IN ORDER TO DISCUSS AMONG OTHER THINGS BUT SPECIFICALLY HOW TO PROCEED IN LIGHT OF THE DISCUSSIONS THAT THE PARTIES WERE HAVING WITH REGARD TO THE MOTION CONCERNING THE ECHO DITCH DECREE
10:13:12 AM		START MORE GENERAL THEN GET MORE SPECIFIC
10:13:28 AM	SIN GE R - ST OF NM	STATE DID FILE A SUPPLEMENTAL STATUS REPORT YESTERDAY ON HOW ITS SEES ITS RESOURCES AVAILABLE FOR PROCEEDING ON THE SAN JUAN ADJUDICATION IN GENERAL

10:13:50 AM		AS SAIND IN MY MOTION FOR EXTENSION OF TIME IT IS QUITE POSSIBLE THAT THE BUDGET THAT THE STATE HAS AVAILABLE FOR ADJUDICATIONS WILL BE SEVERLY LIMITED NEXT YEAR AND SUBSEQUENT YEARS. IT HAS ALREADY IMPACTED THIS YEAR.
10:14:06 AM		WE HAVE HAD 3 FUNDING SOURCES FOR OUR PROGRAMS AND 2 OF THOSE ARE ALMOST EMPTY
10:14:16 AM	J	WHICH OF THOSE
10:14:33 AM		I DO NOT WANT TO GET INTO THE FUNDING OF THE STATE, THAT IS THE STATES BUSINESS AND I DO NOT WANT TO BE REPORTING TO THE COURTS ON OUR FUNDING SOURCES OR WHAT THE LEGISLATURE....WHAT MATTERS TO THE COURT IS WE MAY BE SEVERLY REDUCED IN OUR BUDGET DEPENDING ON IF WE CAN REPLACE OUR FUNDING SOURCES FROM THE GENERAL FUND, WHICH GIVEN THE CURRENT STATE OF THE STATES BUDGET AND FINANCES IS VERY DIFFICULT
10:14:41 AM		WE NOW HAVE 30% VACANCY IN OUR RESOURCES IN ATTORNEYS AND HYDROGRAPHIC SURVEY STAFF. IT MAY BECOME A PERMANENT REDUCTION OF 30% AND IT MAY GO AS HIGH AS 50% DEPENDING ON WHAT THE APPROPRIATIONS ARE FROM THE LEGISLATURE
10:15:05 AM		THAT IS WHY WE ARE FOCUSING OUR EFFORTS ON FINISHING AND BRINGING TO COMPLETION THE ONGOING ADJUDICATIONS AND THE SECTIONS OF THE ADJUDICATIONS THAT WE ARE CURRENTLY COMITTED IN
10:15:16 AM		OUR EXPERIENCE HAS BEEN IN PAST IF WE DO NOT TIE THOSE UP...IT WILL BECOME STALE
10:15:33 AM		STATES FOCUS IN THE SAN JUAN ADJUDICATION IS FINISHING THE LA PLATA SECTION AND COMING UP WITH PARTIAL FINAL DECREE. WE HAVE BEEN ADJUDICATING THE LA PLATA FOR THE LAST 12-13 YEARS NOW. THE UMUT CLAIMS THAT HAVE NOT YET BEEN RESOLVED IN THE ECHO DITCH DECREE IN IN ANY FORMER DECREES ARE SCHEDULED TO RESUME IN 2020
10:16:57 AM		TO COMPLETE THE SAN JUAN ADJUDICATION USING THE CURRENTLY AVAILABLE APPROACHES AND PROCEDURES WOULD REQUIRE HUNDREDS OF YEARS. WE HAVE VARYING LEVELS OF RESOURCES AVAILABLE FOR THAT. WE HAVE HAD AT SOME POINTS OF TIME 3 ATTORNEYS FULL TIME WORKING ON THE LA PLATA. THE CURRENT STATE OF RESOURCES WHICH IS NOT OPTIMAL.
10:17:20 AM		WHAT WE REALLY WANT TO DO IS TO CONTINUE TO DEVELOP ALTERNATIVE APPROACHES OF STREAMLINING ADJUDICATIONS OF THE WATER RIGHTS IN THE SAN JUAN
10:17:53 AM		WOULD LIKE TO CONTINUE OUR DISCUSSIONS WITH THE PARTIES WHO INDICATED THEY WERE OPPOSING OUR MOTION NOT TO READJUDICATE THE ECHO DITCH DECREE. UNDERSTAND THEIR POSITIONS AND CONCERNS AND WHETHER THEY CAN BE ADDRESSED IN ANOTHER MANNER RATHER THAN READJUDICATING ALL OF THOSE WATER RIGHTS WHICH WOULD TAKE A MINIMAL OF DECADES

10:18:00 AM		THE STATE HAS VERY LIMITED RESOURCES BUT CONSIDER LA PLATA HIGH PRIORITY AND FINISHING THE LA PLATA IS SOMETHING THAT WE HAVE COMMITTED OUR RESOURCES TO DOING
10:18:19 AM		HAVE BEEN FOCUSING MAJORITY OF RESOURCES IN THE AMMODT CASE
10:18:42 AM		TOOK ALL OF THE RESOURCES IN THE OFFICE TO PREPARE THAT DECREE
10:19:04 AM		IN THE LIGHT OF THE UNCERTAINTY WE DO NOT KNOW WHAT TO EXPECT
10:19:23 AM		WE ARE DEDICATING RESOURCES TO FINISHING THE LA PLATA
10:19:32 AM	J	(SKING ABOUT VACANCIES) WHAT WAS IT AT IN THE BEGINNING OF THE YEAR
10:19:45 AM	SIN GE R	IT WAS MORE LIKE 27% WE HAVE NOT BEEN ABLE TO MOVE FORWARD WITH FILLING VACANCIES
10:20:15 AM		WE MAY NEED TO DO SOME OF THE CONTRACTOR WORK IN HOUSE
10:20:32 AM	J	YOU SAID SOMETHING ABOUT THE INABILITY TO MEET WITH PARTIES BECAUSE OF THE AMMODT. WHAT DISCUSSIONS HAVE THERE BEEN
10:21:00 AM	SIN GE R	THERE WAS 1 MEETING AND 1 TELECONFERENCE BUT BECAUSE OF THE PRESSURE THAT THE STATE HAS BEEN UNDER ...WE HAVE NOT BEEN ABLE TO SET UP THAT MEETING
10:21:33 AM		WE DO ANTICIPATE THAT ONCE WE HAVE MOVED THOSE REGULATIONS FROM DRAFT THAT WE WILL HAVE SOME RESOURCES AVAILABLE TO CONTINUE MEETING
10:21:41 AM	J	SO IN YOUR ESTIMATION IT IS STILL AN IMPORTANT ISSUE THAT NEEDS TO BE RESOLVED
10:22:03 AM	SIN GE R	YES WE BELIEVE THAT IF WE COULD RESOLVE THAT ISSUE AS WE HAVE PROPOSED THAT WOULD GREATLY EXPEDITE THE COMPLETION OF THE SAN JUAN
10:22:19 AM	J	SO THAT BRINGS US BACK TO WHERE WE WERE WHEN WE LAST MET AND SINCE THAT TIME YOU HAVE HAD 1 TELEPHONE CONFERENCE AND 1 IN PERSON MEETING. HAS THERE BEEN PROGRESS
10:22:39 AM	SIN GE R	YES
10:22:42 AM	J	WHAT ELSE DO YOU NEED
10:22:49 AM	SIN GE R	WAS TO UNDERSTAD WHAT BENEFIT THE OTHER PARTIES THOUGHT WOULD BE ACHIEVED BY READJUDICATING THE ECHO DITCH DECREE. THERE IS A WHOLE RANGE OF CONCERNS THAT WERE BROUGHT FORWARD AND SOME OF THEM WE ARE TRYING TO UNDERSTAND HOW ... SEEMS LIKE SOME OF THEM ARE ADMINISTRATIVE CONCERNS AND PERHAPS THERE ARE ADMINISTRATIVE REMEDIES TO ADDRESS THOSE CONCERNS RATHER THAN READJUDICATING THOSE RIGHTS IN THE COURT.

10:23:15 AM		I THINK THE COURT AND THE STATE AGREE THAT WE HAVE STREAMLINED AS FAR AS WE CAN THE PROCEDURES... JUST THE SURE NATURE OF THE NUMBER OF CLAIMANTS AND THE PROCESS REQUIRED CAN MAKE THESE PROCEEDINGS TAKE YEARS
10:23:44 AM		EVEN IF WE HAD FULL STAFF THERE WOULD BE YEARS...ALL OF THESE THINGS TAKE TIME THAT WE CAN NOT CONTROL
10:24:07 AM		TO THE EXTENT THAT WE CAN ADDRESS THE THINGS OUTSIDE OF THAT PROCESS WE COULD MINIMIZE THE PROCEEDINGS BEFORE THE COURT
10:24:17 AM	J	HOW MUCH ADDITIONAL TIME DOES THE STATE NEEDS IN ORDER TO KNOW WHETHER THERE IS RESOLUTION
10:24:27 AM	SIN GE R	I THINK IT WOULD TAKE US AT LEAST ANOTHER 6 MORE MONTHS BUT THE AMMODT ADJ SHOULD BE LARGLY COMPLETE BY SEPTEMBER OF THIS YEAR THAT SHOULD ALLOW US TO FREE UP SOME RESOURCES
10:25:05 AM		SOME OF THESE ISSUES INVOLVE (INAUDIBLE) SO I CAN NOT COMMIT THEIR RESOURCES SO I HAVE TO ASK THEY ARE ALSO UNDER A SEVERE BUDGET AND VACANCY PROBLEMS
10:25:36 AM		FOR ME TO INITIATE SOMETHING NEW AND ASK FOR A NEW TIME COMMITMENT FROM OTHER PROGRAMS IS DIFFICULT BUT I HAVE BEEN STARTING THAT PROCESS
10:25:45 AM	J	HAVE YOU LOST ATTORNEYS IN THE NORTHERN BUREAU
10:25:55 AM	SIN GE R	NOT YET BUT WE ARE DOWN TO 1 ATTORNEY IN THE PECOS
10:26:09 AM	J	HOW MANY AT BEGINNING OF YEAR
10:26:16 AM	SIN GE R	2.5 AT BEGINNING OF YEAR. AT ONE POINT IT HAD 5 ATTORNEYS AND IT NO LONGER DOES.
10:26:37 AM	J	IT IS DISTRESSING. LET ME TURN TO OTHER PARTIES WITH REGARD TO THE GENERAL ADJUDICATION
10:27:08 AM	J - PO LLA CK	WHAT IS YOUR ASSESSMENT OF THE DISCUSSIONS THAT HAVE BEEN GOING ON WITH REGARD TO THE ECHO DITCH DECREE ISSUE AND HOW THEY MIGHT BE RESOLVED
10:27:32 AM	PO LLA CK	FIRST ISSUE IS CASE MANAGEMENT ORDER #5 LAYS OUT CERTAIN PROCEDURES. IF THE STATES WANTS TO DEVIATE FROM THAT WE WOULD NEED TO AMEND CASE MANAGEMENT ORDER #5. WE HAVE HAD DISCUSSIONS WITH THE STATE AND EXPRESSED CONCERNS. THERE ARE NO CONCRETE PROPOSALS
10:28:05 AM		NAVAJO IS IN SLIGHTLY DIFFERENT POSTURE THAN THE OTHER PARTIES BECAUSE WE AGREED IN OUR SETTLEMENT AGREEMENT THAT WE WOULD NOT GO BEHIND THE ECHO DITCH DECREE OR CHALLENGE THE EXISTING RIGHTS THAT ARE IN THE DECREE. WE DID THAT IN THE SETTLEMENT AGREEMENT WHERE OTHER PARTIES ARE NOT SO BOUND
10:28:27 AM	J	DID YOU HAVE RIGHTS THAT WERE ADJUDICATED IN THE ECHO DITCH DECREE

10:28:42 AM	PO LLA CK	NAVAJO DID NOT HAVE RIGHTS IN THE ECHO DITCH DECREE BUT THERE ARE A NUMBER OF WAYS THAT THOSE RIGHTS EFFECT THE NAVAJO NATION. GIVES EXAMPLE - IN THE SETTLEMENT ONE OF THE MITIGATING FACTORS THAT WE AGREED TO WAS UP 12,000 ACRE FEET OF STORAGE WATER WAS RELEASED FROM OUR CONTRACT RIGHTS PRIOR TO ASSERTING A CLAIM OR A CALL ON THE RIVER IN ORDER TO SATISFY OUR ON THE RIVER RIGHTS AT HOGBACK AND FRUITLAND
10:29:03 AM		THE MORE IF THERE ARE RIGHTS THAT NEED TO BE SATISFIED OUT OF ECHO DITCH THAT WE BELIEVE MAY HAVE BEEN FORFEITED OR ABANDONED, NOT HISTORICALLY USED, WE WOULD BE RELEASING WATER TO OFFSET THE IMPACT OF THOSE USES SO THE ECHO DITCH RIGHTS DO EFFECT THE NAVAJO NATION SO WHAT WE HAVE DONE IN THESE MEETINGS IS WE HAVE TRIED TO EXPLAIN HOW THE NAVAJO NATION AND THE RIGHTS THAT WE SECURED UNDER THE SETTLEMENT WOULD BE EFFECTED IF IN FACT WE DO NOT PROCEED AS THE COURT HAD INDICATED IN CASE MANAGEMENT ORDER #5
10:29:48 AM		THE STATE MADE VARIOUS REPRESENTATIONS BACK IN 2003/2004 RELATIVE TO HOW ECHO DITCH WOULD BE PROCEEDED THAT WE RELIED ON IN THE SETTLEMENT SO WE ARE STILL TRYING TO WORK WITH THE STATE TO FIGURE OUT IF THE STATE CHANGES COURSE NOW HOW THE NAVAJO NATION WOULD RECEIVE THE BENEFIT OF THE BARGAIN THAT IT GOT IN THE SETTLEMENT.....
10:30:20 AM		WE HAVE NOT GOTTEN VERY FAR BESIDES EXPRESSING OUR CONCERNS
10:30:30 AM	J- PO LLA CK	WHAT IS YOUR ANTICIPATION ON HOW LONG THE DISCUSSIONS MIGHT TAKE
10:30:45 AM	PO LLA CK	SEEMS WE HAVE BEEN WRESTLING WITH THIS ISSUE FOR A NUMBER OF YEARS AND WE HAVE ONLY HAD 1 FACE-TO-FACE MEETING TO DISCUSS IT
10:31:06 AM		I APPRECIATE THAT AMMODT HAS BEEN OCCUPYING FOLKS TIMES BUT I CAN NOT SAY THAT WE HAVE A GOOD TRACK RECORD THAT I COULD PIN POINT AN ACTUAL TIME THAT WE MIGHT GET ANYWHERE
10:31:16 AM	J- PO LLA CK	WHAT IS YOUR TAKE ON THE IDEA AS TO IF THE ISSUES CAN BE RESOLVED OR WHETHER THE COURT SHOULD BE RESOLVING THEM RATHER THAN THE PARTIES
10:31:37 AM	PO LLA CK	AT THIS POINT I WOULD SAY THAT IT WOULD BE MY PREFERENCE FOR THE COURT TO RESOLVE THEM RATHER THAN THE PARTIES. THE PARTIES ARE ALWAYS FREE TO TRY TO COME UP WITH ACCOMODATION ON THEIR OWN BEHALF AND THAT WE SHOULD CONTINUE TO EXPLORE THINGS

10:31:50 AM		I AM CONCERNED THE LONGER THIS GOES THE HARDER IT WILL BECOME TO RESOLVE. I AM CONCERNED THAT AS WE TALK ABOUT THE RESOURCES AVAILABLE TO THE STATE IN THE ABSENCE OF DIRECTION FROM THE COURT I FEAR THAT THE LEGISLATURE WILL NOT DEDICATE THE RESOURCES THAT THE STATE NEEDS IN ORDER TO DO THEIR WORK
10:32:31 AM	POLLA CK	LIKE I SAID THE NAVAJO IS IN A SLIGHTLY DIFFERENT BOAT THAN THE OTHER PARTIES BECAUSE OF THE SETTLEMENT NEVER THE LESS WE WANT TO MAKE SURE THAT WHAT EVER PATH THE STATE TAKES WE GET THE BENEFIT OF THE BARGAIN THAT WE NEGOTIATED IN THE SETTLEMENT ITSELF
10:32:52 AM		I AM A LITTLE CONCERNED WITH THE SUGGESTION THAT A LOT OF THESE ISSUES CAN BE RESOLVED ADMINISTRATIVELY. WHEN NAVAJO EXPRESSES A CONCERN THAT THERE MAY HAVE BEEN RIGHTS THAT MAY HAVE BEEN FORFEITED OR ADJUDICATED AND IF THOSE RIGHTS ARE TRANSFERED AND NOW ALL OF A SUDDEN PLACE DEMAND ON THE SYSTEM, YES IT IS TRUE THAT THEY COULD POTENTIALLY BE ADDRESSED ADMINISTRATIVELY BUT THAT DOES NOT ADDRESS SORT OF WHAT HAS HAPPENED IN THE PAST WITH RESPECT TO RIGHTS THAT WERE PREVIOUSLY FORFEITED AND ABANDONED NOR AM I CONVINCED THAT WERE WE TO GO TO A CHALLENGE OF THOSE RIGHTS IN THE ADMINISTRATIVE PROCEEDINGS I QUESTION WHETHER THIS COURT OR THIS PROCEEDING COMPLIES WITH THE MCCARREN AMENDMENT BECAUSE AT THAT POINT IN TIME WE WOULD BE, INSTEAD OF ADDRESSING RIGHTS IN A COMPREHENSIVE MANNER WE WOULD BE PIECEMEALING THEM AND ADDRESSING THEM ADMINISTRATIVELY
10:34:00 AM		I KNOW THAT THE UNITED STATES HAS CERTAIN LIMITATIONS IN TERMS OF ITS ABILITY TO PARTICIPATE IN ADMINISTRATIVE PROCEEDINGS
10:34:11 AM		AT LEAST IN THE GENERAL STREAM ADJUDICATION WE HAVE THE RESOURCES OF THE UNITED STATES AT OUR DISPOSAL.
10:34:32 AM	J- GU ARI NO	I AM INTERESTED IN THE SAME QUESTIONS THAT I ADDRESSED TO MR POLLACK
10:34:59 AM	GU ARI NO	I DO NOT DISAGREE WITH ANYTHING THAT MR POLLACK SAID EXCEPT HIS LAST BRAOD STATEMENT THAT THE RESOURCES OF THE UNITED STATES ARE GENERALLY AT THEIR DISPOSAL HERE. THEY ARE NOT
10:35:19 AM		THE LAST 3 YEARS THE COURT HAS INQUIRED THE STATE ABOUT MOVING THIS ADJUDICATION FORWARD. THE STATE HAS, WITH RESOURCES AVAILABLE, ATTEMPTED TO MOVE ADDRESS THE COURTS CONCERNS ABOUT MOVING FORWARD. THE STATES CONCERNS ABOUT ITS RESOURCES ARE VERY REAL
10:35:43 AM		THE PARTIES HAVE BEEN DISCUSSING MOVING FORWARD FOR 3 YEARS IN ONE WAY OR ANOTHER

<u>10:36:08 AM</u>		WE CAME UPON THE MOST RECENT DEADLINE BY THE COURT JANUARY 31ST TO FILE A REPORT WITH THE COURT INVITING PARTIES TO COMMENT ON MOVING FORWARD
<u>10:36:22 AM</u>		FROM THE US AND OTHER PARTIES POINTS OF VIEW IS WE ARE NOT THE PLAINTIFF IN THIS CASE SO OUR RESPONSIBILITY TO PUBLISH A GENERAL STREAM ADJUDICATION IS QUITE DIFFERENT FROM, IT IS NOT THE SAME AS WHAT THE STATE IS REQUIRED TO DO UNDER ITS STATUE. WE LOOK AT WHERE WE ARE AT IN THE ADJUDICATION AND WHAT ORDERS HAVE BEEN ISSUED BY THE COURT AND THAT WAS THE 5TH AMENDED CASE MANAGEMENT ORDER WHERE THIS VERY QUESTION WAS VERY SPECIFICLY ADDRESSED AND ANSWERED BY THIS COURT AND IT IS A STANDING ORDER OF THE COURT
<u>10:37:02 AM</u>		THAT IS WHAT WE KNOW OF HOW THE COURT HAS SAID WE ARE GOING TO MOVE FORWARD
<u>10:37:09 AM</u>		WE ARE GOING TO BREAK IT UP INTO PHASES, WE ARE GOING TO LOOK AT THE DIFFERENT PHASES, WE ARE GOING TO LOOK AT SUBSEQUENT PHASES
<u>10:37:21 AM</u>		THEY ARE THE MOST IMPORTANT ISSUES IN THIS ADJUDICATION AND THEY NEED TO BE RESOLVED
<u>10:37:26 AM</u>		THE LAPLATA IS NEAR TO COMPLETION
<u>10:37:35 AM</u>		ACCORDING THE THE SCHEDULING ORDER THE NEXT STEP WOULD BE TO START ANOTHER PHASE. IN OUR REPORT WHAT WE PROPOSE IS ALL WE HAVE IS THE ORDER, WE NEED TO FOLLOW THE ORDER OF THE COURT
<u>10:37:45 AM</u>	J	SO THAT WAS A DEFAULT POSITION
<u>10:37:52 AM</u>	GU ARI NO	IT IS NOT JUST A DEFAULT POSITION, IT IS THE POSITION OF THE COURT. IT STATES WHAT NEEDS TO HAPPEN UNLESS THAT CHANGES. IF THERE IS A PROPOSAL THAT THAT NEEDS TO CHANGE WE HAVE NOT SEEN IT YET
<u>10:38:06 AM</u>	J	YOU DID SEE A PROPOSAL. THE STATE FILED A MOTION, THE STATE FILED A PROPOSAL, IT WAS A REQUEST OF THE COURT TO THE ECHO DITCH ...
<u>10:38:25 AM</u>		MY UNDERSTANDING WAS THAT THE PARTIES WERE DISCUSSING THAT THE STATE FILED ITS WITHDRAWAL OF THAT PROPOSAL AND THE BASIS WAS THAT THE PARTIES WERE DISCUSSING THE MANNER IN WHICH TO MOVE FORWARD
<u>10:38:45 AM</u>		I DO NOT WANT TO PUT WORDS INTO THE ...WERE DISCUSSING ALTERNATIVES
<u>10:39:08 AM</u>		THAT IS WHERE I THOUGHT YOU WERE. I UNDERSTAND WHAT YOU ARE SAYING. I UNDERSTAND THAT IS A DEFAULT POSITION
<u>10:39:53 AM</u>		I JUST WANT TO KNOW IF YOU ARE GOING TO BE ABLE TO GET ANY PLACE
<u>10:40:07 AM</u>	GU ARI NO	I DO NOT WANT TO GET INTO THE NATURE OF THE DISCUSSIONS THAT HAVE BEEN GOING ON THEY FILED A MOTION WHICH WAS WITHDRAWN. I THINK IT IS FAIR TO SAY THERE WAS RESISTANCE TO THAT MOTION BY SOME OR ALL OF THE PARTIES
<u>10:40:22 AM</u>		LEFT US ... I DO NOT HAVE A PROPOSAL TO PRESENT TO THE COURT
<u>10:40:44 AM</u>		I DO NOT KNOW WHAT THAT WOULD LOOK LIKE

10:40:59 AM		WE ARE ENGAGED IN DISCUSSIONS AND OPEN TO DO SO
10:41:22 AM		IT IS THE ORDERS OF THE THE COURT OF HOW TO PROCEED FORWRD
10:41:33 AM	J	WERE THERE ANY COUNTER PROPOSALS MADE BY OTHER PARTIES TO THE STATE CONCERNING THE STATES ECHO DITCH DECREE MOTION
10:41:40 AM	GU ARI NO	NO AND THAT IS BECAUSE OF THE NATURE OF THE PARTIES. THI IS THE STATE OF NM VS THE UNITED STATES ET AL IN A GENERAL STREAM SYSTEM ADJUDICATION
10:41:59 AM		THEY CAN NOT DO IT UNDER THE WAY THE STATUATORY SCHEME HAS LAID IT OUT
10:42:19 AM		I DO NOT KNOW THE WAY TO SHORT CIRCUIT THE STATUTE
10:42:37 AM		THIS BASIN ALONE IS PROBABLY THE MOST COMPLICATED SECOND ONLY TO THE MIDDLE RIO GRANDE. I DO NOT KNOW WHAT TO SAY ABOUT IT. THE STATUTE IS CUMBERSOME IN THE WAY THAT THE PROCESS SEEMS TO BE DESIGNED. THERE ARE NOT ANY ALTERNATIVE PROPOSALS THAT I KNOW OF THAT WOULD ACCOMPLISH THIS
10:43:02 AM		WE HAVE ASKED THE COURT TO LOOK BACK TO ITS 5TH ...AND IF WE ARE GOING TO GO SLOWLY WITH A LIMITED AMOUNT OF RESOURCES MAYBE A NEVER ENDING PROCESS IS WHAT WE HAVE
10:43:18 AM		MOVING FORWARD TO WHAT THE STATE FILED YESTERDAY ABOUT ITS REPORT, WHAT IT SAID TO THE COURT WAS 3 THINGS. IT SAID #1 WE HAVE MADE ACCOMPLISHMENTS. #2 WE MIGHT NOT BE ABLE TO CONTINUE. #3 IF WE DID CONTINUE BASED UPON WHAT WE HAD WITH THE LA PLATA RESOURCES IF THEY WERE FREED UP AFTER WE COMPLETED IT, IT WOULD TAKE 200 YEARS. WHAT I THINK WE ARE GOING TOWARDS IS A REQUEST WITHER SUSPEND OR DISMISS THIS GENERAL STREAM ADJUDICATION. IF THAT IS THE PROPOSAL TO MOVE FORWARD THAT IS FINE WE CAN ADDRESS THAT AS WELL.
10:44:08 AM		IF THE STATE DOES NOT HAVE THE RESOURCED OR WILL OR WHAT EVER IT IS TO DEDICATE TOWARDS TO COMPLETING THIS ADJUDICATION WITHIN A FORSEEABLE DETERMINABLE PROCESS THEN THERE ARE ONLY A COUPLE OF RECOURSES
10:44:30 AM		I DO KNOW THAT THE ABILITY TO SUSPEND A GENERAL STREAM ADJUDICATION. I DO KNOW THAT YOU CAN MOVE TO DISMISS
10:44:40 AM		WHAT IS ON THE TABLE RIGHT NOW... IT IS VERY COMPLICATED AND I DO KNOW WHAT ROOM THE STATUE HAS FOR MOVING OUTSIDE THE STATUTE IN SOME WAY
10:45:07 AM		I STAND HERE BECAUSE OF THE MCCARREN AMMENDMENT....
10:45:38 AM		IF WE ARE NOT GOING TO DO ANYTHING
10:47:03 AM		I DO NOT KNOW OF A DIFFERENT WAY FORWARD
10:47:19 AM		WE HAVE ALL JOINED

10:47:37 AM		THAT ECHO DITCH DECREE MOTION IS NOT A REQUEST TO MODIFY THE 5TH AMENDED CASE MANAGEMENT ORDER. THAT WAS A REQUEST TO REVERSE A 2006 DECISION THAT THIS COURT MADE VERY SPECIFICALLY ABOUT THE INCORPORATION AND THE NEED TO INCORPORATE THE ECHO DITCH WATER RIGHTS INTO THIS DECREE
10:48:36 AM	J	ANY OTHER PARTY WISH TO ADDRESS THE ISSUE
10:49:08 AM	J- ST EV EN SO N	HAVE YOUR CLIENTS BEEN PARTICIPATING IN THE DISCUSSIONS
10:49:10 AM	ST EV NS ON	WE HAVE. WE AGREE WITH THE CONCERNS REGARDING THE MCCARREN AMMENDMENT AND THE NEED TO COMPLY....
10:49:40 AM	J	WERE YOUR CLIENTS INVOLVED IN THE ECHO DITCH DECREE
10:49:58 AM	ST EV EN SO N	NO WE WERE NOT. BHP BILLITON FIRST RECEIVED THEIR WATER RIGHT IN 1955 A FEW YEARS AFTER THE ECHO DITCH DECREE
10:50:04 AM	J	GIVE ME THE GENERAL IDEA AS TO HOW THE ECHO DITCH DECREE OR THE PROPOSAL THAT HAD BEEN MADE BY THE STATE EFFECTS YOUR CLIENTS
10:50:19 AM	ST EV EN SO N	MY UNDERSTANDING IS THAT THERE IS A NUMBER OF RIGHTS THAT MAY HAVE BEEN FORFEITED OR ABANDONED THAT WERE ADJUDICATED IN THE ECHO DITCH DECREE. WE WOULD LIKE THE OPPORTUNITY TO CHALLENGE THOSE RIGHTS.
10:51:00 AM		WE WOULD LIKE ALL OF THE RIGHTS THAT WERE INITIALLY ADJUDICATED IN THE ECHO DITCH DECREE WOULD BE READJUDICTED SO WE KNOW ...
10:51:29 AM		PASSES
10:52:11 AM	CA SS AN DR A M AL ON E	MY CLIENTS WERE NOT JOINED IN THE MOTION SUBMITTED BY THE US BUT I SHARE MR GUARINOS CONCERNS THAT HE EXPRESSED HERE TODAY. I ALSO SHARE SOME OF MR POLLACKS CONCERNS ABOUT IF THIS WERE TO PROCEED ADMINISTRATIVELY ONE OF MY CONCERNS IS I AM NOT CLEAR AT TO WHAT THAT MIGHT LOOK LIKE
10:52:41 AM		I HAVE BEEN INVOLVED IN COMMUNICATIONS IN THE MEETING WITH THE STATE. MY CLIENTS HAVE BEEN AND WILL CONTINUE TO BE COOPERATIVE (INAUDIBLE)
10:52:59 AM	J	WERE YOUR CLIENTS IN THE ECHO DITCH DECREE
10:53:19 AM	MA LO NE	YES MY CLIENTS ARE BOUND BY THE ECHO DITCH DECREE AND THE ORDER THAT THE STATE WAS REFERENCING IN THE MOTION IN REGARD TO THE ECHO DITCH DECREE I THINK IT WAS 2004 ORDER, MY CLIENTS WERE INVOLVED IN BRIEFING IN THAT ALSO
10:53:23 AM	J	WHAT IS YOUR ASSESMENT AS TO HOW DISCUSSIONS MIGHT PROGRESS

10:53:33 AM	MA LO NE	I THINK THEY WOULD PROGRESS BETTER IF THERE WERE MORE DEADLINES BUILT IN. WE HAVE SPOKEN AND I THINK THE DISCUSSIONS HAVE BEEN GOOD. IT JUST SEEMED LIKE THEY STALLED OUT
10:53:45 AM	J	WHAT KIND OF DEADLINES WOULD YOU SUGGEST?
10:53:53 AM	MA LO NE	THAT IS HARD TO SAY BECAUSE IT IS DRIVEN BY THE STATE AND WHAT THEY ARE SAYING THEY CAN DEVOTE TO IT. I DO NOT REALLY KNOW HOW TO ANSWER THAT BECAUSE I CAN NOT MAKE THE STATE HAVE RESOURCES TO ADDRESS THE MATTER
10:54:10 AM	J	PUTTING THAT ASIDE IF YOU WERE JUST LOOKING AT HOW TO PROGRESS WITH THESE DISCUSSIONS WHAT WOULD YOU SUGGEST
10:54:18 AM	MA LO NE	I WOULD SUGGEST 6 MONTHS TO COME TO A DETERMINATION OF WILL WE BE ABLE TO GET SOMETHING IN PLACE OR NOT
10:54:29 AM	J	I THOUGHT THAT IS WHAT WE DID WITH JAN 31ST
10:54:30 AM	M	I THOUGHT IT WAS TOO AND IT DID NOT HAPPEN AND IT JUST SORT OF STALLED OUT. I DO THINK THAT IT IS HELPFUL TO HAVE CONVERSATIONS BUT IT MAY BE SOMETHING WHERE THE COURT MAY NEED TO INVOLVED
10:54:53 AM	MA LO NE	PASSES
10:54:57 AM	JO LE NE MC CA LE B	I DO NOT HAVE A LOT TO ADD TO WHAT THE OTHER PARTIES HAVE SAID TODAY. THE SAN JUAN WATER COMMISSION IS NOT EFFECTED ITSELF BY THE ECHO DITCH DECREE. IT WAS NOT A PARTY TO THAT DECREE.
10:55:33 AM		THE MAJORITY OF ITS WATER RIGHTS POST DATE THE ECHO DITCH DECREE. IT HAS PURCHASED A VERY SMALL AMOUNT OF ECHO DITCH DECREE RIGHTS
10:55:46 AM		WHERE THE SAN JUAN WATER COMMISSION WOULD BE IMPACTED BY THE ECHO DITCH DECREE AS THE OTHER PARTIES HAVE NOTED IS THE FACT THAT THERE MAY BE A LARGE A NUMBER OF RIGHTS THAT HAVE BEEN FORFEITED OR ABANDONED SINCE THE DECREE WAS ENTERED WHICH WOULD IMPACT POTENTIALLY MY CLIENTS ABILITY TO RECEIVE ITS MORE JUNIOR WATER RIGHTS IN THE EVENT OF A FUTURE SHORTAGE
10:56:24 AM		WITH RESPECT TO THE CONVERSATIONS THAT HAVE BEEN ONGOING BETWEEN THE PARTIES AND THE STATE FOR POTENTIAL RESOLUTION OF HOW TO MOVE THE ADJUDICATION FORWARD IN A MORE OF AN EXPEDITIOUS MANNER THE PARTIES HAVE BEEN VERY ACTIVE IN TRYING TO COME UP WITH SOLUTIONS
10:56:36 AM		WE HAD ONE OF THE MEETINGS HAD OCCURED BEFORE THE LAST STATUS CONFERENCE. WE DID HAVE A COUPLE OF VERY FRANK MEETINGS AND GOOD CONVERSATIONS. THE STATE INDICATED IT WAS INTERESTED IN TRYING TO FIND A PROCEDURE WHERE THE ADMINISTRATIVE PROCESS MIGHT BE USED IN CONJUNCTION WITH THE ADJUDICATION PROCESS TO MOVE THINGS FORWARD.

10:57:05 AM		I THINK THE POINT WE ARE AT NOW IS WAITING TO HEAR FROM THE STATE ABOUT WHAT THAT PROCESS MIGHT LOOK LIKE
10:57:16 AM		WE DID HAVE ADDITIONAL MEETINGS SCHEDULED AND BECAUSE OF LACK OF RESOURCES AND BECAUSE OF THE LEGISLATIVE SESSION AND BECAUSE OF THE CONSTRAINTS PUT ON THE STATE BECAUSE OF THE ADMODTT CASE THOSE SCHEDULED MEETINGS WERE NOT ABLE TO OCCUR. MY UNDERSTANDING IS PARTIES ARE STANDING READY TO CONTINUE OUR DISCUSSIONS AND WE ARE JUST WAITING FOR THE STATE TO BE ABLE TO FIND THE TIME TO CONTINUE THOSE DISCUSSIONS
10:57:52 AM	J- MC CA LE B	SO THE ISSUE IS RIGHTS THAT MAY HAVE BEEN ABANDONED OR FORFEITED AFTER THE ENTRY OF THE DECREE
10:57:56 AM	MC CA LE B	THAT IS MY CLIENTS CONCERN YES. MY CLIENT HAS NEVER INDICATED THAT IT HAD AN INTEREST IN GOING BEHIND THE ECHO DITCH DECREE TO LOOK AT THE RIGHTS TO DETERMINE WHETHER THE ECHO DITCH DECREE WAS RIGHT IN THE FIRST INSTANCE BUT MORE IN TERMS OF UPDATING THAT DECREE AND LOOKING TO SEE WHAT HAPPENED TO THOSE RIGHTS SINCE THE 1940S
10:58:20 AM	J- PO LLA CK	IS THAT YOUR CONCERN ALSO WHEN YOU WERE TALKING ABOUT FORFEITURE AND ABANDONMENT BEFORE
10:58:24 AM	PO LLA CK	YES
10:58:29 AM	GU ARI NO	(INAUDIBLE) BECAUSE THE UNITED STATES IS A LITTLE DIFFERENT THAN THE NAVAJO NATION IN THIS REGARD. THE NAVAJO NATION MADE AN AGREEMENT THAT IT WOULD NOT GO BEHIND THE ECHO DITCH DECREE. THE UNITED STATES DID NOT MAKE ANY PLEDGE TO OR NOT TO GO BEHIND THE ECHO DITCH DECREE. THE PROBLEM WE HAVE HERE IS WE HAVE A DECREE THAT WAS ISSUED IN 1948, ONE LAWSUIT). THE GENERAL STREAM ADJUDICATION THAT WAS FILED IN 1978 IN WHICH THE IDEA IS
10:59:43 AM		SINCE 1948 WHEN THAT DECREE WAS ISSUED, WHAT HAPPENED TO THOSE RIGHTS OVER THE 50+ YEARS AND THAT IS THE CONCERN THAT YOU HAVE HEARD FROM MRS MCCAULEB AND MR POLLACK AS IT PARTAINS TO ABANDONMENT AND FORFEITURE

11:00:12 AM	SIN GE R	JUST GOING TO POINT OUT THAT THAT IS EXACTLY ARGUMENT FROM THE UNITED STATES. HE PRESENTS THIS AS A DECIDED ISSUE. THAT IS NOT A DECIDED ISSUE.....WE WITHDREW OUR MOTION SO THAT ISSUE IN NOT BEFORE THE COURT AND IN THAT RESPECT I DO NOT THINK THAT ANY DEADLINES FOR THE PARTIES TO CONTINUE THESE DISCUSSIONS ARE BEFORE THE COURT AT THIS TIME. THE STATE WANTS TO HAVE THESE DISCUSSIONS BECAUSE WE WANT TO EXPEDITE THE ADJUDICATION. WE WITHDREW THE MOTION BECAUSE WE CAN NOT COMMIT TO DEADLINES AND SUPERVISION BY THE COURT ON THIS ISSUE. WE ARE OPERATING UNDER THE CURRENT CASE MANAGEMENT ORDER AND ADJUDICATING THE LA PLATA SECTION. THERE ARE STILL SEVERAL CATEGORIES OF WATER RIGHTS THAT WE NEED TO ADJUDICATE UNDER THAT SCHEDULING ORDER AND THAT IS WHERE WE ARE PROCEEDING
11:02:13 AM	GA RY HO RN ER	I AM NOT SURE WHERE TO START OR WHERE TO JUMP IN HERE BUT THERE HAS BEEN SOME DISCUSSION HERE TODAY ABOUT MEETINGS AND DISCUSSIONS BETWEEN PARTIES ON WHAT TO DO AND WHERE TO GO AND AT THE LAST STATUS CONFERENCE I THINK I STATED THAT I HAD NOT BEEN PARTY TO THOSE MEETINGS AND DISCUSSIONS.
11:02:34 AM		YOU ORDERED THAT I BE A PARTY TO THAT AND I HAVE NOT BEEN SINCE, HAVE NOT BEEN INVITED OR MADE AWARE OF WHEN ANY OF THOSE MEETINGS OR DISCUSSIONS HAVE BEEN TAKEN PLACE SO I HAVE NOT CONTRIBUTED TO THAT. WITH REGARD TO THE ISSUE OF FORFEITURE AND ABANDONMENT SINCE 1948 AND THE DISCUSSION THAT SOME OF THAT STUFF CAN BE HANDLED IN AN ADMINISTRATIVE PROCEEDINGS BASICALLY, THE CONCEPT THAT THEY ARE TALKING ABOUT IS THEY ARE CONCERNED ABOUT THOSE RIGHTS AND IN PARTICULAR THE NAVAJO NATION UNDERSTOOD EVERYBODY WOULD BE CLIPPED SO THE EXISTING WATER RIGHTS WOULD BE LIMITED TO MAKE MORE ROOM FOR THE NAVAJO WATER RIGHTS. ONE OF THE PROBLEMS THAT COMES UP IS THAT I HAVE BEEN INVOLVED IN TRANSFER PROCEEDINGS AND THE ISSUE OF FORFEITURE AND ABANDONMENT CAME UP.
11:04:05 AM		THERE IS A CASE WS RANCH THAT SAYS SPECIFICALLY THAT AN ADJUDICATED WATER RIGHT CAN NOT BE CHALLENGED IN A TRANSFER PROCEEDING BY THE STATE. THE STATE CAN DO NO MORE THAN RECOGNIZE THAT WATER RIGHT. IN THE CASE I WAS INVOLVED IN THE STATE IN FACT DID CHALLENGE THE WATER RIGHTS BASED ON FORFEITURE AND ABANDONMENT. I DID BRING UP THE WS RANCH CASE AND THE ADMINISTRATIVE HEARING OFFICER DID DENY THE TRANSFER
11:04:46 AM		MY BACKGROUND IS SUCH THAT I HAVE A REAL PROBLEM WITH WHAT THE STATE IS DOING ACROSS THE BOARD, THAT THEY DO NOT FOLLOW THE LAW

11:04:59 AM	IN THE ADMINISTRATIVE PROCEEDINGS THEY DID NOT FOLLOW THE LAW. THE ADMINISTRATIVE HEARING OFFICER DID NOT FOLLOW THE LAW AND NOW THEY ARE TALKING ABOUT IGNORING THE WS RANCH CASE AND AGAIN MAKING IT THEIR POLICY TO CHALLENGE FORFEITED AND ABANDONED RIGHTS IN TRANSFER CASES.
11:05:41 AM	YOU HAVE GOT A COMPLETE MESS HERE. BACK IN 2004 IT WAS MR BIONES WHO WAS REPRESENTING THE SAN JUAN AGRICULTURAL WATER USERS ASSOCIATION AND MR RIDGLEY WHO WAS REPRESENTING THE BLOOMFIELD IRRIGATION DISTRICT WHO WERE TAKING THE POINT ON JUST TRYING TO ADOPT THE 1948 DECREE BASED ON RES JUDICATA AND SKIPPING ALL OF THIS HYDROGRAPHIC SURVEYS AND ALL OF THE STUFF THAT WAS GOING ON. THE STATE OPPOSED THAT AND DID NOT WANT TO ADOPT THE 48 DECREE AND DID NOT WANT TO CONSIDER IT RES JUDICATA.
11:06:32 AM	THE NAVAJO NATION AND THE US WERE HAVING A FIT AND SAYING THEY WERE NOT A PARTY TO THE CASE BACK IN 1948 AND ULTIMATELY WE GOT A DECISION IN THIS CASE THAT THE 48 DECREE WAS NOT RESJUDICATA OR COLLATERAL ESTOPPEL AND SO NO THEN WE HAVE THE STATE HAVING DONE AN ABOUT FACE WANTING TO ADOPT THE 48 DECREE AND AVOID ALL OF THE EFFORTS INVOLVED IN HYDROGRAPHIC SURVEYS AND THAT SORT OF STUFF
11:07:18 AM	I DID NOT TAKE MUCH PART IN THE CONSIDERATION OF THE RES JUDICATE MOTIONS BECAUSE I THOUGHT IS WAS A SLAM DUNK AND I WAS SURPRISED WHEN IT DID NOT WORK. I DO NOT HAVE A PROBLEM WITH THE STATE GOING FORWARD WITH THE CONCEPT OF ADOPTING THE 48 DECREE BUT NOW THE STATE HAS WITHDRAWN THEIR MOTION.
11:08:01 AM	ONE OF THE ISSUES THAT YOU HAVE TO BE VERY CAREFUL ABOUT AND KEEP IN MIND IS THAT WHATEVER YOU NEED TO DO IN THIS ADJUDICATION SUIT YOU NEED TO DO ACROSS THE BOARD. YOU NEED TO PLAY BY THE SAME RULES FOR EVERYBODY. WE ARE NOT DOING THAT WE ARE NEGOTIATING WATER RIGHTS WITH THE NAVAJOS AND THE JICARILLAS AND BHP AND THE CITY AND SAN JUAN WATER COMMISSION WHILE WE ARE DOING HYDROGRAPHIC SURVEYS FOR EVERY BODY ELSE. SO WHAT I SAID BEFORE WITH REGARD TO GOING FORWARD AND ADOPTING THE 48 DECREE TO PLAY BY THE SAME RULES YOU COULD GO BACK TO THE LA PLATA AND GIVE EVERYBODY BACK THE WATER RIGHTS THAT YOU HAVE TAKEN AWAY. GIVE THEM BACK THE WATER RIGHTS THAT WERE IN THE 1948 DECREE. IN THE LA PLATA YOU HAVE DONE HYDROGRAPHIC SURVEYS AND YOU KNOW THAT AREA VERY WELL AND IT WOULD BE A SMALL TASK TO GO BACK AND GIVE EVERYBODY BACK THEIR WATER RIGHTS AND GET THEM BACK TO THEIR STATUS QUO BACK TO THE 1948 DECREE AND THEN GO AHEAD WITH ADOPTING THE DECREE FOR EVERYBODY ELSE. NOW YOU ARE PLAYING BY THE SAME RULES.

<u>11:10:34 AM</u>		WHEN YOU LOOK AT THE SITUATION WE ARE CURRENTLY USING ABOUT 400,000 ACRE FEET AND WE SHOULD
<u>11:10:41 AM</u>	SIN GE R	WHAT HAS THIS GOT TO DO WITH ANYTHING ABOUT PLANNING THE FUTURE OF THE SAN JUAN ADJUDICATION. WE WITHDREW OUR MOTION, THIS IS LEGAL ARGUMENT DIRECTED TO OUR MOTION AND NOW HE IS GOING TO TESTIFY TO SUPPOSED FACTS. CAN HE BE INSTRUCTED TO PLEASE HOLD TO WHAT IS BEFORE THE COURT
<u>11:11:04 AM</u>	HO RN ER	NOT SURE WHAT HER COMPLAINT IS BUT
<u>11:11:17 AM</u>	J	HE COMPLAINT IS YOUR ARGUMENT RELEVANT TO THE ISSUE BEFORE THE COURT
<u>11:11:19 AM</u>	HO RN ER	THE ISSUE BEFORE THE COURT IS WHAT DO WE DO FROM HERE AND ONE OF THE PROPOSALS THAT THE STATE PROPOSED WAS JUST ADOPT THE 48 DECREE. AND THEN AS FAR AS ALL OF THESE WATER RIGHTS THAT MAY HAVE BEEN FORFEITED AND ABANDONED ADDRESSING THEM IN ADMINISTRATIVE TRANSFER PROCEEDINGS
<u>11:11:20 AM</u>	SIN GE R	AGAIN THIS IS NOT BEFORE THE COURT. WE WITHDREW THE MOTION WE ARE HAVING CONVERSATIONS OUTSIDE THE COURT. THIS IN NOT A MATTER TO BE ARGUED IN FRONT OF THE COURT
<u>11:11:55 AM</u>	J	LET ME ASK YOU TO, I DID SAY I DO NOT WANT TO GET INTO LEGAL ARGUMENT I WANT TO ADDRESS THE STATUS OF WHERE WE ARE AND WHERE WE GO FROM HERE WITH REGARD TO THE STATUS AND THE PROCEDURAL ISSUES.
<u>11:12:16 AM</u>		I WILL SUSTAIN THE OBJECTION TO THE EXTENT WE ARE TALKING ABOUT ONLY ADDRESSING THE PROCEDURAL QUESTION BEFORE US AND NOT THE SUBSTANCE OF THE SUGGESTION THAT HAD BEEN MADE BY THE MOTION
<u>11:12:27 AM</u>	HO RN ER	OK IF YOU LOOK AT WHAT WE HAVE ON THE TABLE TODAY
<u>11:12:48 AM</u>		THE STATES REPORT SAYS THEY NEED 200 YEARS TO COMPLETE
<u>11:13:00 AM</u>		NOW THEY ARE SAYING THEY NEED 200 YEARS TO COMPLETE THIS
<u>11:13:20 AM</u>		FOR ME THIS IS GROUNDS FOR DISMISSING THIS CASE FOR LACK OF PROSECUTION
<u>11:13:36 AM</u>		WHERE DOES THAT LEAVE US?....
<u>11:13:49 AM</u>		THE SJWC WITH THEIR NEGOTIATED SETTLEMENT
<u>11:14:00 AM</u>	J	WE ARE GETTING OFF COURSE HERE. THERE IS NOT A DISMISSAL MOTION BEFORE THE COURT
<u>11:15:00 AM</u>	HO RN ER	JUST THE FACT THAT THEY NEED 200 YEARS, I DO NOT THINK ANY OF US WILL BE HERE
<u>11:15:22 AM</u>		IS THERE ANY OTHER
<u>11:15:30 AM</u>		LISTENING TO EVERYBODY BEFORE ME HERE TODAY THERE HAVE NOT BEEN ANY PROGRESS...
<u>11:15:50 AM</u>		I WAS TALKING ABOUT A FEASIBLE WAY OF
<u>11:16:00 AM</u>	J	WHAT IS YOUR WAY

11:16:06 AM	HO RN ER	ADOPTING THE B48 DECREE.... BUT YOU HAVE THIS OTHER LOOMING ISSUE...
11:17:11 AM	J	YES IT HAS BEEN MENTIONED. I DO NOT WANT TO GET INTO THE ARGUMENT
11:17:29 AM		THAT IS SOMETHING THAT WILL COME BEFORE THE COURT.... TODAY WE DO NOT NEED TO ADDRESS... THAT IS FOR ANOTHER DAY
11:18:02 AM		I HEAR YOU ARE SAYING YOU HAVE PROBLEMS. I DO NOT KNOW THAT WE NEED TO GO FARTHER
11:18:23 AM	HO RN ER	IT IS JUST THAT WE MAY NEED 200 YEARS
11:18:48 AM		THAT IS WHAT IS ON THE TABLE
11:18:53 AM		I AM TRYING TO SHOW THERE ARE OPTIONS
11:19:02 AM	J	I HOPE THERE ARE AND I HOPE THE PARTIES ARE ABLE TO WORK TOGETHER IN ORDER TO MAKE PROPOSALS TO THE COURT
11:19:19 AM	J- CO UN SE L	ANYONE ON THE PHONE TO ADDRESS THE COURT
11:19:33 AM	J- SIN GE R	DO YOU HAVE RESPONSE OR SUGGESTIONS
11:19:44 AM	SIN GE R	ILLISTRATE THE DIFFICULTIES WITH MOVING FORWARD
11:20:01 AM		THE STATE WISHES TO PARTICIPATE WITH OTHER PARTIES
11:20:20 AM		WE HAVE ENCOUNTERED MANY OF THESE PROBLEMS BECAUSE WE WERE ORDERED TO FILE A MOTION IN REGARD TO THE ECHO DITCH DECREE BEFORE WE WERE READY. I DO NOT THINK ORDERING THE STATE TO FILE ANY FURTHER MOTIONS WOULD BE FRUITFUL UNTIL WE HAVE HAD A CHANCE TO RESOLVE SOME OF THESE ISSUES OR DETERMINE THAT THEY ARE NOT RESOLVABLE. WE ARE DOING OUR BEST TO MOVE THIS ADJUDICATION FORWARD AND TO EXPLORE WAYS TO DO IT IN A MORE EXPEDITED MANNER
11:20:51 AM		BASED ON THE EXPERIENCE WE HAVE IN OUR OFFICE
11:21:10 AM		AS YOU CAN SEE MANY ARE OPPOSED TO ANYTHING THAT WE DO. IT IS NOT A PRODUCTIVE DISCUSSION.
11:21:38 AM		I UNDERSTAND THE NAVAJO NATIONS CONCERNS. I APPRECIATE MR POLLACK SAYING THAT IF WE HAD DEADLINES FROM THE COURT WE WOULD MAKE THE LEGISLATURE FUND US. UNFORTUNATELY THAT IS NOT TRUE.
11:21:51 AM		THAT DOES NOT HAVE ANY BEARING ON WHETHER WE WILL GET RESOURCES FROM THE LEGISLATURE
11:22:06 AM		WE WOULD LIKE TO JUST BE ABLE TO CONTINUE UNDER THE PLAN AND LET US GO FORWARD WITH THAT
11:22:26 AM		WE WITHDREW THAT MOTION. WE CAN NOT AT THIS POINT PROCEED ON THAT MOTION

11:22:36 AM		MR GUARINOS PROPOSAL WAS TO TURN THIS INTO A STREAM SYSTEM ISSUE AND HAVE THE STATE BE REQUIRED TO MAIL OUT 20,000 NOTICES TO EVERYBODY IN THE BASIN THAT WE INTEND TO EFFECT THEIR ECHO DITCH RIGHTS.
11:22:54 AM		WE ARE NOT GOING TO GO FORWARD IN THAT
11:23:05 AM		WE CAN NOT DO THAT IF WE ...PLANS THAT WE CAN NOT FULFILL
11:23:20 AM	J	I DO NOT AGREE WITH A COMMENT THAT YOU MADE
11:23:34 AM		IT HAS BEEN QUITE SOME TIME THAT THIS MOTION THAT THE MANNER IN WHICH WE ARE GOING TO PROCEED NEXT IN THIS ADJUDICATION HAS BEEN DISCUSSED
11:23:42 AM		THE STATE HAS OVER TIME REEPEATEDLY SAID TO THE COURT THAT IT WAS EXAMINING HOW TO PROCEED AND FORMULATING DIFFERENT APPROACHES AND IT NEEDED ADDITIONAL TIME TO DO THAT
11:24:08 AM		THEN THERE WAS A NEW STATE ENGINEER THAT CAME IN AND YOU WERE EXCITED ABOUT HOW WE CAN DEVELOP NEW APPROACHES, AND THIS IS FINE
11:24:33 AM		HAS TAKEN A SIGNIFICANT TIME THE STATE HAD AMPLE OPPORTUNITY TO ADDRESS THE ISSUES BEFORE IT FILED ITS MOTION
11:24:42 AM		PUTTING THAT ASIDE, AM I UNDERSTANDING YOU TO DAY NOW THEN THAT YOU DO NOT BELIEVE DISCUSSIONS WOULD BE HELPFUL
11:24:50 AM	SIN GE R	I DO BELIEVE DISCUSSIONS WOULD BE HELPFUL BUT NOT A COURT ORDER OR SCHEDULE WOULD BE HELPFUL
11:25:08 AM	J	I BELIEVE THE COURT NEEDS TO OVERSEE THE FACT THAT THERE ARE DISCUSSIONS
11:25:23 AM	SIN GE R	WITH ALL DUE RESPECT I DO NOT UNDERSTAND WHY BECAUSE THIS IS NOT A MATTER BEFORE THE COURT. WE HAVE NOT BROUGHT THIS MATTER BEFORE THE COURT. WHAT WE ARE DOING IS ADJUDICATING WATER RIGHTS.
11:25:53 AM		WE CAN NOT DO IT ALL
11:26:02 AM		WE DO NOT HAVE THE RESOURCES..... DOES NOT HELP
11:26:18 AM		THIS IS REALLY SERIOUS DESPERATE TIMES
11:26:26 AM	J	I APPRECIATE THAT KNOWING WHAT THE STATE IS GOING THROUGH I CAN APPRECIATE THAT THE STATE IS UNDERGOING CONSTRAINTS. I CAN NOT FOREGO THE RESPONSIBILITY OF THE COURT TO MOVE THIS ADJUDICATION. I DO NOT THINK THAT GIVING AN AMPLE PERIOD OF TIME FOR THE STATE AND THE PARTIES TO TRY TO WORK ON THESE ISSUES IS AN UNREASONABLE REQUEST OR ORDER
11:27:34 AM		YOU CAN MEET TELEPHONICALLY. YOU ALL UNDERSTAND WHAT THE ISSUES ARE
11:27:52 AM		IF YOU ARE ABLE TO REACH A RESOLUTION FINE AND IF YOU ARE NOT THEN WE WILL LOOK AT OTHER ALTERNATIVES. THAT IS WHAT THE NATURE OF WHAT LITIGATION IS.

11:28:05 AM	SIN GE R	YES BUT WE HAVE NOT BROUGHT THESE THINGS BEFORE YOU AND IT REALLY CONCERNS ME TODAY THAT THE DISCUSSIONS WE HAVE HAD TODAY ARE ISSUES THAT WE WILL EVENTUALLY BRING TO YOU FOR DECISION. THESE ARE CONVERSATIONS THAT SHOULD BE HAD OFF THE RECORD
11:28:26 AM		AGUMENTS THAT SHOULD NOT BE HELD BEFORE THE COURT ON THE RECORD
11:28:45 AM	J	1. THESE ARE ISSUES THAT YOU AS THE PARTIES HAVE HAD AMPLE TIME TO ADDRESS CONSIDER AND WORK THROUGH YOUR POSITIONS ON
11:29:08 AM		I CAN TELL YOU THAT NOTHING THAT COMES BEFORE THE COURT IN THIS CONTEXT IS NOTHING THAT I AM GOING TO BE MAKING A DECISION ON LATER ON IN THE EVENT
11:29:26 AM	SIN GE R(RAMBLING)
11:29:43 AM	J	ALL THAT WAS MADE TODAY WAS STATEMENT TO THE ISSUE
11:30:01 AM	SIN GE R	I REPEAT MY CONCERN AND WITH ALL DUE RESPECT THE STATE HAS NOT HAD AMPLE TIME AS WE LEARNED FROM GETTING FEEDBACK FROM OTHER PARTIES THE RAMIFICATIONS OF MAKING CHANGES TO ADJUDICATIONS. IT TAKES A LONG TIME. WE HAVE BEEN DOING ADJUDICATIONS THIS WAY FOR MANY YEARS AND PARTIES HAVE DEVELOPED EXPECTATIONS BASED ON IT. SOME OF THEM I THINK HAVE MISUNDERSTANDINGS OF WHAT WE WERE DOING IN THE LA PLATA SECTION
11:30:10 AM	J	I HEAR YOU
11:30:44 AM		SOME OF THESE ISSUES WILL BE BROUGHT UP AND TESTED WHEN WE DO THE LA PLATA INTER SE. WE HAVE GIVEN THE COURT A PLAN. THERE IS A PLAN BEFORE THE COURT. THE QUESTION IS THERE OTHER ALTERNATIVES. THAT IS THE STATES PEROGATIVE TO DECIDE AND TO EXPLORE AND THEN TO PRESENT TO THE COURT AND THEN ASK THE COURT AND OTHER PARTIES WHAT THEY THINK ABOUT IT.
11:31:06 AM		UNTIL WE DO THAT THIS IS OUR EFFORT
11:31:16 AM	J- SIN GE R	AT THE OUTSET OF THIS ADJUDICATION OR IN THE LA PLATA SECTION AND I WAS NOT INVOLVED IN IT, WHAT I GATHER IS THERE WAS AN OPPORTUNITY FOR THE PARTIES TO DISCUSS AT THAT TIME THE MANNER IN WHICH THEY WISHED THE COURT TO PROCEED, DID SO AND MADE THAT PRESENTATION TO THE COURT
11:31:37 AM		I AM NOT SEEING VERY MUCH DIFFERENCE IN THIS DISCUSSION NOW AS TO HOW THE ADJUDICATION IS TO PROCEED THAN WHAT WAS DONE THEN. THE PARTIES HAVE THEIR INTERSTS, THE PARTIES HAVE THEIR ABILITY TO PROVIDE INPUT AS TO WHAT IS THE BEST MANNER IN WHICH TO PROCEED AND THAT IS WHAT WE ARE TALKING ABOUT
11:32:00 AM	SIN GE R	I DO NOT KNOW THAT THE I BELIEVE THEY WERE ALL ENTERED BY THE COURT WITHOUT PARTICIPATION OF THE PARTIES

<u>11:32:11 AM</u>		THE PARTIES DID HAVE A COMMITTEE THAT DEVELOPED THE SCHEDULING ORDER
<u>11:32:31 AM</u>	J	AT THE OUTSET YOU TALKED ABOUT 6 MONTHS IN ORDER TO DISCUSS THIS. I WILL AGREE THAT 6 MONTHS ... WE WILL RECONVEINE IN 6 MONTHS AND I WILL ASK FOR A REPORT AT THAT TIME
<u>11:33:33 AM</u>		6 MO FROM TODAY IS AUG 15TH. ORDER PARTIES TO ACTIVLY WORK ON THE ISSUE AND REPORT ON AUG 15TH
<u>11:33:55 AM</u>		I DO NOT WANT YOU TO THINK THAT I DO NOT UNDERSTAND THE PHYSICAL PROBLEMS THAT ARE FACING THE STATE ENGINEER AND OTHER STATE AGENCIES WHICH THIS COURT IS ONE DURING THIS BUDGET CRISIS
<u>11:34:19 AM</u>		LETS TURN TO THE LA PLATA
<u>11:34:25 AM</u>	KE LLY BR OO KS- SMI TH	THE PROGRESS ON THE LA PLATA HAS CONTINUED. IT HAS NOT BEEN STALLED BECAUSE OF THE DISCUSSIONS BECAUSE OF A LONGER TERM PLAN. WE HAVE A TRIAL THAT RESOLVED 3 SUBFILES AND WE ARE IN THE PROCESS OF (INAUDIBLE) FOR LITIGATION AND CONTINUING TO DISCUSS SETTLEMENT WITH THE MCCARTYS BUT AS YOU KNOW MR MCCARTY ALSO PASSED AWAY. PENDING IS A MOTION TO GIVE THEM AT LEAST ANOTHER 3 MONTHS BEFORE PROCEEDING TO TRIAL.
<u>11:35:03 AM</u>		WE ARE TALKING WITH THEM ABOUT CONTINUING TO MEET AS SEE IF WE CAN COME UP WITH OUR OWN SOLUTION TO ENTER A CONSENT ORDER
<u>11:35:14 AM</u>		ADMINISTRATION IS HAPPENEING IN THE LA PLATA AND IN THE BASIN.
<u>11:35:33 AM</u>		SUBFILE ORDERS HAVE BEEN ENTERED
<u>11:35:55 AM</u>		THE ONGOING ADJUDICATION DOES NOT STOP THAT PROCESS
<u>11:36:02 AM</u>		WE ARE PLANNING TO FINISH THE SURFACE WATER RIGHTS BEFORE THE END OF THIS YEAR AND WE ARE ALSO AT THE SAME TIME WORKING ON ADJUDICATING ABOUT 15 CLAIMS FOR DOMESTIC AND STOCK WATER SURFACE WATER RIGHTS
<u>11:36:18 AM</u>		THOSE PARTIES HAVE ALREADY BEEN JOINED AND SERVED. THE CLAIMS WERE SET ASIDE AND WE ARE IN THE PROCESS OF ANALYZING THOSE WITH OUR HYDROGRAPHIC SURVEY STAFF
<u>11:36:26 AM</u>		MR STORM IS ANALYZING THEM TO SEE IF THOSE WILL RESULT IN ANY CONSENT ORDERS. ONCE WE GET ALL OF THE SURFACE SUBFILES ORDERS ADJUDICATED BOTH DOMESTIC LIVESTOCK AND IRRIGATION, WE WILL PROCEED TO DO INTER SE ON THE SURFACE WATER RIGHTS FOR THE LA PLATA. WE EXPECT THAT TO COMMENCE SOMETIME AFTER JANUARY 2019 BASED ON OUR AVAILABLE RESOURCES. WE EXPECT BASED ON THE INTER SE OBJECTIONS THAT WE GET THAT WE HOPE TO COMPLETE THE INTER SE IN THE SPRING OF 2022. EVEN UNDER THE PLAN THAT WE ARE FOLLOWING NOW WE ARE NOT GOING TO GET TO ANY OTHER SECTIONS IN THE SAN JUAN OTHER THAN THE LA PLATA AND THIS IS IN THE SUPPLEMENTAL STATUS REPORT.
<u>11:37:18 AM</u>	J	THE 2022 THE ORIGINAL REPORT THAT YOU FILED I THOUGHT WAS 2-3 YEARS

11:37:45 AM	BR OO KS- SMI TH	THAT IS THE BENEFIT OR CURSE OF BREAKING DOWN THE STEPS AND WITH SOME OF THE ABSENCES THAT WE HAVE HAD PART OF THE PROBLEM IS MR ? HAS LEFT THE PECOS BUREAU AND I NOW TAKE ON SUPERVISION OF THE PECOS BUREAU AS WELL AS THE NORTHERN NM BUREAU. THAT HAS STRETCHED THE RESOURCES A LITTLE MORE.
11:38:08 AM	BR OO KS- SMI TH	THIS IS THE OUTSIDE. ONCE WE FINISH THE LA PLATA SECTION HOPEFULLY BEFORE 2020, A LOT OF THESE TIMELINE IS THAT WE CAN NOT PREDICT BECAUSE I DO NOT KNOW HOW MANY OBJECTIONS THERE ARE GOING TO BE. WE DO NOT KNOW HOW MUCH LITIGATION THERE WILL BE.
11:38:28 AM	J	HASN'T YOUR EXPERIENCE BEEN THAT THE OBJECTIONS ARE REALLY FEW AND FAR BETWEEN IN THE INTER SE PROCESS
11:38:43 AM	BR OO K- SMI TH	DEPENDS. EXPLAINS
11:39:19 AM	J	WHY WOULD YOU NEED TO WAIT UNTIL YOU HAVE COMPLETED NOT ONLY THE SURFACE RIGHTS BUT ALSO COMPLETED THE DOMESTIC AND STOCK RIGHTS TO BEGIN PLANNING THE INTER SE
11:39:40 AM	BR OO KS- SMI TH	BECAUSE IN ORDER TO PUBLISH THE INTER SE, AND IT IS JUST THE STOCK SURFACE WATER RIGHTS NOT THE WELLS SO WE WANT TO DEAL WITH THE SURFACE WATER RIGHTS ALL AT ONCE BECAUSE WE HAVE TO DO A MASSIVE MAIL OUT TO PUT EVERYBODY ON NOTICE
11:39:49 AM	J	CAN YOU NOT PLAN FOR... THERE ARE ONLY 5 CLAIMS OUTSTANDING IN THE LA PLATA SO CAN YOU NOT START PLANNING NOW
11:40:16 AM	BR OO KS- SMI TH	EXPLAINS
11:40:28 AM		YES WE COULD START SOME OF THE PLANNING FOR THE INTER SE DOCUMENTS, AGAIN IF WE DO NOT KNOW HOW LONG THE ADJUDICATION OF DOMESTIC AND STOCK WATER SURFACE RIGHTS WILL TAKE THEN WE CAN NOT SET DEADLINE FOR WHEN WE ARE GOING TO BE ABLE TO PUBLISH THE SUMMARY OF ALL OF THE WATER RIGHTS
11:40:51 AM		SO INTER SE CAN NOT START UNTIL WE HAVE BEEN ABLE TO COMPILE ALL OF THE ADJUDICATED WATER RIGHTS
11:40:57 AM	J	YOU KNOW THAT THE COURT HAS ITS OWN RECORD OF THE RIGHTS IN THE LA PLATA, ITS OWN DATABASE
11:41:20 AM		IT IS NOT LIKE YOU SIT THERE AND TYPE IT UP IT IS

11:41:32 AM	J	I WOULD LIKE TO HAVE A WORKING SESSION WHERE WE SIT DOWN AND TALK ABOUT WHAT THE COURT RECORDS ARE WHAT YOUR RECORDS ARE AND HOVE WE CAN INTIGRATE IF NECESSARY AND HOW WE CAN EXPEDITE THE INTER SE PROCESS. IT SEEMS TO ME 5 YEARS FOR PURPOSES OF 600 CLAIMANTS IS A LONG TIME
11:41:51 AM	BR OO KS- SMI TH	IT IS NOT JUST A MATTER OF RECORDING THE WATER RIGHTS IT IS ALSO UPDATING THE HYDROGRAPHIC SURVEY MAPS AND MAKING SURE THAT GOES THROUGH.... YOU ARE RIGHT IT IS NOT GOING TO TAKE 5 YEARS TO COME UP WITH THE DATABASE TO PRINT OUT WHAT THE OBJECTIONS ARE BUT THAT INCORPORATES THE OBJECTIONS AS WELL
11:42:28 AM		WE WOULD BE OPEN TO TALKING ABOUT THAT
11:42:38 AM		MAKE SURE THE DATA BASE ACCURATLY
11:42:51 AM		SOMETIMES IT TAKES LONGER TO CHECKING 2 DATABASES TO MAKE SURE IT IS CORRECT
11:43:10 AM		LETS HAVE A DISCUSSION ABOUT THAT
11:43:20 AM	BR OO KS- SMI TH	THAT WOULD BE GOOD THEN WE CAN GET OUR IT DEPARTMENT
11:43:45 AM	J	ON YOUR STATUS REPORT IT SAYS SERVED CONSENT ORDERS ON 2 UNCONTESTED CONSENT SUBFILES. IS THAT ONE CLAIMANT OR 2 CLAIMANTS
11:44:14 AM	GA RY ST OR M	THERE ARE 4 OUTSTANDING SUBFILES IN THE LA PLATA. 3 OF THEM ARE THE MCCARTY SUBFILES. THE MOST RECENT COMMUNICATION I RECEIVED FROM THEIR ATTORNEY
11:44:30 AM		THEY HAVE AGREED TO 2 OF OUR OFFERS. THOSE ARE STILL IN DISCUSSION
11:45:03 AM		THE OTHER OUTSTANDING SUBFILE IS A VERY SMALL ONE. I HAVE A BUNCH OF PHONE NUMBERS FOR THAT CLAIMANT AND NONE OF THEM ARE WORKING SO I AM GOING TO PURSUE A DEFAULT JUDGMENT SO THAT SHOULD BE RESOLVED IN A MONTH
11:45:31 AM		THAT IS WHERE WE ARE IN THE LA PLATA
11:45:37 AM	J	THANK YOU
11:45:47 AM	J- BR OO KS- SMI TH	I WANTED TO ASK YOU ABOUT DOMESTIC AND STOCK ITEM #2. IS THERE ANY ADDITIONAL HYDROGRAPHIC SURVEY THAT NEEDS TO BE DONE OR IS THAT ALL BASED ON THE PREVIOUS HYDROGRAPHIC SURVEY
11:46:22 AM	BR OO KS- SMI TH	REPLY

11:46:35 AM	J	SO YOU ARE TALKING ABOUT ADDITIONAL FIELD WORK
11:47:02 AM		I WOULD LIKE TO WORK ON A DATE TO HAVE A WORKING SESSION WE CAN ADDRESS DATES IN WHICH THOSE TASKS WILL BE ACCOMPLISHED
11:47:49 AM	HO RN ER	I WAS JUST NOTICING ON THE STATUS REPORT REGARDING THE LA PLATA THAT THEY ARE TALKING ABOUT COMPLETING WHAT THEY ARE WORKING ON NOW THEN DOING DOMESTICWITH THE CONCEPT OF SOME SOME SORT OF FINAL DECREE WOULDNT AN INTER SE THAT IS CONSIDERING ALL OF THE WATER RIGHTS SHOULDNT ALL OF THAT BE DONE BEFORE THE INTER SE
11:48:31 AM		ARE THEY TALKIN ABOUT DOING SURFACE RIGHTS, DOMESTIC RIGHTS, INTER SE THEN UNDERGROUND RIGHTS AND ANOTHER INTER SE
11:48:45 AM	J	THE INTER SE WOULD BE FOR SURFACE RIGHTS ONLY AT THIS POINT
11:48:59 AM	J- BR OO KS- SMI TH	IF YOU WANT TO CLARIFY
11:49:12 AM	BR OO KS- SMI TH	THAT IS CORRECT WE WOULD BE DOING THE INTER SE ON SURFACE WATER RIGHTS AND GET A PARTIAL FINAL JUDGMENT AND DECREE JUST DEALING WITH ALL OF THE SURFACE WATER RIGHTS THAT WOULD ENABLE US TO PROCEED TO THE NEXT SECTION WITHOUT ALL OF THE WORK THAT WE HAVE DONE GETTING STALE
11:49:23 AM		SO THE WHOLE ADJUDICATION WOULD BE A SERIES OF PARTIAL FINAL JUDGEMENTS AND DECREE AN PARTICULAR RIGHTS
11:49:34 AM	HO RN ER	THEN THERE WOULD BE ANOTHER INTER SE AFTER THE GROUND WATER RIGHTS?
11:49:39 AM	BR OO KS- SMI TH	CORRECT THAT WOULD BE JUST ON THE GROUND WATER RIGHTS
11:49:55 AM	HO RN ER	THIS IS REALLY MESSING UP WHAT I THOUGHT THE CONCEPT OF AN INTER SE WAS SUPPOSED TO BE
11:50:06 AM		
11:50:30 AM		THAT IS JUST IN THE LA PLATA SECTION
11:50:44 AM	BR OO KS- SMI TH	WE HAD PROPOSED DOING THE GROUND WATER RIGHTS FOR THE ENTIRE SAN JUAN AS A WHOLE BUT AS MR GUARINO POINTED OUT THE SURFACE ECHO DITCH DECREE WATER RIGHTS WERE LISTED AS THE FIRST PRIORITY TO GET THOSE ACCOMPLISHED
11:50:56 AM		BY BREAKING IT DOWN IN THESE SMALLER BITES WHICH IS WHAT WE HAVE ALSO DONE IN THE CHAMA AND IN THE PECOS

11:51:13 AM		THERE ARE DIFFERENT WAYS OF DOING IT THE BOTTOM LINE IS EVERYBODY WILL GET NOTICE AND DUE PROCESS AND BY BREAKING IT DOWN INTO SMALLER CHUNKS IT PREVENTS OUR DATA FROM GETTING STALE AND IS MORE MANAGEABLE AND I THINK GIVES CLAIMANTS THEIR FINAL WATER RIGHTS MORE QUICKLY
11:51:39 AM	HO RN ER	I AM STILL HAVING A PROBLEM WITH THE MULTIPLE INTER SE AS OPPOSED TO DO IT ALL IN ONE INTER SE AT THE END
11:52:11 AM	J	THANK EVERYBODY FOR THEIR PARTICIPATION IN ONGOING PROCESS. THE ISSUES CAN BE VERY COMPLEX AND DIFFICULT.
11:52:39 AM		WE ARE IN THIS TOGETHER.
11:53:07 AM		I APPRECIATE YOU WORKING TOGETHER
11:53:19 AM		IT IS ALSO MY JOB TO MAKE SURE THAT THE PROCESS MOVES ALONG
11:53:31 AM		I APPRECIATE YOU KEEPING AT IT AND WORKING DILIGENTLY
11:53:42 AM		ADJOURNED