

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

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 STREAM SYSTEM
ADJUDICATION

vs.

LA PLATA RIVER SECTION

THE JICARILLA APACHE TRIBE and the
NAVAJO NATION,
Defendant-Intervenors.

**STATUS REPORT ON THE LA PLATA SECTION OF THE
SAN JUAN RIVER STREAM SYSTEM ADJUDICATION**

The State of New Mexico provides this status report on the adjudication of the water rights in the La Plata section of the San Juan River Stream System adjudication.

Category – La Plata Section	Task and Status	Estimated Time
A. Adjudication of Remaining La Plata Surface Irrigation Water Right Subfiles	<p>COMPLETED (known claimants) Consent orders were entered for the last three contested subfiles on October 17, 2017.</p> <p>State plans to publish notice to unknown claimants. Notice was approved by the court on April 18, 2017.</p> <p>Adjudicate any additional rights that arise from publication to unknown claimants.</p>	<p>COMPLETED</p> <p>January/February, 2018</p> <p>Complete by June, 2018</p>
B. Adjudication of surface water rights of the City of	The State has consulted with counsel for the three municipalities to address the water rights identified in the three	The estimated completion date of December, 2017

<p>Aztec, City of Farmington, and City of Bloomfield</p>	<p>Settlement Agreements. Draft consent orders have been exchanged.</p> <p>Additional information and hydrographic survey technical analysis is needed to survey and identify the water rights of Aztec and Bloomfield.</p> <p>The parties will continue to consult and prepare a survey as required by the Settlement Agreements of the rights to be included in the consent orders.</p> <p>Once the consent orders are finalized by the parties, and submitted to the Court for entry, the State plans to file a motion for procedural order to establish an <i>inter se</i> proceeding for the Cities' water rights.</p> <p><i>Inter se</i> and entry of a final order on the Cities water rights.</p>	<p>cannot be met.</p> <p>Ongoing, in process.</p> <p>3 to 4 months, depending on need for site visits - April, 2018</p> <p>May, 2018</p> <p>To be completed by November, 2018</p>
<p>C. Adjudication of Domestic and Stock Water Uses – Surface Rights</p>	<p>The State has conducted an intensive review and identified 232 pending notices of claim for surface water domestic, stock water or uses other than irrigation. This is far more than those previously identified when reported to the court.</p> <p>Analysis of claims and information provided by the parties.</p> <p>The State plans to file a motion for procedural order and entry of an order to show cause to address these rights,.</p> <p>If additional claims result from the order to show cause, the State will review those claims.</p> <p>Prepare hydrographic survey maps and report to include surface water domestic and stock water uses.</p>	<p>In process</p> <p>In process.</p> <p>Anticipated filing date of January, 2018.</p>

	<p>Service of proposed consent orders to claimants.</p> <p>Consultation period and field visits with claimants regarding proposed consent orders.</p> <p>Litigation with claimants who file answers objecting to proposed consent orders</p> <p>File motions for default judgment against claimants who do not respond and/or motions for judgment on any remaining subfiles</p> <p>Orders entered on all subfiles</p>	
<p>D. <i>Inter Se</i> proceedings and entry of Partial Final Judgment and Decree on Surface Water Rights in La Plata Section, including Preparation of Maps and Appendices for <i>Inter Se</i></p>		<p>To commence after the surface domestic and livestock water rights are adjudicated.</p>
	<p>1. Preparation of draft final judgment and decree, including technical and administrative work to compile description of water rights and mailing list</p>	
	<p>2. Review of all orders to determine whether any corrections or amendments are necessary</p>	
	<p>3. File motions to amend/correct subfile orders, if necessary</p>	
	<p>4. Filing of motion for procedural order for <i>inter se</i> and entry of partial final judgment and decree</p>	
	<p>5. Briefing on motion for procedural order and entry of procedural order</p>	
	<p>6. State files motion to enter partial final judgment and decree</p>	
	<p>7. State makes partial final judgment and decree available for public inspection, including addendum summarizing all water rights and forms</p>	

	for objections. Notice and mailing of notice of draft partial final judgment and decree and <i>inter se</i> process.	
	8. State files updated service list.	
	9. State mails and publishes notice of <i>inter se</i> proceeding; files Proof of Publication of Notice and certificate of service.	
	10. Deadline for filing <i>inter se</i> objections	
	11. State files and posts report summarizing <i>inter se</i> objections and mails objections to water right owners	
	12. Mandatory scheduling conferences on <i>inter se</i> objections	
	13. Court conducts proceedings on <i>inter se</i> objections	
	14. Entry of order resolving <i>inter se</i> objections	
	15. Briefing on Motion to Enter partial final judgment and decree	
	16. Court enters Partial Final Judgment and Decree on Surface Water Rights in the La Plata Section	

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I have caused a copy of the above to be served by E-mail to all Counsel on the Electronic Service List for D-1116-CV-7500184, wattorney-gip@nmcourts.gov, on December 22, 2017.

/s/ Kelly Brooks Smith
 Kelly Brooks Smith