

FIFTH JUDICIAL DISTRICT COURT  
CHAVES COUNTY NM  
FILED IN MY OFFICE

2016 SEP 29 AM 8:08

KATIE ESPINOZA  
DISTRICT COURT CLERK

FIFTH JUDICIAL DISTRICT )  
COUNTY OF CHAVES )  
STATE OF NEW MEXICO )

STATE OF NEW MEXICO, *ex rel.* )  
STATE ENGINEER )  
and PECOS VALLEY ARTESIAN )  
CONSERVANCY DISTRICT, )

Nos. 20294 and 22600

Consolidated

Hon. James J. Wechsler  
Presiding Judge

Plaintiffs,

) Pecos River Section

v.

L.T. LEWIS, *et al.*, and )  
THE UNITED STATES OF AMERICA )

) D504-WA-6000000

) D504-WB-1000001

) D504-WC-7000000

) D504-WD-4000000

Defendants.

) D504-WE-5000001

) D504-WF-8000001

) D504-WG-9000000

) D504-WH-3000001

) D504-WI-10000000

) D504-WJ-2000000

) D504-WK-11000001

) D504-WN-14000001

) D504-WR-18000001

) D504-WS-19000001

**NOTICE OF FILING OF STATE'S FY 2017 RULE 1-071.3(B) REPORT**

Pursuant to Rule 1-071.3(B) NMRA, the State of New Mexico, by and through its counsel, hereby submits its report setting out its priorities and analysis of resources for fiscal year 2017 for all adjudications pending in state courts. The report is submitted in the form of the attached exhibits, setting out the 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 available on the website of the Office of the State Engineer at:

[http://www.ose.state.nm.mi/legal\\_ose\\_adjudication.html](http://www.ose.state.nm.mi/legal_ose_adjudication.html)

Respectfully submitted,



LEILA REILLY

Special Assistant Attorney General

N.M. Office of the State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102 (505) 827-6150

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of September, 2016, a copy of the above (without attachments) was sent to the following parties by e-mail and first-class mail.



LEILA REILLY

**VIA E-MAIL**

Bruce Bernard, Esq.  
U.S. Department of Justice  
South Terrace, Suite 370  
Denver, CO 80202  
[Bruce.Bernard@usdoj.gov](mailto:Bruce.Bernard@usdoj.gov)

Rebecca A. Dempsey, Esq.  
Cuddy & McCarthy, LLP  
P.O. Box 4160  
Santa Fe, NM 87502-4160  
[rdempsey@cuddymccarthy.com](mailto:rdempsey@cuddymccarthy.com)

Stephen E. Snyder, Esq.  
Special Master  
312 Plaza Bosque  
Santa Fe, NM 87505  
[sesnyder@q.com](mailto:sesnyder@q.com)

Michelle Henrie, Esq.  
Michelle Henrie, LLC  
P.O. Box 7035  
Albuquerque, NM 87194  
[Michell@mhenrie.com](mailto:Michell@mhenrie.com)

David Benavides, Esq.  
New Mexico Legal Aid  
P.O. Box 5175  
Santa Fe, NM 87502  
[davidb@nmlegalaid.org](mailto:davidb@nmlegalaid.org)

Jay F. Stein, Esq.  
Seth Fullerton, Esq.  
Stein & Brockman, P.O. Box 5250  
Santa Fe, NM 87502-5250  
[jfstein@newmexicowaterlaw.com](mailto:jfstein@newmexicowaterlaw.com)  
[sfullerton@newmexicowaterlaw.com](mailto:sfullerton@newmexicowaterlaw.com)

Tessa Davidson, Esq.  
Davidson Law Firm  
PO Box 2240  
Corrales, NM 87048  
[ttd@tessadavidson.com](mailto:ttd@tessadavidson.com)

David Benavides, Esq.  
Enrique Romero, Esq.  
New Mexico Legal Aid  
PO Box 5175  
Santa Fe, NM  
[davidb@nmlegalaid.org](mailto:davidb@nmlegalaid.org)  
[enriquer@nmlegalaid.org](mailto:enriquer@nmlegalaid.org)

Joe Lennihan, Esq.  
PO Box 23136  
Santa Fe, NM 87502  
[jlennihan4@gmail.com](mailto:jlennihan4@gmail.com)

DL Sanders  
17 Seton Plaza  
Santa Fe, NM 87508  
[esquiperro@gmail.com](mailto:esquiperro@gmail.com)

Kyle Harwood, Esq.  
123 W. San Francisco, Suite 200  
Santa Fe, NM 87501  
[bnguama@gmail.com](mailto:bnguama@gmail.com)

Daniel A. Sanchez, Hon.  
2304 Middle Ct.  
Santa Fe, NM 87505-5847  
[dansanchez911@gmail.com](mailto:dansanchez911@gmail.com)

Nicholas T. Leger, Esq.  
Attorney at law  
P.O. Box 454  
Las Vegas, NM 87701  
[nicklaw@zianlink.com](mailto:nicklaw@zianlink.com)

W.T. Martin, Esq.  
P.O. Box 2168  
Carlsbad, NM 88221-2168  
[martinlaw@zianet.com](mailto:martinlaw@zianet.com)

A.J. Olsen  
Henninghausen & Olsen  
P.O. Box 1415  
[ajolsen@h2olawyers.com](mailto:ajolsen@h2olawyers.com)

Steven L. Hernandez, Esq.  
Law Offices of Steven L  
Hernandez  
P.O. Box 13108  
Las Cruces, NM 88013  
[slh@lclaw-nm.com](mailto:slh@lclaw-nm.com)

Charles T. Dumars  
Stephen C. Ross  
Tanya. Scott  
Law Resource and Planning Assoc.  
201 Third Street NW, Suite 1750  
Albuquerque Plaza  
Albuquerque, NM 87102  
[ctc@lrpa-usa.com](mailto:ctc@lrpa-usa.com)  
[sr@lrpa-usa.com](mailto:sr@lrpa-usa.com)  
[tls@lrpa-usa.com](mailto:tls@lrpa-usa.com)  
[dml@lrpa-usa.com](mailto:dml@lrpa-usa.com)

Pete Domenici, Esq.  
Lorraine Hollingsworth, Esq  
Domenici Law Firm, P.C.  
[pdomenci@domicilaw.com](mailto:pdomenci@domicilaw.com)  
[lhollingsworth@domicilaw.com](mailto:lhollingsworth@domicilaw.com)

Sue E. Umshler, Esq.  
Sue E. Umshler, LLC  
PO Box 6760  
Albuquerque, NM 87197  
[dsumshler@att.net](mailto:dsumshler@att.net)

**VIA UNITED STATES POSTAL SERVICE, POSTAGE PRE-PAID**

Michael and Patricia Padilla  
790 Eaton Place  
Bosque Farms, NM 87068.

**STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2017  
LOWER RIO GRANDE ADJUDICATION BUREAU**

September 28, 2016

**Matters to Be Completed Prior to Preparation of Final Decree**

(Highlighting indicates the State's priorities for fiscal year 2017)

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~~

~~FY 2015 14.45~~

~~FY 2016 12.80~~

**FY 2017 13.55**

**I. LOWER RIO GRANDE ADJUDICATION**

(Total Staff & Contract Resources: ~~14.90 12.20 12.00 13.05 13.05 14.30 11.65 12.80~~)

**A. General (Staff & Contract Resources: ~~2.45 2.85 2.40 2.60 5.15 4.15 3.60 2.65~~)**

**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); ~~Order granting State's motion for summary judgment on amount of water entered February 17, 2014, Project amount completed FY 2014; closing arguments in trial on priority date held September 1, 2016; El Paso/EP#1 Motion to Stay SSI No. 104 filed August 29, 2016, responses due September 30, 2016.~~
- g. ~~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; *aff'd Boyd Estate v. United States, Elephant Butte Irrigation district and City of Las Cruces,*~~

~~2015 NMCA 018, cert. denied, 2015 NMCERT \_\_\_ (No. 35,025, Jan. 14, 2015)). Completed FY 2015~~

- h. ~~Proposed Steam System Issue (rights of pre-1906 claimants) Order denying the proposed steam system issue entered April 25, 2013; Ct. App. Memorandum Opinion dismissing appeal filed May 29, 2014.) Completed FY 2014~~
  - i. ~~United States, et al. v. Boyd, et al. (motion to intervene and lift the stay in federal quiet title case closed since 2002) 10<sup>th</sup> Circuit Court of Appeals affirmed district court denial of motion; mem. opinion filed December 7, 2015. Completed FY 2016~~
  - j. Stream System Issue No. 107 (status of pre-Rio Grande Project surface water rights) Order designating issue filed July 6, 2016; parties' position statements due November 18, 2016.
  - k. Pre-1906 Claimants Expedited *Inter Se* (rights of select pre-1906 claimants with claims derivative of the Rio Grande Dam & Irrigation Company) Order establishing *inter se* filed June 1, 2015; joint motion of State, U.S. and EBID to dismiss claims argued April 27, 2016, awaiting ruling.
  - l. Copper Flat Expedited *Inter Se* (claims of New Mexico Copper Corp., et al.) Trial held March 14-18 and June 27-July 1, 2016; trial briefs due 60 days after mailing of trial transcripts.
  - m. 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. ~~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; Motion to reconsider Order rejecting abandonment denied March 4, 2014; Subfile Order signed July 28, 2014) Completed FY 2015~~

- f. ~~Sunnyside Properties (Southern Mesilla subfile litigation; trial March 25, 2013, before special master found commercial and irrigation water rights abandoned; hearing before adjudication court June 24, 2014, on claimant's objections to special master's report; Subfile Order reflecting abandonment entered September 14, 2014) Completed FY 2015~~
  - g. ~~Craves Equity (Southern Mesilla subfile litigation; settlement reached in mediation June 3, 2014; Stipulated Subfile Order filed August 12, 2014) Completed FY 2015~~
  - h. Numerous parties (motions to vacate subfile orders for surface water-only rights to add claimed groundwater rights)
  - i. Romero (Outlying Area subfile litigation; dispute as to whether groundwater used for steam railroads was abandoned) Trial before special master February 5-6, 20, 2015; Special Master's Report filed July 13, 2015; argument in adjudication court pending November 9 or 10, 2016.
  - j. Faykus and Rio Vista (Outlying Area subfile litigation; dispute over right to pump river water) Trial before special master November 17, 2014; Special Master's Report filed March 16, 2016; parties appeared for argument before adjudication court August 31, 2016, defendant instructed to obtain new counsel by Oct. 17, 2016; argument to be reset.
  - k. Whitaker (Southern Mesilla subfile litigation; dispute over acreage, priority dates, amounts) Trial scheduling order filed July 12, 2016.
  - l. Pando (Northern Mesilla subfile litigation; dispute over no right) Unsuccessful mediation July 12, 2016; scheduling conference set for September 30, 2016.
  - m. AA Chile (Rincon subfile litigation; dispute over abandonment) Unsuccessful mediation April 15, 2015; scheduling conference set for September 30, 2016.
  - n. Duran (Northern Mesilla subfile litigation; dispute over no right) Mediator recommended against mediation; scheduling conference set for September 30, 2016.
  - o. Lion's Gate (motion to lift stay and permit amicus curiae status to address SSI No. 104; taken under advisement by the Court)
  - p. 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 2014~~
  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. ~~Development of policies and procedures for evaluating evidence submitted by 600 water right owners to prove an FDR higher than 4.5 afay under the Final Judgment in SSI No. 101 Completed FY 2015~~
11. ~~Coordination with the Water Rights Allocation Program on implementation of the Settlement and Final Judgment in SSI No. 101 Completed FY 2015~~
12. Authentication of claims to historic groundwater use for claimants seeking to add a groundwater component to their adjudicated and unadjudicated surface water rights, in conjunction with permitting applications to the District IV office
13. Incorporation into the adjudication of water rights established through permits issued subsequent to the hydrographic survey
14. Development of procedures for adding EBID assessed acreage to subfiles adjudicated prior to stipulated order on Threshold Motion No. Two
15. Development of procedure for adjudicating amount of water for previously adjudicated subfiles seeking higher FDR.
16. Coordination with the Court re adjudication procedures/status
17. Coordination with the Utton Center
18. Litigation of non-subfile motions (i.e., procedural and scheduling issues)
19. Stream system *inter se*
20. Final decree

**B. Nutt Hockett (Staff Resources: 0.00 0.00 0.00 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 0.00 0.40 0.45)**  
1236 subfiles—96% served, 85% adjudicated

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

**D. Northern Mesilla (Staff & Contract Resources: ~~5.0~~ 1.55 1.70 5.75 3.95 4.05 3.90 6.65)**

5918 subfiles—55% served, 33% adjudicated

1. Primary subfile work, including analysis of FDR evidence
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. Mediation of disputed subfiles
7. Litigation of unresolved subfiles
8. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
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 4.05 1.90 2.50)**

5443 subfiles—57% served, 42% adjudicated

1. Primary subfile work, including analysis of FDR evidence
2. Federal proprietary claims
3. State proprietary claims
4. Mediation of disputed subfiles
5. Litigation of unresolved subfiles
6. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
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 1.05 1.85 0.55)**

1353 subfiles—83% served, 69% adjudicated

1. Primary subfile work
2. River pumper claims
3. Federal proprietary claims
4. State proprietary claims
5. Mediation of disputed subfiles
6. Litigation of unresolved subfiles
7. Reconciliation of previously adjudicated subfiles with EBID assessed acreage
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 0.25 1.15 0.75~~)

142 subfiles—61% served, 18% adjudicated

A. General (Staff & Contract Resources: ~~0.10 0.10 0.10 0.15 0.20 0.01 0.15 0.15~~)

1. ~~Litigation of basin-wide issue determining irrigation water requirements~~  
Completed July 2013
2. ~~Status reporting to Court regarding hydrographic survey progress~~  
Completed FY 2014
3. ~~Non-subfile general motion litigation~~  
Completed FY 2014
4. Continuing coordination with Court regarding procedural and scheduling issues
5. Establishment of procedures for identifying and adjudicating stock and domestic wells
6. Collaboration with the United States regarding identification and adjudication of United States' rights
7. Final decree

B. Section 1 (Northern Area) (Staff & Contract Resources: ~~0.00 0.00 0.70 0.70 0.35 0.02 0.25 0.15~~)

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 0.10 0.25 0.15~~)

1. ~~Hydrographic Survey~~ Completed FY 2014
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 0.10 0.25 0.15~~)

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 0.02 0.35 0.15~~)

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

<i>Adjudication Section</i>	<i>Staff Atty</i>	<i>Contract Atty</i>	<i>Staff Para-legal</i>	<i>Contract Para-legal</i>	<i>Survey Staff</i>	<i>Data Staff</i>	<i>Section Totals</i>
<i>Lower Rio Grande</i>							
<i>1. General</i>	1.65	0.05	0.15		0.75	0.05	2.65
<i>2. Rincon</i>	0.05		0.10		0.30		0.45
<i>3. Northern Mesilla</i>	1.15		1.80		3.70		6.65
<i>4. Southern Mesilla</i>	0.45		0.65		1.40		2.50
<i>5. Outlying Areas</i>	0.15		0.10		0.30		0.55
<i>Animas Underground Water Basin</i>	0.05	0.20			0.50		0.75
<b>Category Totals - All Sections</b>	<b>3.50</b>	<b>0.25</b>	<b>2.80</b>	<b>0.00</b>	<b>6.95</b>	<b>0.05</b>	<b>13.55</b>

**STATE OF NEW MEXICO'S FY 2017 RULE 71.3 REPORT**  
**PECOS ADJUDICATION BUREAU**  
 September 28, 2016

**Matters To Be Completed Prior to Preparation of Final Decree**  
 (Highlighting indicates the State's priorities for fiscal year 2017.)

Total Bureau Staff and Contractor Resources: ~~FY 2010 12.65~~  
~~FY 2011 10.20~~  
~~FY 2012 9.15~~  
~~FY 2013 7.95~~  
~~FY 2014 9.35~~  
~~FY 2015 8.50~~  
~~FY 2016 10.65~~  
**FY 2017 6.95**

**I. PECOS ADJUDICATION (STAFF & CONTRACT RESOURCES: ~~12.65 10.20 9.15 7.95 9.35 8.5 6.95~~)**

**A. Gallinas River (Staff & Contract Resources: ~~6.10 3.85 3.75 4.60 4.10 3.51 2.45 1.35~~)**

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. ~~Mediation of contested subfiles – disputed acreage claims only –~~ Completed 2014
12. Litigation of contested subfiles – disputed acreage claims only.
13. ~~Determination of Project Diversion Requirement~~ Completed FY 2014
14. ~~Resolution of Acequias' motion regarding priority dates.~~ Completed FY 2014
15. Reconciliation of maps and orders for *inter se*.
16. 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 2.13 1.55 1.25~~)**

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 0.05 0.05 0.05~~)

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 0.92 0.55~~)**

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~~ Completed FY2015
7. ~~Reconciliation of maps and orders for *inter se*.~~ Completed FY 2016
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 1.64 2.8~~)**

1. ~~Hydrographic survey of surface water uses in the Upper Cow Creek subsection.~~ Completed FY2015
2. ~~Preparation of hydrographic survey report.~~ Completed FY2015
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 0.05 0.05~~)**

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 0.85)**

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 0.0 0.2 0.05)**

1. ~~Determination of irrigated acreage and assessed acreage.~~ Completed FY 2010
2. Analysis of potential approaches to irrigation district adjudication.
3. Negotiation/determination of irrigation water requirements.
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)**

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

Adjudication Section	Staff Atty	Contract Atty	Staff Para-legal	Contract Paralegal	Survey Staff	Data Staff	Section Totals
A. Gallinas River	0.40	0.10	0.60		0.15	0.10	1.35
B. Roswell Underground Water Basin	0.10	0.80	0.30		0	0.05	1.25
C. Las Vegas Remand	0.05				0	0	0.05
D. Carlsbad Irrigation District	0.45		0.10		0	0	0.55
E. Upper Pecos Surface Water	1.05		0.80		0.85	0.10	2.8
F. Honda Underground Water Basin		0.05			0		0.05
G. Upper Pecos Underground Water					0.85		0.85
H. Fort Sumner Irrigation District	0.05				0		0.05
I. Carlsbad Underground Water Basin							0.00
J. Black River							0.00
K. Penasco Underground Water Basin							0.00
L. Pecos Miscellaneous							0.00
Category Totals - All Sections	2.10	0.95	1.80	0.00	1.85	0.25	6.95

**STATE OF NEW MEXICO'S RULE 71.3 REPORT – FY 2017**  
**NORTHERN NEW MEXICO ADJUDICATION BUREAU**

September 28, 2016

**Matters to Be Completed Prior to Preparation of Final Decrees**  
*(Yellow highlighting indicates the State's priorities for fiscal year 2016)*

**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; FY 2015 13.25; FY 2016 16.40; FY 2017 15.45~~**

**I. TAOS ADJUDICATION** (STAFF & CONTRACTOR RESOURCES: ~~1.80 0.70 0.95 0.40 0.40 0.40 1.60 1.40~~)

**1. Non-Indian claims: (1.40)**

- a. ~~Litigation of (1) disputed individual priority date. Completed FY 2010~~
- b. ~~Rio Hondo Cuchilla ditch priorities. Completed FY 2015~~
- 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. Completed FY 2015~~
- e. ~~Preparation of maps and appendices for *inter se*.~~
- f. ~~Joint motion to adopt uniform irrigation requirements for Pueblo and non-Pueblo water rights. Briefing complete 2/23/16. Special Master Report filed April 4, 2016.~~
- g. ~~Remaining groundwater, domestic, and stock water uses.~~
- h. ~~*Inter se* and entry of Partial Final Decree.~~

**2. Indian claims: (0)**

- a. ~~Taos Pueblo Settlement Agreement. Completed FY 2016.~~
  - 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. Completed FY 2016~~
    - ~~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. Completed FY 2014~~
    - ~~Service of notice of opportunity to object. Completed FY 2014~~
    - ~~Schedule and hold public meetings. Completed FY 2014~~
    - ~~Filing of objections. Completed FY 2014~~
    - ~~Scheduling conference. Completed FY 2014~~
    - ~~Briefing and hearing on objections.~~
      - i. ~~Briefing to Special Master and Special Master Report. Completed FY 2015~~

- ii. ~~Decision on Special Master Report and subsequent proceeding on objections or appeal. Completed FY 2016~~
- ~~Entry of PFD and approval of Settlement Agreement by March 31, 2017. Completed FY 2016.~~

## **II. CHAMA ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~3.85 3.35 3.10 2.50 3.15 3.00 2.40 2.45~~)**

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. Completed FY 2014~~
  - 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. ~~Hydrographic survey report of surface water uses in Rio del Oso and Vallecito area. Completed FY 2016~~
  - j. Primary subfile work, i.e., obtain entry of subfile orders in Rio del Oso and Vallecito area.
  - 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): (.65)
  - a. ~~Primary subfile work, i.e., obtain entry of 1 remaining subfile order. Completed FY2011~~
  - b. Litigation of (4) disputed subfiles.
  - c. Evidentiary hearing scheduled for February 2017 for Chacon subfiles.



- d. Irrigation water requirements for Rio Cebolla and Canjilon Creek. Completed FY 2011 in Rio Nutrias subsection.
  - e. Acequia and private ditch priority dates for Rio Cebolla and Canjilon Creek. Completed FY 2011 in Rio Nutrias subsection.
  - f. Federal proprietary claims.
  - g. Hydrographic survey of groundwater, domestic and stock water uses.
  - ~~h. *Inter se* and partial final decree for surface water irrigation rights in Rio Nutrias. Completed FY 2013.~~
  - i. *Inter se* and partial final decree for surface water irrigation rights in Rio Cebolla.
  - j. *Inter se* and partial final decree for surface water irrigation rights in Canjilon Creek.
  - k. *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 Amarillo, Rio Brazos, Rutheron & Plaza Blanca, Cañones Creek, Village of Chama): (.40)
- ~~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, Rutheron & 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: (.15)**

- 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. Completed FY 2014~~
- iv. Trial schedule vacated November 2014.

- b. Subproceeding 2: Ohkay Owingeh all other claims

Settlement negotiation discussions.

(establish *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 0.10~~ 0.10)

**1. Non-Indian claims:**

- a. Subfile work on any 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. Completed FY 2014~~
- 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: (.10)**

- a. Subproceeding 2: Past and Present Use Water Rights Claims of Ohkay Owingeh
  - i. Settlement negotiation discussions
  - ii. ~~Discovery (depositions, interrogatories, etc.) to end November 2, 2009. Completed FY 2010~~
  - iii. ~~Dispositive motions due January 29, 2010. Filed FY 2010~~
  - iv. ~~Briefing on dispositive motions. Completed FY 2011~~
  - v. ~~Witness and preliminary exhibit lists due October 1, 2010. Completed FY 2011~~
  - vi. Trial schedule vacated FY 2011.

- b. Subproceeding 3: Past and Present Use Water Rights Claims of Santa Clara Pueblo
- c. Subproceeding 4: Pueblos' claims to instream uses  
Settlement negotiation discussions on Ohkay Owingeh's claims.
- d. Subproceeding 5: all other Pueblo claims  
Settlement negotiation discussions on Ohkay Owingeh's  
remaining claims.

**IV. ZUNI ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.85 0.45 0.35~~  
~~0.45 0.35 0.20 0.20~~)**

**1. Non-Indian claims: (.15)**

- a. Primary subfile work, i.e., obtain entry of subfile orders.
- b. Litigation of disputed subfiles.
- c. ~~State Land Office proprietary claims. Completed FY 2014~~
- 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: (.05)**

**a. Subproceeding 1: Zuni Indian Claims**

- i. Claims based on Past and Present Irrigation use from Permanent Works
  - Settlement discussions initiated FY 2014
  - ~~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~~
  - Trial schedule vacated FY 2014
- ii. Claims for rights to use water for Domestic, Commercial, Municipal or Industrial Purposes
  - Settlement discussions initiated FY 2014
  - Trial schedule vacated. FY 2014
- iii. All other Zuni claims  
Settlement discussions initiated FY 2014  
(scheduling and management conference, expert reports and discovery, dispositive and other pretrial motions, trial.)

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

Settlement discussions initiated FY 2014

- 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. Completed FY 2014~~
- iv. Schedule stayed FY 2014

**V. NAMBE-POJOAQUE-TESUQUE (AAMODT) ADJUDICATION:**  
 (STAFF & CONTRACTOR RESOURCES: ~~3.85 3.30 5.35 4.80 6.05 6.20 7.45~~)

1. Non-Indian claims: (7.35)
  - a. ~~Litigation of acequia and individual priority dates. Completed FY 2012~~
  - b. ~~Proceeding for adjudication of priority date for water supplied by Los-Chupaderos. Completed FY 2016~~
    - i. ~~Motion and entry of Procedural and Scheduling Order. Completed FY 2015~~
    - ii. ~~Entry of Order adjudicating priority date for water supplied by Los-Chupaderos. Completed FY 2016~~
  - c. ~~Hydrographic survey of remaining domestic well water uses. Completed FY 2016.~~
  - d. Primary subfile work on domestic well water uses.
    - i. Joinder and Service - Completed 117 FY 2015;
    - ii. Entry of domestic well orders - Completed 86 FY 2015
  - e. ~~Litigation of disputed domestic well water uses.~~
    - i. ~~Resolution of 3 disputed subfiles Completed FY 2015~~
    - ii. ~~Litigation of 3 disputed subfiles Completed FY 2016~~
    - iii. ~~Briefing of Tenth Circuit appeal of order on disputed subfile. Completed FY 2016~~
  - 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
    - i. Filing of motions to clarify or add omitted elements to previously adjudicated surface and groundwater rights.
    - ii. Filing of corrective motions for previously adjudicated surface and groundwater rights
  - h. ~~Publication of notice of deadline for filing of claims by unknown persons. Completed FY 2014~~
  - i. *Inter se*
    - i. Filing of motion for procedural order for *inter se* and entry of final judgment and decree by November 30, 2016.
    - ii. Briefing on motion for procedural order and entry of procedural order.
    - iii. Preparation of draft final judgment and decree, summarizing all non-pueblo water rights.
    - iv. Notice and mailing of notice of draft final judgment and decree and *inter se* process.
    - v. Filing of *inter se* objections.
    - vi. Scheduling conferences on *inter se* objections.
    - vii. Briefing and litigation on *inter se* objections.
  - j. Entry of Partial Final Judgment and Decree on Non-Indian water rights by July, 2017.

## 2. Indian claims: (.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 2013~~
- iii. ~~Filing of notice of federal legislation Completed FY 2011~~
- iv. ~~Order to Show Cause *inter se* proceedings for approval of Settlement Agreement and entry of Partial Final Judgment and Decree on Pueblos' water rights. Completed FY 2016.~~
  - ~~Joint Motion and entry of Amended Procedural and Scheduling Order. Completed FY 2014~~
  - ~~Filing of updated service list. Completed FY 2014~~
  - ~~Service of Order to Show Cause and Notice of Proceeding. Completed FY 2014~~
  - ~~Schedule and hold public meetings. Completed FY 2014~~
  - ~~Filing of objections. Completed FY 2014~~
  - ~~Motions for Entry of Case Management and Service Order Completed FY 2014~~
  - ~~Entry of Case Management and Service Order. Completed FY 2015~~
  - ~~Scheduling conference. Completed FY 2015~~
  - ~~Briefing and hearing on objections. Completed FY 2016.~~
    - i. ~~Briefing to Magistrate Judge. Completed FY 2015~~
    - ii. ~~Court's decision and subsequent proceedings. Completed FY 2016.~~
- v. ~~Entry of Partial Final Judgment and Decree on Pueblos' water rights and approval of Settlement Agreement by September 15, 2017. Completed FY 2016.~~
- vi. Briefing on any appeal of entry of Partial Final Judgment and Decree on Pueblos' water rights.
- b. ~~Contributed Funds Agreement. Completed FY 2015~~
- c. Proposed rules and regulations.
- d. Joint motion for Order to Show Cause why non-responding owners should not be deemed to be Settlement Party.
- e. ~~Entry of Interim Administrative Order. Completed FY 2016.~~
- f. Entry of Final Judgment and Decree by July, 2017.

## VI. JEMEZ ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~0.15 0.10 0.15 0.25 0.25 0.40 0.15~~)

### 1. Indian claims: (.15)

- a. ~~Settlement negotiations. Ended FY 2012.~~
- b. Resumption of litigation of claims of Pueblos of Jemez, Zia, and Santa Ana for historic, existing and future uses
  - i. ~~Court determines whether to allow additional fact development and discovery. Completed FY 2013~~
  - ii. ~~Expert reports. Completed FY 2013~~
  - iii. ~~Depositions of experts. Completed FY 2014~~

- iv. ~~Evidentiary hearing on threshold legal issues 1 and 2. Completed FY 2014~~
- iv. ~~Briefing on threshold legal issues 3, 4, and 5. Completed FY 2013~~
- v. ~~Briefing on threshold legal issues 1 and 2 August - November 2014, Completed FY 2015~~
- vi. Decision and subsequent briefing on evidentiary hearing and threshold legal issues.

**VII. SAN JUAN ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: ~~7.30-5.20-2.65-1.40 2.50-2.10 1.60~~)**

- 1. Non-Indian claims (1.05)
  - a. Section 1: (La Plata): (1.05)
    - i. Primary subfile work, i.e., obtain entry of subfile orders.
      - \* Surface water irrigation subfiles.
      - \* City of Aztec.
      - \* City of Farmington.
      - \* City of Bloomfield.
      - \* ~~BHP Navajo Coal. Completed FY 2016~~
    - ii. Mediation/litigation of disputed subfiles.
      - ~~Trial on one disputed subfile anticipated January 2015- Completed FY 2015~~
      - Mediation/ litigation of remaining disputed subfiles.
    - iii. Hydrographic survey of remaining groundwater, domestic and stock water uses, and ponds.
    - iv. Adjudication of domestic and livestock well water rights.
      - Motion for procedural and scheduling order for domestic and livestock wells.
      - Proceeding to adjudicate domestic and livestock wells.
    - v. Adjudication of ponds.
    - vi. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
    - vii. Reconciliation of maps and orders for *inter se* and partial final judgment and decree.
    - viii. *Inter se* and partial final judgment and decree.
  - b. Section 2: Animas
  - c. Section 3: San Juan Mainstem
  - d. Section 4: Hammond Conservancy District
  - e. Section 5: Los Pinos and Navajo Rivers
    - i. Hydrographic survey of surface and ground water, including domestic and stock uses.
    - ii. Primary subfile work, i.e., obtain entry of subfile orders.
    - iii. Mediation/Litigation of disputed subfiles.
    - iv. Irrigation water requirements.
    - v. Federal proprietary claims.
    - vi. Non-subfile general motion litigation (e.g. procedural and scheduling issues)
    - vii. Reconciliation of maps and orders for *inter se* and partial final decree.
    - vii. *Inter se* and partial final decree.

## 2. Indian Claims: (.55)

### a. Navajo Nation Water Rights Settlement

- i. ~~Inter se proceeding for entry of Partial Final Decree on the Water Rights of the Navajo Nation. Completed FY 2014~~
  - ~~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. Completed FY 2014~~
- ii. ~~Supplemental Partial Final Decree on the Water Rights of the Navajo Nation. Completed FY 2014~~
  - ~~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 2014~~
  - ~~Entry of Supplemental Partial Final Judgment and Decree Completed FY 2014~~
- iii. Proceeding on appeals of Partial Final Judgment and Decree and Supplemental Partial Final Judgment and Decree in New Mexico Court of Appeal
  - Brief in Chief. Completed FY 2016.
  - Responses
  - Replies
  - Briefing on Amicus Briefs.

- b. Ute Mountain Ute Tribe's claims – (.05)  
(proceedings scheduled for 2020).

## VIII. SANTA FE ADJUDICATION:

(STAFF & CONTRACTOR RESOURCES: ~~0.65 0.35 0.50 0.25 0.10 0.15 0.00~~)

### 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 trial of two disputed subfiles in FY 2013, Completed mediation of disputed subfiles FY 2015;~~
- 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.

**IX. RIO SAN JOSE ADJUDICATION: (STAFF & CONTRACTOR RESOURCES: 0.85-  
0.80 0.95 0.90 0.85 0.70 1.70)**

**1. Indian claims: (1.70)**

- a. Subproceeding 1: Past and Present Use Water Rights of the Pueblos of Acoma and Laguna Settlement discussions and mediation initiated FY 2014
  - 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. Additional deposition completed FY 2014~~
  - iv. ~~Written discovery to end November 2013. Completed FY 2014~~
  - v. ~~Dispositive motions May 29, 2015. Completed FY 2015~~
  - vi. ~~Responses to dispositive motions July 10, 2015. Completed FY 2016~~
  - vii. ~~Replies to dispositive motions August 10, 2015. Completed FY 2016~~
  - viii. ~~Proposals for stipulations on exhibits shall be exchanged among the attorneys for active parties July 21, 2015 - Completed FY 2016~~
  - ix. ~~Final exhibit lists - Completed FY 2016~~
  - x. Pre-trial motions - extension granted; deadline vacated FY 2016
  - xi. Responses to pre-trial motions - October 12, 2015; extension granted; deadline vacated FY 2016
  - xii. Replies to pre-trial motions October 21, 2015 extension granted; deadline vacated FY 2016
  - xiii. Final pre-trial conference ~~January 4, 2016~~ Trial schedule vacated FY 2016.
  - xiv. Limited trial - Tri-State witnesses only scheduled: FY 2017: September 19-23, 2016; November 14-18, 2016; January 9-13, 23-27, 2017.
- b. Subproceeding on all other Pueblo claims  
Settlement discussions and mediation initiated FY 2014  
(establish subproceeding, expert reports and discovery, dispositive and other pretrial motions, trial).
- c. Subproceeding on Navajo claims  
Settlement discussions initiated FY 2014  
(establish 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 – Priority Adjudication Sections and Resources Allocated

PRIORITY ADJUDICATION SECTION	Staff Atty	Cont- ract Atty	Staff Para- legal	Cont- ract Para- legal	Survey Staff	Data Staff	Section Totals
<b>FEDERAL COURT ADJUDICATIONS</b>							
<b>Taos</b>							
Non-Indian	0.10	0.10	0.30	0.00	0.90	0.00	1.40
Taos Pueblo Settlement	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Taos Subtotals</b>	<b>0.10</b>	<b>0.10</b>	<b>0.30</b>	<b>0.00</b>	<b>0.90</b>	<b>0.00</b>	<b>1.40</b>
<b>Chama</b>							
Section 1 (Mainstem)	0.35	0.05	0.15	0.00	0.65	0.05	1.25
Section 3 (Nutrias/Cebolla/Canjilon)	0.40	0.05	0.10	0.00	0.10	0.00	0.65
Section 5 (Rio Gallina)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Section 7 (TA/Brazos/Rutherford/Chama Village)	0.35	0.00	0.00	0.00	0.05	0.00	0.40
Indian SP 1: Ohkay Ovingeh Past/Present Uses	0.10	0.00	0.00	0.00	0.05	0.00	0.15
<b>Chama Subtotals</b>	<b>1.20</b>	<b>0.10</b>	<b>0.25</b>	<b>0.00</b>	<b>0.85</b>	<b>0.05</b>	<b>2.45</b>
<b>Santa Cruz/Truchas</b>							
Non-Indian	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Indian SP2: Ohkay Ovingeh Past/Present Uses	0.10	0.00	0.00	0.00	0.00	0.00	0.10
Indian SP 3: Santa Clara Past/Present Uses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Santa Cruz/Truchas Subtotals</b>	<b>0.10</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.10</b>
<b>Zuni</b>							
Non-Indian	0.15	0.00	0.00	0.00	0.00	0.00	0.15
Indian SP 1: Zuni Past/Present Uses	0.05	0.00	0.00	0.00	0.00	0.00	0.05
Indian SP 2: Navajo Nation Claims	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Zuni Subtotals</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.20</b>
<b>Aamodt</b>							
Non-Indian	1.45	0.50	1.85	0.00	3.75	0.30	7.35
Four Pueblos Settlement	0.40	0.05	0.00	0.00	0.05	0.00	0.50
<b>Aamodt Subtotals</b>	<b>1.85</b>	<b>0.55</b>	<b>1.85</b>	<b>0.00</b>	<b>3.80</b>	<b>0.30</b>	<b>7.85</b>
<b>Jemez</b>							
Three Pueblos Mediation	0.10	0.05	0.00	0.00	0.00	0.00	0.15

	Staff Atty	Cont- ract Atty	Staff Para- legal	Cont- ract Para- legal	Survey Staff	Data Staff	Section Totals
<b>STATE COURT ADJUDICATIONS</b>							
<b>San Juan</b>							
<i>Section 1 (La Plata)</i>	0.25	0.00	0.10	0.00	0.70	0.00	1.05
<i>Section 2 (Antmas)</i>	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Navajo Settlement</i>	0.15	0.35	0.00	0.00	0.00	0.00	0.50
<i>Ute Mountain Ute Tribe</i>	0.05	0.00	0.00	0.00	0.00	0.00	0.05
<b>San Juan Subtotals</b>	<b>0.45</b>	<b>0.35</b>	<b>0.10</b>	<b>0.00</b>	<b>0.70</b>	<b>0.00</b>	<b>1.60</b>
<b>Santa Fe</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>San Jose</b>							
<i>Indian SP 1: Laguna/Acoma Past/Present Uses</i>	.20	.65	0.00	0.10	0.75	0.00	1.70
<b>CATEGORY TOTALS - ALL SECTIONS</b>	<b>4.20</b>	<b>1.80</b>	<b>2.50</b>	<b>.10</b>	<b>7.00</b>	<b>.35</b>	<b>15.45</b>

