

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)
))
Plaintiff,)
))
v.)
))
R. LEE AAMODT, et al.,)
))
Defendants,)
))
and)
))
UNITED STATES OF AMERICA,)
PUEBLO DE NAMBÉ,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
))
Plaintiffs-in-Intervention.)

No. 66cv6639 MV/WPL

**NOTIFICATION TO THE COURT OF FEDERAL LEGISLATION APPROVING THE
AAMODT SETTLEMENT AGREEMENT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), and hereby files notice pursuant to the Court’s December 18, 2007 *Order Granting Motion of Settlement Parties to Establish Procedures for (1) Approval of Settlement Agreement, (2) Entry of Partial Final Decree, (3) Entry of Interim Administrative Order, and (4) Entry of Final Decree (“Order Establishing Procedures”)* (No. 6282), and states as follows:

1. The *Order Establishing Procedures* provides that

Within thirty (30) days of enactment into law of federal legislation approving the Settlement Agreement (“Federal Approval”), the State of New Mexico, on behalf of the Settlement Parties, shall provide the Court with written notice of such federal approval.

Order Establishing Procedures at ¶ A, p. 2.

2. Such federal legislation approving the Settlement Agreement was enacted into law on December 8, 2010, when President Barack Obama signed the *Claims Resolution Act of 2010*¹, Title VI of which is the *Aamodt Litigation Settlement Act*. P.L. No. 111-291, § 601, et seq. (attached hereto as Exhibit A) (hereafter “Settlement Act”).

3. The Settlement Act states in relevant part: “[t]o the extent the Settlement Agreement ... [does] not conflict with this title, the Secretary shall execute the Settlement Agreement ... (including any amendments that are necessary to make the Settlement Agreement ... consistent with this title).” Settlement Act section 621(b). As a result, the Settlement Agreement signed several years ago will have to be reviewed and modified by the Settlement Parties in order to conform the Settlement Agreement to the Settlement Act.

4. The Settlement Parties will require time to address these modifications to the Settlement Agreement.

5. The Settlement Parties anticipate the time required to address modifications to the Settlement Agreement will be approximately six months. Afterwards, the Settlement Parties anticipate that additional time will be necessary to secure appropriate signatures for the conformed Settlement Agreement (e.g. signatures of appropriate government representatives from each governmental body). The Settlement Parties are discussing the process to address modifications to the Settlement Agreement. The process will involve regular monthly meetings, the first presently set for January 26, 2011.

6. By July 31, 2011, the Settlement Parties will inform the Court of the status of the process to address modifications to the Settlement Agreement.

¹ The Claims Resolution Act of 2010 is alternatively referred to as “the Claims Resettlement Act of 2010” in its preamble.

Respectfully submitted January 7, 2011.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 7, 2011, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and to the following person(s) by United States mail:

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