

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

STATE OF NEW MEXICO on the)
relation of State Engineer,)
)
Plaintiff,)
)
-v-)
)
RAMON ARAGON et al.,)
)
Defendants.)
_____)

69cv07941-BB

RIO CHAMA STREAM SYSTEM

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2006, through December 31, 2006, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra

Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, enter litigation and scheduling orders, and monitor the progress of the subfile activity. Quarterly status conferences were held August 8 in Tierra Amarilla and November 6 in Santa Fe, as well as miscellaneous pretrial and scheduling conferences on specific issues. The adjudication activity in Section 5 (Gallina) is nearly completed, and a partial final decree describing the non-federal water rights claims in that section is scheduled to be entered by the end of 2007. In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding. Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

Because of competing demands on attorney and judicial resources, the adjudication of the Pueblo of Ohkay Owingeh's rights (previously San Juan Pueblo) has been deferred until the Pueblo's claims have been litigated in State v. Abbott, the Santa Cruz/Truchas adjudication. The adjudication of Non-Indian and non-Wild and Scenic River claims are guided by the March 1, 2005, Scheduling Order for Federal Non-Indian Water Rights Claims in Sections 3, 5, and 7, as amended October 13, 2005. In Section 5, the United States of America added supplemental claims to its original filing; those claims are being investigated and will be integrated with existing claims. The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims. At this time, proceedings have been held in abeyance pending the parties' settlement of similar claims in the Jemez River stream system.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner/AquaTek, and Jennifer McCabe, administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: March 30, 2007

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN