

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

STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

Defendant-Intervenors.

CV-75-184

ROZIER E. SANCHEZ

District Judge, *pro tempore*

**SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION**

**LA PLATA RIVER
SECTION**

AMENDED STATUS REPORT

The State *ex rel.* State Engineer (“State”) submits this Amended Status Report pursuant to Section IX of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section (“Scheduling Order”). This Amended Report replaces the previous Report submitted by the State. Where indicated, the numbers presented below were estimated and are subject to change.

(1) Number of Service Packages Sent Out: Pursuant to Section I(A) of the Scheduling Order, the State must mail Service Packages out to all Known Claimants in the La Plata River Section. After identifying all Known Claimants, the State mailed a total **660 Service Packages** by certified mail-return receipt requested-restricted delivery. Each Service Package consisted of an explanatory cover letter, summons, complaint, Notice of Claim form, Disclaimer of Interest form, a Request to be Included on the

Distribution List form, a Proposal of Section-Wide Issue form, and a self-addressed stamped envelope.

(2) Number of Settlement Packages Sent Out: Pursuant to Sections III(A), V(A) and V(D) of the Scheduling Order, the State has so far mailed out **44 Settlement Packages** to Known Claimants, which represents about half of the claimants in the First Adjudication Group. The First Adjudication Group consists of all Known Claimants on four ditches—the **Pioneer Ditch**, the **Enterprise Ditch**, the **Hillside-Thomas Ditch**, and the **La Plata Indian Ditch**. Scheduling Order ¶ V(A). The Settlement Package consists of a proposed Consent Order; a Rejection of the State’s Offer form; a stamped, self-addressed envelope; and a notice of the dates of four field offices to be held by the State in San Juan County. The field offices will be held at the La Plata Community Center, as follows:

March 7: 3 pm – 7 pm

March 8: 9 am – 1 pm

April 4: 3 pm – 7 pm

April 5: 9 am – 1 pm

Alternative Dates (only if other dates are cancelled due to inclement weather).

April 11: 3 pm – 7 pm

April 12: 9 am – 1 pm

(3) Number of Consent Orders Entered: The Court as of the date of this Status Report has not entered any Consent Orders. However, the State will be submitting 7 or

more **Consent Orders** to the Court for consideration and entry within the next week.

The State has received only 2 Rejections of the State's Offer so far.

(4) Number of Default Judgments Entered: None. However, the State anticipates that it will initiate proceedings to obtain default judgments where service was perfected but the claimant failed to file any Notice of Claim. The State will seek entry of default judgment in accordance with its hydrographic survey.

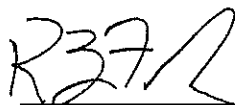
(5) Dates and Locations of Field Offices/Informal Meetings: None. *See* Item 2 above.

(6) Field Inspections. The State has conducted **23 field inspections**.

(7) Number and Type of Subfile Disputes: None as of the date of this Status Report. Of the 42 Consent Orders sent out, the State has received only 2 Rejection of State's Offer so far. The State estimates that **10 Disclaimers of Interest** have been filed with the Court, and that the State has **10 additional Disclaimers** that it has forwarded to the Court for filing.

(8) Other Information Concerning the Adjudication or Requested by the Court: The State estimates that **249 Notices of Claim** have been filed with the Court, and that an additional **84** have been mailed to the State but not filed with the Court (which the State will forward to the Court for filing). The State has filed **102 Petitions for Commencement of Subfile Proceedings and Request for Issuance of Court Case Number**. Pursuant to Section VII (C)(2), the State will submit on or before January 31, 2007, a Notice of All Proposed Section-Wide Subproceedings.

Respectfully submitted,



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ex rel. State Engineer

CERTIFICATE OF SERVICE

I certify that on 1/12/, 2007, a copy of the foregoing paper was served by email on the Document Repositories and posted on the Office of the State Engineer's website (*go to* <http://www.ose.state.nm.us>, then click on Legal, then on OSE Legal, then on Active Cases, then on San Juan, then on La Plata Section).



R. Bruce Frederick