

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

STATUS REPORT

The State *ex rel.* State Engineer (“State”) submits this Status Report pursuant to Section IX of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section (“Scheduling Order”). The numbers indicated below are estimated as of the date of this report to the best of the State’s knowledge given that the numbers are continually changing.

(1) Number of Service Packages Sent Out: Section I(A) of the Scheduling Order requires the State to mail Service Packages to all Known Claimants in the La Plata River Section. Since identifying all Known Claimants, the State has mailed **662 Service Packages** (2 since the January 2007 Status Report) 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. The State is conducting further research in order to resend any Service Package mailed to a claimant

that has been returned as undeliverable, and will continue to mail Service Packages until service is perfected or until a party otherwise waives service by filing a Notice of Claim. *See* Scheduling Order, Section VII(C).

(2) Number of Settlement Packages Sent Out: Pursuant to Sections III(A), V(A) and V(D) of the Scheduling Order, the State has mailed **104 Settlement Packages** (60 since the January 2007 Status Report) to Known Claimants, which consists of all Known Claimants on the **Pioneer, Enterprise, Hillside-Thomas**, and the **La Plata Indian Ditches**. Scheduling Order, Section V(A). The Settlement Package consists of a proposed Consent Order; a Rejection of the State's Offer form; and a stamped, self-addressed envelope.

(3) Number of Consent Orders Entered: As of the date of this Status Report, the Court has entered **26 Consent Orders**, and the State has filed with the Court an additional **16 Consent Orders** for consideration and entry. Thus, the State has received a total of **42 signed Consent Orders** (36 since the January 2007 Status Report).

(4) Number of Default Judgments Entered: None. However, the State anticipates initiating proceedings shortly to obtain default judgments where service was perfected but the claimant failed to file a 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 at this time. In accordance with the Scheduling Order, the State conducted field offices for claimants in the First Adjudication Group on March 7 and 8 and April 4 and 5, 2007. Additional field offices will be scheduled once the State begins mailing Settlement Packages to the Second Adjudication Group.

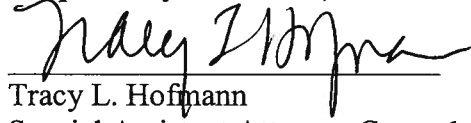
(6) Field Inspections. The State has conducted **23 field inspections**, and anticipates concluding an additional **10 field inspections** by June 15, 2007.

(7) Number and Type of Subfile Disputes: Of the 104 Consent Orders mailed, the State has received **27 Rejections** (25 since the January 2007 Status Report) of State's Offer as of this date. The State estimates that **40 Disclaimers of Interest** (30 since the January 2007 Status Report) have been filed with the Court.

(8) Other Information Concerning the Adjudication or Requested by the Court: The State estimates that **317 Notices of Claim** (68 since the January 2007 Status Report) have been filed with the Court. The State has filed **177 Petitions for Commencement of Subfile Proceedings and Request for Issuance of Court Case Number** (75 since the January 2007 Status Report). Finally, the State anticipates beginning field inspections on the estimated 30 ponds and 112 wells in the First Adjudication Group within the month.

Shortcut to La Plata.Ink

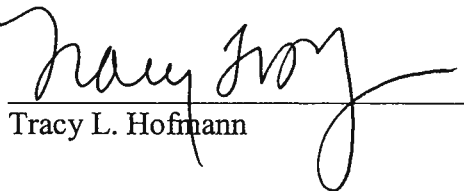
Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on June 1, 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).



Tracy L. Hoffmann