

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
{tc \l1 "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 **763 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. The State continues to conduct 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 **124 Settlement Packages** to Known Claimants, including all known claimants on the **Pioneer, Enterprise, Hillside-Thomas**, and the **La Plata Indian Ditches**. The Settlement Package consists of a proposed Consent Order; a Rejection of the State's Offer form; and a stamped, self-addressed envelope. This figure includes all revised consent orders that have been mailed to claimants for consideration.

(3) Number of Consent Orders Entered: As of the date of this Status Report, the Court has entered **74 Consent Orders**.

(4) Number of Default Judgments Entered: None. However, given the State's recent hiring of additional attorneys, 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: The State will hold a field office in La Plata, NM on Wednesday, January 9, 2008 from 4:30 pm to 7:30 pm. Additional field offices will be scheduled once the State begins mailing Settlement Packages to the Second Adjudication Group.

(6) Field Inspections: The State has completed all necessary field inspections for surface water irrigation rights for the first adjudication group.

(7) Other Information Concerning the Adjudication or Requested by the Court: The State estimates that **330 Notices of Claim** have been filed with the Court. The State has filed

117 Petitions for Commencement of Subfile Proceedings and Request for Issuance of Court Case Number. Four subfiles are ready for the Court's Settlement Facilitation Program.

Respectfully submitted,

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ex rel. State Engineer

CERTIFICATE OF SERVICE

I certify that on _____, 2008, 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. Hofmann