

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 of New Mexico *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. The State anticipates sending an additional **115 Service Packages** to newly identified claimants by the end of June 2008. 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 **219 Settlement Packages** to Known Claimants, including all known claimants on the **Pioneer, Enterprise, Hillside-Thomas, La Plata Indian, Greenhorn, Larkin-Reynolds, Highland, McDermott, Left Hand, and Helton 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. The State anticipates mailing Settlement Packages to the remainder of the claimants in the La Plata Section by July 31, 2008.

(3) Number of Consent Orders Entered: As of the date of this Status Report, the State has received **93 signed Consent Orders**.

(4) Number of Default Judgments Entered: Two motions for default are currently pending before the Court.

(5) Dates and Locations of Field Offices/Informal Meetings: The State held field offices in La Plata, NM on Tuesday, May 27, 2008 from 4:00 pm to 8:00 pm and Wednesday, May 28, 2008 from 8:00 am to 12:00 pm. Additional field offices will be scheduled once the State begins mailing Settlement Packages to the Fourth and Fifth Adjudication Groups.

(6) Field Inspections: The State continues to perform field inspections for those claimants who have objected to the proposed Consent Order.

(7) Other Information Concerning the Adjudication or Requested by the Court: The State estimates that **337 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**. The State has resolved three of the four subfiles that were referred to mediation from the First Adjudication Group; the State continues to work with the claimant on the remaining subfile prior to proceeding with mediation.

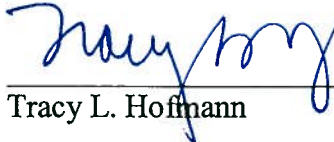
Respectfully submitted,



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ex rel. State Engineer

CERTIFICATE OF SERVICE

I certify that on June 3, 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