

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 the Court’s direction in anticipation of the March 26, 2009 Status Conference. 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) **Adjudication Group 1 Revised Consent Orders**: All Group 1 Revised Consent Orders, which include the elements originally reserved for later determination, have been mailed to the claimants. The State has followed up by telephone with every claimant in Group 1 who received a Revised Consent Order. As of today, the State has received 67 of 79 signed Revised Consent Order packets, which represents 85% of those mailed. Of the 67 received, 62 have been submitted to the Court for filing and the remaining 5 will be submitted shortly. The status of the 12 outstanding files is as follows: the State anticipates receipt of 3 packets shortly; 4 files require field checks; 2 files require new Revised Consent Order Packets as a result of property subdivisions which have occurred since the date of filing of the original Consent Order; and the

State has been unable to locate active phone numbers for the owners of the remaining 3 files.

The State is continuing to follow-up with claimants individually by phone and mail in an effort to finish the remaining 12 files.

(2) **Remaining Subfiles:** There are approximately 450 State subfiles in the La Plata Section of the San Juan River Adjudication in addition to those Group 1 Revised Consent Orders described in paragraph (1) above. The State has mailed Consent Orders to approximately ninety percent (90%) of these claimants and has been successful in securing a return of approximately fifty percent (50%) of the Consent Orders. Taking into account the Group 1 Revised Consent Orders which have been filed with the Court, these figures represent that the State has adjudicated more than fifty percent (50%) of the surface water irrigation rights in the La Plata Section.

Of the outstanding subfiles in the La Plata Section, the claimants have either not yet responded to the State's offer or currently require field checks before further action can be taken by the State with respect to the claimant's surface irrigation rights. Approximately ten percent (10%) of the subfiles in the La Plata Section require further action by the State or the claimant and in most cases the State is continuing efforts to establish primary contact with the claimant, determine ownership of the parcel and/or locate current contact information for the claimant. The State may be required to serve many of these claimants by publication if the claimants cannot otherwise be contacted despite the State's best efforts to do so.

(3) **Field Inspections:** The State continues to perform field inspections for those claimants who have objected to their proposed Consent Orders. There are approximately one hundred (100) subfiles currently requiring a field check.

(4) **Domestic and Stock Watering Rights from Surface Water:** The State anticipates that it will begin to mail Consent Orders quantifying these rights by June 2009. However, these rights may need additional field work and telephone contact from the State.

(5) **Permitted and Pre-Basin Groundwater Rights:** The State has initiated work on groundwater rights in the La Plata Section in an attempt to determine the number of potential wells in the La Plata Section. The State has identified approximately 225 wells in the La Plata Section. In addition, the State estimates that as many as 275 pre-basin wells may exist within the La Plata Section. The State anticipates holding field offices as a means to gather information on pre-basin groundwater rights.

(6) **Claims of the United States:** Consent Orders addressing each of the Federal non-Indian claims made by the United States in the La Plata Section of this adjudication were presented to the United States by the State on February 25, 2009, and the United States signed and returned all Consent Orders to the State on March 19, 2009. These Consent Orders will be filed shortly.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on March 25, 2009, a copy of the foregoing paper was filed with the Court and 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).



Todd M. Lopez