

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 order to update claimants about the progress of the adjudication since the Court cancelled the July 29, 2009 Status Conference. The numbers indicated below are estimated as of the date of this report to the best of the State’s knowledge.

(1) **Surface Water Irrigation Rights:** The State has received 293 signed Consent Orders for surface water rights in the La Plata Section of the San Juan River Stream Adjudication. The State has adjudicated 217 of those subfiles. The State has submitted to the Court for filing an additional 49 Consent Orders. The State has received an additional 27 signed Consent Orders that are ready to file with the Court.

Seventy-two subfiles require field checks.

The claimant has failed to respond to the State in 51 subfiles; the State is diligently following up on those subfiles through telephone calls. Of the claimants that do respond, most

will request a field check. For those who fail to respond, the State will file Motions for Entry of Consent Order.

The State has filed 29 Motions for Entry of Consent Order. Following the expiration of 30 days from the filing date, the Court will enter Consent Orders for those subfiles.

Nine subfiles require further action from the claimants, and fifty-five subfiles require further action by the State, mostly comprised of processing field report and generating revised Consent Orders.

Seventeen subfiles are ready for mediation.

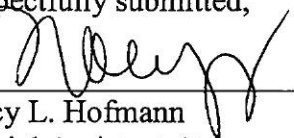
The State is unable to locate 23 claimants, and is preparing service by publication to move forward on these subfiles.

(2) **Field Offices:** The State held field offices for the La Plata Section on May 27 and May 28, 2009 in an effort to gather information from claimants on their domestic wells. Although many claimants attended the field offices, only a few claimants have filed declarations with the Aztec office.

The State is in the process of updating ownership of the wells listed in the State's database and is also performing field checks to determine the coordinates of those wells.

(3) **Navajo Settlement:** The State is working in conjunction with counsel for the Navajo Nation, and the United States in planning how to present to the Court the Navajo Settlement within Congress' statutory deadlines.

Respectfully submitted,

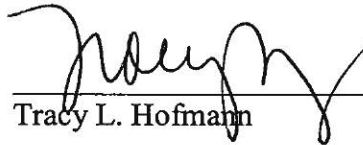


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CERTIFICATE OF SERVICE

I certify that on July 29, 2009, 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