

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer,

Plaintiff,

v.

No. Civ. 66-06639 WJ/WPL

R. LEE AAMODT *et al.*

Defendants,

Subfiles      RG-30627 (Duran)  
                    PM-89217 (Gossein)

and

UNITED STATES OF AMERICA,  
PUEBLO DE NAMBÉ,  
PUEBLO DE POJOAQUE,  
PUEBLO DE SAN ILDEFONSO,  
and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

**ORDER REJECTING THE JOINT STATUS REPORT  
AND PROVISIONAL DISCOVERY PLAN FILED BY THE PARTIES  
AND DIRECTING THE FILING OF A REVISED JOINT STATUS REPORT  
AND PROVISIONAL DISCOVERY PLAN**

THIS MATTER is before the Special Master, entered pursuant the Order of Reference [Doc. No. 6336], as amended, the Court's Procedural and Scheduling Order for the Adjudication of Surface Water Right Under Domestic Wells Permitted After January 13, 1983 [Doc. No. 6239], the Notice and Order to Show Cause [Doc. No. 6379], the Court's Procedural and Scheduling Order for the Adjudication of Water Rights for Domestic Wells, Including Pre-Basin Domestic Wells, Drilled or Permitted Prior to this Court's Order of January 13, 1983 (No. 641), filed August 2, 2012 [Doc. No.

7736], and Fed. R. Civ. P. 53. The Federal Rules of Civil Procedure and the local rules of the Court will apply to these claims.

Pursuant to the Court's order [Doc. No. 9952], the parties filed a Joint Status Report and Provisional Discovery Plan ("JSR/PDP") on February 5, 2015 [Doc. No. 10,015]. At a Rule16 scheduling conference held telephonically on February 6, 2015, the Special Master expressed concern that the parties' proposed discovery plan contained deadlines dependent upon rulings from the Court on other pending matters, and proposed discovery on matters that appear to have already been ruled on by the Court in other subfiles as being outside the scope of permissible discovery.

Given those concerns, the JSR/PDP that the parties have filed is hereby **rejected** by the Court. The parties are instructed to meet in person and submit a revised JSR/PDP to the Court on or before February 18, 2015. This revised JSR/PDP may advance legal issues as seen fit by the parties, and may propose discovery as seen fit by the parties, but the parties are cautioned to focus on their respective burdens under the Court's applicable Orders to Show Cause and New Mexico law.

**THE PARTIES ARE NOTIFIED THAT WITHIN 20 DAYS OF SERVICE of a copy of this order, report, or recommendations, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party must file any objections with the Clerk of the Court within the twenty-day period if that party wants the District Judge to hear their objections. If no objections are filed within the twenty-day period, the District Judge may adopt the order, report or recommendations in whole.**

IT IS SO ORDERED.

/s/ Pierre Levy  
Pierre Levy, Special Master

February 6, 2015

I hereby certify that on the date of filing, I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Pierre Levy  
Pierre Levy