

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

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)

Plaintiff,)

v.)

R. LEE AAMODT, et al.,)

No. 66cv6639 WJ/WPL

Defendants,)

and)

UNITED STATES OF AMERICA,)

PUEBLO DE NAMBE,)

PUEBLO DE POJOAQUE,)

PUEBLO DE SAN ILDEFONSO,)

and PUEBLO DE TESUQUE,)

Plaintiffs-in-Intervention.)

**JANUARY 15, 2015 QUARTERLY STATUS REPORT REGARDING THE
ADJUDICATION OF DOMESTIC WELL AND SURFACE RIGHTS**

The State of New Mexico (“State”), pursuant to the Court’s July 5, 2006 *Order* (No. 6174) and the December 18, 2008 *Supplemental Procedural Order* (No. 6524) hereby reports to the Court addressing the status of “the work completed the previous quarter and the work to be completed during the subsequent quarter for both domestic well and surface water rights.” July 5, 2006 *Order*, p. 1.

I. Claims to Domestic Well Water Rights – Previous Quarter

A. Post-Moratorium Section 72-12-1 Domestic Well Water Rights

1. During the previous quarter, the Court entered orders adjudicating eight (8) post-moratorium domestic well claims.

2. The State has forwarded proposed orders adjudicating an additional two (2) post-moratorium domestic well claims to the Court.

3. During the previous quarter, the Court joined thirty (30) post-moratorium domestic well water right claimants. See December 29, 2015 *Order Granting State of New Mexico's Thirty-Sixth Motion to Join Additional Parties Defendant* (No. 10427) and January 4, 2016 *Order Granting State of New Mexico's Thirty-Seventh Motion to Join Additional Parties Defendant* (No. 10434).

4. The State moved to join an additional twenty-five (25) post-moratorium domestic well water right claimants. See December 30, 2015 *Thirty-Eighth Motion to Join Additional Parties Defendants* (No. 10430) and December 31, 2015 *Thirty-Ninth Motion to Join Additional Parties Defendants* (No. 10433).

5. Litigation continues with regard to two (2) unadjudicated water rights from post-moratorium wells. More specifically, the State has moved for summary judgment with regard to subfiles PM-89224 and PM-89217. See January 11, 2016 *Motion and Memorandum for Summary Judgment on the Claims of Christian Gossein Under Subfile PM-89217* (No. 10438) and January 11, 2016 *Motion and Memorandum for Summary Judgment on the Claims of Yiwon Jiang and David S. Rosen Under Subfile PM-89224* (No. 10437).

6. There are no outstanding *Notices That the Consultation Period Has Ended* regarding post-moratorium well water rights.

B. Pre-Moratorium Section 72-12-1 Domestic Well Water Rights

7. During the previous quarter, the Court entered orders adjudicating thirty-eight (38) pre-moratorium domestic well claims.

8. The State has forwarded proposed orders adjudicating an additional twenty-five (25) post-moratorium domestic well claims to the Court.

9. During the previous quarter, the Court joined thirty-two (32) pre-moratorium domestic well water right claimants. See December 29, 2015 *Order Granting State of New Mexico's Nineteenth Motion to Join Pre-Moratorium Claimants as Additional Parties Defendant* (No. 10428) and January 4, 2016 *Order Granting State of New Mexico's Twentieth Motion to Join Pre-Moratorium Claimants as Additional Parties Defendant* (No. 10435).

10. The State moved to join an additional seventeen (17) pre-moratorium domestic well water right claimants. See December 30, 2015 *Twenty-First Motion to Join Additional Parties Defendants* (No. 10432).

11. There are no outstanding *Notices That the Consultation Period Has Ended* regarding pre-moratorium well water rights.

C. Pre-Basin Domestic Well Water Rights

12. During the previous quarter, the Court entered orders adjudicating five (5) pre-basin domestic well claims.

13. The State has forwarded a proposed order adjudicating one (1) additional pre-basin domestic well claim to the Court.

14. During the previous quarter, the Court joined nineteen (19) pre-basin domestic well water right claimants. See December 29, 2015 *Order Granting State of New Mexico's Fifth Motion to Join Pre-Basin Claimants as Additional Parties Defendant* (No. 10429).

15. The State moved to join an additional eight (8) pre-basin domestic well water right claimants. See December 30, 2015 *Sixth Motion to Join Pre-Basin Claimants as Additional Parties Defendants* (No. 10431).

II. Claims to Domestic Well Water Rights – Subsequent Quarter

A. Post-Moratorium Section 72-12-1 Domestic Well Water Rights

16. Before the end of the upcoming quarter through April 15, 2016, with regard to the 72-12-1 post-moratorium domestic well water right claimants already joined and served, the State expects to meet in consultations with those who disagree with their proposed Post-Moratorium Domestic Well Orders, as their requests for consultations are received. With regard to those who do not object, the State will continue submitting the proposed Orders to the Special Master when the claimants' time to respond has passed.

B. Pre-Moratorium Section 72-12-1 Domestic Well Water Rights

17. Before the end of the upcoming quarter through April 15, 2016, with regard to the 72-12-1 pre-moratorium domestic well water right claimants already joined and served, the State expects to meet in consultations with those who disagree with their proposed Pre-Moratorium Domestic Well Orders, as their requests for consultations are received. With regard to those who

do not object, the State will continue submitting the proposed Orders to the Special Master when the claimants' time to respond has passed.

C. Pre-Basin Domestic Well Water Rights

18. Before the end of the upcoming quarter through April 15, 2016, with regard to the pre-basin domestic well water right claimants already joined and served, the State expects to meet in consultations with those who disagree with their proposed Pre-Basin Domestic Well Orders, as their requests for consultations are received. With regard to those who do not object, the State will continue submitting the proposed Orders to the Special Master when the claimants' time to respond has passed.

III. Claims to Surface Water Rights – Previous Quarter

19. During the previous quarter, on December 28, 2015, the Court entered its *Procedural and Scheduling Order for the Adjudication of Priority Dates for Water Diverted From the Rio En Medio and Conveyed Through a Common Ditch to the Rio Chupadero* (No. 10425), and its associated *Order to Show Cause* (No. 10426).

IV. Claims to Surface Water Rights – Subsequent Quarter

20. During the subsequent quarter, the State will serve the Chupadero *Order to Show Cause* on all individual subfile defendants with water rights served by water diverted from the Rio En Medio and conveyed through a common ditch to the Rio Chupadero.

Respectfully submitted this 21st day of January, 2016.

Electronically Filed

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 21, 2016 I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and to the following person(s) by United States Mail:

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