

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

STATE OF NEW MEXICO on the	)	
Relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB
	)	
-v-	)	RIO CHAMA STREAM SYSTEM
	)	
	)	
	)	Section 7
ROMAN ARAGON et al.,	)	Jicarilla Apache Nation
	)	
Defendants	)	
_____	)	

ORDER AMENDING SCHEDULING AND PROCEDURAL ORDER  
GOVERNING WATER RIGHTS CLAIMS OF THE JICARILLA APACHE NATION

THIS MATTER came before the Special Master at the status conference held July 31, 2009, on the progress of the adjudication of the Rio Chama Stream System. Having heard comments of counsel and being otherwise fully advised in the premises, I find the following:

1. The Jicarilla Apache Nation (“Nation”) and the State of New Mexico, ex rel. State Engineer, (“State”) have been diligently conducting field inspections and cooperating on resolving issues concerning the Nation's state law-based water rights claims this calendar year.
2. As a result of the work of the technical teams for the State and the Nation, field inspections are complete. Because of the large number of facilities field inspected and those reviewed in aerial photographs, more time is required to complete a report describing and mapping the location, priority and quantity associated with each of the water facilities. The report and maps must be checked by the Nation's technical team, and then furnished to the State’s technical staff for review and data confirmation. One or more technical meetings will be required to resolve any questions

that arise regarding the report and maps.

3. The January 16, 2007, Scheduling and Procedural Order Governing the Outstanding Water Rights Claims of the Jicarilla Apache Nation (Docket No. 8561), as amended (November 4, 2008, No. 9317), should be amended further to accommodate the parties' scheduling requirements.

IT IS ORDERED, THEREFORE,

1. The Nation shall complete its work and provide its report and maps of water facilities to the State no later than October 1, 2009.

2. The Nation and the State shall complete their meetings to review and resolve any issues related to the Nation's report and maps no later than March 1, 2010.

3. The Nation and the State shall draft a consent order describing the Nation's state law-based water rights in Section 7 for submittal to the Court no later than July 1, 2010. In the event the parties cannot reach resolution on any factual or legal issue(s), the parties shall file a status report which includes brief statements of their respective positions regarding each issue and a request for a pretrial and scheduling conference on pending disputes.

4. Nothing in this Order is intended to prejudice any party's legal and/or factual claims or objections.

IT IS SO ORDERED.

*Vickie L. Gabin*

Special Master