

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

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

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB-ACE

RIO CHAMA STREAM SYSTEM

**JOINT STATUS REPORT BY THE UNITED STATES AND
STATE OF NEW MEXICO ON UNITED STATES'
STOCK WATERING CLAIMS IN SECTIONS 3 AND 5**

The United States of America (“United States”) and the State of New Mexico *ex rel.* State Engineer (“State”) file this joint status report on the progress of the evaluation of the United States’ stock watering claims in Sections 3 and 5.

Section 3 (Rio Nutrias, Rio Cebolla, Canjilon Creek)

The State made field inspections of the United States’ claims in Section 3 during the 2006 and 2007 field seasons. Since that time, and in keeping with the Order on case management priorities entered on July 16, 2007 (Doc. 8732), the State has devoted its technical staff to work on primary subfile work in Sections 3 and 7 and to the evaluation of the United States’ claims in Section 5. Although the work on the evaluation of claims in Section 3 is well advanced, additional time will be required to review the information provided by the United States on its claims in Section 3, and to obtain documentation regarding the priority of those claims. The State anticipates that it will be unable to resume work on the United States’ claims in Section 3 until after the resolution of the United

States' claims in Section 5 or longer.

Section 5 (Rio Gallina)

The survey information submitted to the State on the United States' claims in Section 5 was again carefully reviewed in early 2010 by Jim McNees the head of the Hydrographic Survey Division of the Office of the State Engineer. Mr. McNees found a number of issues in the data and prepared a comprehensive report describing those matters. Technical and legal representatives of the parties met in Albuquerque in May 2010 in order to address this information. After additional field work during the summer of 2010, the United States has provided an additional report to the State with revised survey information. This report is presently under review by Mr. McNees and other staff at the Office of the State Engineer.

The United States and the State anticipate that they will be able to resolve the technical problems described above and to submit a proposed Consent Order to the Court describing the stock watering rights of the United States in Section 5 by the end of 2010. The proposed Consent Order will be provided to counsel for the Acequias in Section 5 (Mary E. Humphrey) for her review prior to being submitted to the Court.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of September, 2010, I filed the foregoing 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/ Ed Newville
EDWARD G. NEWVILLE