

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
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2010, through December 31, 2010, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The last status conference was held September 27, 2010. The adjudication of non-federal water rights in the Rio Nutrias Subsection of Section 3 is complete, and a partial final decree will be entered in the near future. Objections were filed to the irrigation water requirements proposed by

the State in the Rio de Tierra Amarilla Subsection of Section 7. A special master report recommended dismissing two defendants' objections to priority dates and irrigation water requirements because neither party appeared at a mandatory scheduling and pretrial conference; the Court adopted the recommendation. (Doc. Nos. 9975, 9993.) Further proceedings on the remaining objections will be consolidated with any other objections from the remaining subsections in Section 7.

The adjudication of water rights in the Vallecito and Rio del Oso areas within Section 1, the Chama Mainstream Section, has been delayed by the State's inability to complete the hydrographic survey work. The latest scheduling order (September 29, 2010, No. 9962) anticipates that field work will be completed no later than September 30, 2011, and the adjudication process will begin sometime in the spring of 2012.

In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding; however, the parties' expected completion date for the consent order describing the complete set of water rights, November 1, 2010, was not met. (Status Report, July 22, 2010, No. 9915.)

Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

The adjudication of the water rights claims of the Pueblo of Ohkay Owingeh is subject to the Second Amended Scheduling Order on Pueblo Claims (No. 9713), which provides deadlines for discovery matters through June, 2016. Trial is tentatively scheduled for June, 2017.

The Wild and Scenic River claims matter, which was remanded to me by the Court, is

governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims, as amended. The parties are continuing to work on reaching a proposed consent order, and I continue to examine strategies for subsequent *inter se* proceedings.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner, AquaTek, Inc., has been completed as described. Hourly records of work performed are available from the contractor if needed.

Dated: February 1, 2011.

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN