

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

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|---------------------------------------|---|--------------------------------|
| STATE OF NEW MEXICO, <i>ex rel.</i> , |) | No. 68cv7941-MV/LFG |
| STATE ENGINEER, <i>et al.</i> |) | |
| |) | Rio Chama Adjudication |
| Plaintiffs |) | |
| |) | Pueblo Claims Subproceedings 1 |
| v |) | |
| |) | |
| ROMAN ARAGON, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**JOINT MOTION TO VACATE ORDERS ESTABLISHING PRETRIAL DEADLINES
IN ORDER TO FACILITATE SETTLEMENT DISCUSSIONS**

The parties to this subproceeding jointly move for an order vacating this Court’s scheduling orders, orders extending time, and all related pre-trial deadlines, and staying these proceedings to permit the parties to continue and to focus upon ongoing settlement discussions. This motion is filed jointly by all parties to this subproceeding: Ohkay Owingeh, the United States, the State of New Mexico, the City of Española, the Asociación de Acéquias Norteñas de Rio Arriba, El Rito Ditch Association, Gallina-Capulin Acequia Association, La Asociación de la Acequias de Rio Tusas, Vallecito y Ojo Caliente, and the Rio Chama Acequia Association. The parties to this subproceeding, along with the parties in *New Mexico v. Abbott*, Nos. 68cv7488 MV/LFG and 70 cv 8650 MV/LFG (consolidated), are engaged in ongoing discussions seeking settlement of all water rights claimed by Ohkay Owingeh and by the United States on the Pueblo’s behalf in these two proceedings. The parties in both cases have determined that settlement is feasible.

1. Ohkay Owingeh and the United States, on the Pueblo’s behalf, have asserted water rights claims in the Rio Chama stream system and in *New Mexico v. Abbott, supra*.

- Since 2011, the proceedings in *Abbott* are have been stayed to allow the parties to engage in settlement discussions with status reports and requests to extend the stay to be submitted to this Court every four months.
2. Ohkay Owingeh has been engaged in settlement discussions with the *Aragon* parties since October, 2013, simultaneously with its discussions with the *Abbott* parties. *See, New Mexico v. Abbott, supra*, Joint Status Report, Doc. No. 2932 (March 4, 2013).
 3. All parties in both cases consolidated their settlement discussions in June, 2014, pursuant to a confidentiality agreement signed by all parties. *See, New Mexico v. Abbott, supra*, Joint Status Report, Doc. No. 2943 (June 6, 2014). The parties in both cases met together at Ohkay Owingeh on October 8, 2014, and the *Aragon* parties agreed to submit this motion seeking a stay.
 4. The parties in both *Abbott* and *Aragon* have concluded that settlement is feasible, and that they would benefit from the appointment of a federal negotiating team. The parties in both cases submitted on November 7, 2014, a joint request to the Department of the Interior seeking appointment of such a team. The criteria employed by the Department of the Interior for appointment of a team includes a requirement that the parties be unanimous in seeking a federal team. These parties are all in agreement that a federal team should assist in reaching settlement.
 5. Pursuant to the Court's most recent scheduling order (February 10, 2014, Doc. No. 10985), the next deadline is the State's obligation to disclose its expert witness reports by October 16, 2015. The remaining parties' expert witness disclosures are due April 14, 2016. The parties concur that the expenditure of scarce resources on

the preparation of these reports is unwise in light of the consensus that settlement is feasible.

Accordingly, the undersigned parties to this subproceeding move jointly for an order vacating the deadlines, and staying this subproceeding to allow the parties to devote their resources and attention to settlement of Ohkay Owingeh's water rights claims. The parties seek an initial stay until February 6, 2015, to coincide with the stay issued by this Court in *Abbott*. The parties propose that they submit on February 6, 2015, a single joint status report in both cases and, if appropriate, seek an extension of the stay.

Dated: November 18, 2014

Respectfully submitted,

/s/ Scott W. Williams

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of November, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Scott W. Williams

Scott W. Williams