

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

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

Pursuant to this Court’s Order of June 22, 2016 (Document 11118), the undersigned Parties submit this Joint Status Report. The parties are discussing possible resolution of all of Ohkay Owingeh’s water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer, et al. v. Abbott*, No. 68-cv-7488 (MV/WPL) (*Abbott*).

1. Settlement Negotiations

Since the last status report, Ohkay Owingeh has held separate discussions with different Parties on some or all of the following topics: 1) development of Ohkay Owingeh’s water quantification proposal; 2) development of a groundwater model for use in the discussions and implementation of a settlement agreement; and 3) development and feasibility assessments of mutual benefit water projects. Progress is being made on each of these topics and the discussions on these and related topics are continuing.

Ohkay Owingeh had meetings with one or more of the negotiating Parties on the following dates:

- June 14: Association de Acéquias Norteñas de Rio Arriba
Santa Cruz Irrigation District and Santa Cruz Stream Systems’
Community Ditch Association
- June 15: El Rito Ditch Association
Vallecitos y Ojo Caliente
- July 12: Counsel for State of New Mexico and Acéquias Associations
Acéquia Madre de Truchas
- July 19: Counsel for Santa Clara Pueblo (telephonic meeting)
- August 24: Counsel and representative for Santa Clara Pueblo
- August 25: Federal Assessment Team and U.S. Army Corps of Engineers
Counsel for City of Española
- September 29: Chair of Federal Assessment Team

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo’s leadership to discuss the development of settlement proposals.

2. Scheduling Dispositive Motions

The resumption of litigation would hamper the negotiating Parties’ efforts to resolve Ohkay Owingeh’s water rights claims through negotiations. The undersigned Parties are committed to continuing the negotiation process. Ohkay Owingeh expects to schedule additional meetings soon with various Parties. As a result, the undersigned Parties do not anticipate the need for the Court to schedule the filing and briefing of motions for summary judgment or other dispositive motions within the next four months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report four months from now, February 10, 2017, at which time they will report to the Court on their progress and on the question of whether they believe the Court should schedule dispositive motions or otherwise resume litigation.

Respectfully submitted,

Dated: October 7, 2016

/s/Curtis G. Berkey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of October 2016, 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/Curtis G. Berkey

Curtis G. Berkey