

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 February 11, 2016 (Document 11107), 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) evaluation of data in support of Ohkay Owingeh’s assessment of its future water supply needs; 2) the composition and role of the Federal Assessment Team in the settlement negotiations; 3) development of a groundwater model for use in the discussions and implementation of a settlement agreement; 4) development and feasibility assessments of mutual benefit water projects; 5) and identification and evaluation

of possible sources of water to satisfy Ohkay Owingeh's needs, including development of data necessary to characterize groundwater within the Pueblo's Grant lands. Incremental progress is being made on each of these topics and the discussions on each are continuing.

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

February 24: Federal Assessment Team

February 25: Acequias associations

March 3: Counsel for Santa Clara Pueblo (telephonic meeting between counsel for both Pueblos)

Counsel for Santa Cruz Irrigation District and Santa Cruz Stream Systems' Community Ditch Association (telephonic meeting)

March 17: Director, Secretary of Interior's Indian Water Rights Office and Federal Assessment Team

April 5: Federal Assessment Team (telephonic meeting)

April 7: Federal Assessment Team

April 8: Acéquias associations, State, Federal Assessment Team

May 12: Counsel for Santa Clara Pueblo (telephonic meeting between counsel for both Pueblos)

May 17: Federal Assessment Team

May 17: State Engineer and State Counsel

May 18: Acéquias associations, State, Federal Assessment Team

In addition, counsel and staff for Ohkay Owingeh, and counsel for various Parties have regularly discussed various issues by telephone and email as the need has arisen.

## 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 and Ohkay Owingeh has scheduled the next meetings for June 14 and 15, 2016 with various acéquias associations. Ohkay Owingeh expects to schedule additional meetings soon thereafter 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, October 7, 2016, 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.

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This Joint Status Report is submitted by the Parties whose signatures are indicated below. Counsel for the Rio Chama Acéquia Association and counsel for the El Rito Ditch Association, et al, were unavailable to review this Report, so it is filed without those Parties' concurrence. Upon their review of this Report, and if they concur, we will supplement this Report with their signatures.

Respectfully submitted,

Dated: June 8, 2016

*/s/ Scott W. Williams*

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*/s/ Bradley Bridgewater*

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**Attorneys for El Rito Ditch Association and its acéquia members; Gallina-Capulin Acéquia Association and its acequia members; La Asociacion de las Acéquias del Rio Tusas, Vallecitos y Ojo Caliente and its acéquia members**

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*/s/ John W. Utton*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8<sup>th</sup> day of June, 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/ Scott W. Williams*

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Scott W. Williams