

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 29, 2017 (Document 11267), 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 v. Abbott*, No. 68-cv-07488 (MV/JHR).

1. Settlement Negotiations

Since the last status report, the settlement discussions concerning Ohkay Owingeh’s water rights claims have continued to progress. During this period, discussions with some of the settlement parties have focused on the following topics: 1) sources of water to include in a possible settlement agreement; 2) a groundwater model for use in settlement discussions and implementation of a settlement agreement; 3) water requirements for various proposed uses of water by Ohkay Owingeh; and 4) the characteristics of a final decree adjudicating Ohkay Owingeh’s water rights.

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

- June 14: In-person meeting among lawyers for several settlement parties
- June 20: Telephonic meeting between counsel for Ohkay Owingeh and counsel for Santa Clara Pueblo
- July 18: In-person meeting with various settlement parties and counsel
- July 18: In-person meeting among counsel for several settlement parties
- July 19: In-person meeting between Ohkay Owingeh and Rio Chama Acequias Association
- August 16: In-person meeting between Ohkay Owingeh and Rio Chama Acequias Association
- August 29: Telephonic meeting between Ohkay Owingeh and various members of the Federal Assessment Team
- September 7: Telephonic meeting among technical consultants for various settlement parties
- September 14: In-person meeting among various settlement parties and counsel
- September 14: In-person meeting among counsel for several settlement parties

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's leadership and staff 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. 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, on February 9, 2018, 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.

The City of Española did not respond the Ohkay Owingeh's request to consent to the filing of this Joint Status Report.

Dated: October 10, 2017

Respectfully submitted,

/s/ Curtis G. Berkey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of October, 2017, 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