

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 13, 2017 (Document 11235), 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/WPL).

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) the overall structure of a possible settlement agreement; 2) the legal characteristics of water rights to be established or recognized in the settlement agreement; 3) accounting for depletions from exercise of water rights recognized under the settlement agreement; and 4) legal and technical issues related to mutual benefit water projects.

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

- February 13: In-person Ohkay Owingeh meeting with the U.S. Army Corps of Engineers
- February 21: In-person Ohkay Owingeh meeting with U.S. Forest Service
- February 22: In-person meeting among various settlement parties
- February 23: In-person meeting between counsel for Ohkay Owingeh and counsel for Santa Clara Pueblo
- March 13: In-person meeting between Ohkay Owingeh and Bureau of Reclamation
- March 16: Telephonic meeting between Ohkay Owingeh and Federal Assessment Team
- April 18: In-person meeting among various settlement parties
- April 19: In-person Ohkay Owingeh meeting with Federal Assessment Team
In-person Ohkay Owingeh meeting with counsel for State of New Mexico
- May 17: In-person Ohkay Owingeh meeting with U.S. Army Corps of Engineers
In-person Ohkay Owingeh meeting with Federal Assessment Team
- May 18: In-person Ohkay Owingeh meeting with Santa Cruz Irrigation District
- May 31: In-person Ohkay Owingeh meeting with Federal Assessment Team
- June 1: In-person Ohkay Owingeh meeting with State Engineer

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's leadership and staff to discuss the development of settlement proposals. Ohkay Owingeh's discussions with the Federal Assessment Team and the Bureau of Reclamation have focused on the feasibility of certain water infrastructure projects.

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 October 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.

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

Dated: June 9, 2017

Respectfully submitted,

/s/ Curtis G. Berkey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of June, 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