

**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 November 30, 2017 (Document 11305), 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 on October 10, 2017, the settlement discussions concerning Ohkay Owingeh’s water rights claims continue to make headway. During this period, discussions with some of the settlement parties and their consultants have focused on some of the following topics: 1) the development of infrastructure projects to enhance the water supply and reliability for some of the settlement Parties; 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 scope of a proposed water rights settlement of Ohkay Owingeh's claims.

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

- |              |   |
|--------------|---|
| November 1:  | In-person meetings with various settlement Parties and counsel  |
| November 14: | In-person meeting between Ohkay Owingeh and the Bureau of Reclamation Value Planning Team and Federal Assessment Team |
| November 15: | In-person meeting between Ohkay Owingeh and the Bureau of Reclamation Value Planning Team and Federal Assessment Team |
|              | In-person meeting between various acéquia Parties and Bureau of Reclamation Value Planning Team                       |
| November 16: | In-person meeting between Ohkay Owingeh and the Bureau of Reclamation Value Planning Team and Federal Assessment Team |
| November 17: | In-person meeting with various settlement Parties and counsel   |
| December 19: | In-person meeting between Ohkay Owingeh and the Federal Assessment Team   |

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's Leadership, staff and consultants to discuss the development of settlement proposals. In-person meetings will be set with the Pueblo and the City of Espanola to discuss settlement issues related to the City prior to the next Joint Status Report.

## 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 June 8, 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.

Dated: February 9, 2018

Respectfully submitted,

*/s/ Curtis Berkey*

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*/s/ Bradley Bridgewater*

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*/s/ Jay Stein*

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*/s/ Mary E. Humphrey*

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*/s/ John W. Utton*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9th day of February 2018, 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 Berkey*

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Curtis G. Berkey