

55-17
Navajo Settlement

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

FILED
DISTRICT COURT
SAN JUAN COUNTY
NM

2004 AUG 20 A 11: 33

STATE OF NEW MEXICO on the)
relation of the State Engineer,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA et al.,)
)
Defendants,)
)
and)
)
JICARILLA APACHE TRIBE and)
NAVAJO NATION,)
)
Defendant-Intervenors.)

No. 75-184-1
SAN JUAN RIVER BASIN

RECEIVED
AUG 26 2004
Sheehan, Sheehan & Stelzner, P.A.
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~~PROCEEDING~~ SCHEDULING ORDER ON INDIAN WATER RIGHTS CLAIMS

THE ABOVE MATTER came on for hearing on July 26, 2004 upon, *inter alia*, the *United States' Motion to Reconsider the Court's June 1, 2004 Order*, filed June 24, 2004. The Court heard the matter in the San Juan County Court House, Farmington, New Mexico, after notice of the hearing was sent to all parties on the Court's Docket Sheet by the Clerk of the Court. Subsequently, the United States submitted a *Motion For Entry Of Scheduling Order On Indian Water Rights Claims*. Having considered the United States' motion, and having heard and considered representations during the July 26, 2004 hearing from the United States and other parties concerning the scheduling of proceedings to adjudicate the water rights of the Ute Mountain Ute Tribe and the Navajo

Nation, the Court finds good cause to impose the time limitations set out below. IT IS THEREFORE ORDERED:

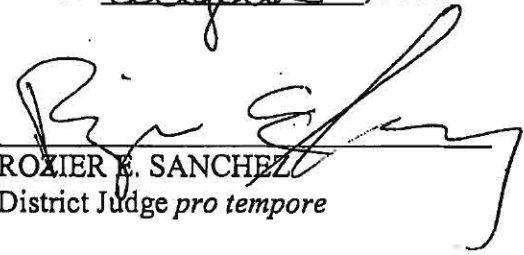
1. THAT, on or before October 1, 2007, the United States shall file and serve on counsel of record a detailed description of all water rights the United States claims on behalf of the Ute Mountain Ute Tribe within the geographic scope of this adjudication. For each water right claimed, the description shall include (1) the name of the asserted owner of the right; (2) a description of any point and means of diversion serving the claimed use; (3) the asserted priority of the right; (4) a description of the source of water, whether surface or underground; (5) the purpose of the use; (6) the amount of any water diverted and depleted by the use; and (7) the place of the use. The requirement to provide these descriptive elements, and compliance therewith, shall not prejudice the contentions of any party concerning the uses the Ute Mountain Ute Tribe may make of its water rights once quantified and decreed in this action. Further proceedings on the water rights of the Ute Mountain Ute Tribe shall be scheduled by the Court following the submission of the United States' detailed description.

2. THAT, on or before October 1, 2010, the United States shall file, and serve on counsel for the State of New Mexico, with notice to all counsel of record, a Hydrographic Survey Report describing historic and existing water uses on all lands within the geographic scope of this adjudication that are (a) held in trust for the Navajo Nation by the United States, (b) held in trust for members of the Navajo Nation by the United States, (c) owned by members of the Navajo Nation subject to a restraint on alienation imposed pursuant to federal law, or (d) held in fee ownership by the Navajo Nation. The Hydrographic Survey Report shall be prepared in consultation with the New

Mexico Office of the State Engineer and in accordance with New Mexico State Engineer hydrographic survey standards. The filing of the Hydrographic Survey Report shall be without prejudice to the ability of the United States, the Navajo Nation, or Navajo allottees to claim water rights that are not based on the surveyed historic and existing uses. Further proceedings on the water rights of the Navajo Nation and of Navajo allottees shall be scheduled by the Court following the filing of the Hydrographic Survey Report.

3. THAT, within 30 days of filing each document, the United States shall provide the detailed description of claimed Ute Mountain Ute water rights and the Hydrographic Survey Report of historic and existing Navajo uses to the New Mexico Office of the State Engineer in an electronic format suitable for publication on the World Wide Web and the Office of the State Engineer shall thereafter make each document available on the Internet site maintained for this adjudication.

SO ORDERED, THIS 20th DAY OF August, 2004.


ROXIER E. SANCHEZ
District Judge *pro tempore*

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

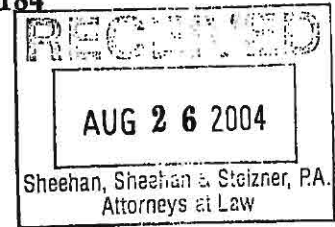
DISTRICT COURT
SAN JUAN COUNTY #
N.M. *jk*
2004 AUG 24 A 10:02

STATE OF NEW MEXICO, ex rel.,
Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,
Defendants.

CV 75-184



CERTIFICATE OF MAILING

I hereby certify that a true and accurate copy of the **ORDER GRANTING LEAVE TO SAN JUAN AGRICULTURAL WATER USERS ASSOCIATION TO INTERVENE, ORDER OF INTERVENTION (GARY HORNER) and SCHEDULING ORDER ON INDIAN WATER RIGHTS CLAIMS** was mailed this 24th day of August, 2004 by first-class mail to counsel of record representing parties, interested persons, and parties appearing pro se as listed on the attached service list.

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