

SJ-17

Office of the State Engineer  
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Aztec, NM 87410  
Phone: (505) 334-9481

Robert B. Genuajdi, P.E.  
Bill Erenbach  
Joe Hubbard



# Fax



**To:** John Whipple **From:** Office of the State Engineer-Aztec

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**Fax:** 505 827-6188 **Date:** October 28, 2003

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**Pages:** 12 incl. cover

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**Re:** Motion from SJ Ag Water Users Assoc. **CC:**

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

**•Comments:**

**Perry**

**Attached is the motion and interrogatories from the San Juan Ag Water Users Assoc. received by the Aztec office.**

**Robert**

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

STATE OF NEW MEXICO on the  
Relation of the State Engineer,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants,

and

JICARILLA APACHE NATION AND  
NAVAJO NATION,

Defendant-Intervenors.

No. CV-75-184


03 OCT 24 PM 4 24  
STATE ENGINEER OFFICE  
AZTEC, NEW MEXICO

**MOTION OF SAN JUAN AGRICULTURAL WATER USERS ASSOCIATION  
FOR LEAVE TO PROPOUND LIMITED DISCOVERY**

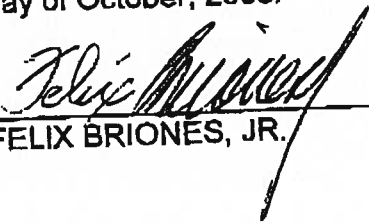
Comes now San Juan Agricultural Water Users Association and through its attorney, Felix Briones, Jr., moves the Court to grant it leave to propound limited discovery toward the Plaintiff relating to the status of the negotiations between Plaintiff and the Navajo Tribe and/or other parties.

This Motion is addressed to the discretion of the Court and, if granted, would be limited at this time to the propounding of the written Interrogatories and Requests For Production, copies of which are attached hereto for the Court's consideration.

BRIONES LAW FIRM, P.A.  
333 East Main Street  
Farmington, New Mexico 87401  
(505) 325-0258

  
\_\_\_\_\_  
FELIX BRIONES, JR.  
Attorney for SAN JUAN AGRICULTURAL  
WATER USERS ASSOCIATION  
Attorney Number 379

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed to opposing counsel of record on the 13<sup>th</sup> day of October, 2003.

  
\_\_\_\_\_  
FELIX BRIONES, JR.

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

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

No. CV-75-184

**DEFENDANT SAN JUAN AGRICULTURAL WATER USERS ASSOCIATION'S  
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

**TO: State of New Mexico on the relation  
of the State Engineer  
c/o Its Attorney  
Perry C. Abernathy, Esq.  
Post Office Box 25102  
Santa Fe, New Mexico 87504-5102**

Defendant, San Juan Agricultural Water Users Association, by and through its attorney,  
Felix Briones, Jr., Briones Law Firm, P.A., and pursuant to SCRA 1-033 of the New Mexico  
Rules of Civil Procedure, hereby requests the Plaintiff, State of New Mexico, to answer the

following Interrogatories in full, in writing and under oath, in the spaces provided below, consistent with the definitions and instructions set out below, within thirty (30) days of the date of service hereof.

### **INTRODUCTION**

1. In answering these Interrogatories, you are required to furnish all information that is available to you, your agents, or anyone acting on your behalf or that is contained in records or documents in your or their possession, custody or control.
2. If after making reasonable efforts to secure the required information you cannot answer any Interrogatory in full, answer to the extent possible and set forth in detail the efforts you have made to secure the required information.
3. These Interrogatories are deemed to be continuing to the date of trial. To the extent that your answers to these Interrogatories become outdated or inaccurate, or you acquire new or additional information with regard to any of the Interrogatories, it is specifically requested that you update your Answers.
4. Definitions:
  - a. "You" or "your" means the State of New Mexico, its agents, or anyone acting by or on behalf of said Plaintiff.
  - b. "Person" means a firm, partnership, corporation, proprietorship, association governmental body, natural person or any organization or entity.
  - c. "Document" means any tangible thing, recorded or reproduced in any

manner, any visual or auditory data including, but not limited to, evaluations, analyses, reports, reviews, working papers, books, charts, telegrams, pamphlets, pictures, audio or video tapes, computer tapes, printouts or cards, microfilms, microfiches, canofilm, CD Rom diskette, and any other papers on which words have been written, printed, typed or otherwise affixed, and shall mean a copy of every document where such copy is not an identical copy of an original.

d. "Communication" means all writings, oral communications, and written memoranda or recordings of oral communications.

e. "Identify", "identification", or "describe", when referring to documents, includes the following information:

f. A description of the document by its title, date, originator(s) and recipient(s), and all persons who wrote, signed, initialed, dictated, or otherwise participated in drafting or creating the same;

i. A brief description of the general subject matter of the document;

ii. The identity or address of its custodian. If any document was but no longer is in your possession or subject to your control, state what disposition was made of it, when so made, why, and the identity of the current custodian of the document;

iii. If you claim any document is protected from discovery by any privilege, state the privilege claimed and identify each such document by its title, date, originator(s) and recipient(s) and the identity and address of its custodian. In lieu of identification of a document, a copy of the document may be attached to your Answers to these Interrogatories provided that with regard to each such produced document, the

Interrogatory to which it is responsive is indicated and the original is available for inspection.

f. "Identify", "identification", or "describe", when used in reference to a natural person, means to state his or her full name, present or last known address and present or last known employment or business affiliation.

g. "Identify", "identification", or "described", when used in reference to a firm, partnership, corporation, or other organization, means to state in full its name and present or last known address.

h. "State in detail the complete and specific factual basis." when referring to a claim or statement, means to describe in detail all facts and conduct known to you or believed by you to be true upon which the claim or statement is based, the approximate dates of the actions or conduct giving rise to your claim, the place where such actions occurred, the names of all persons present at the time such actions or conduct occurred, an identification of all communications upon which this claim is based, and identification of all documents which support this claim.

### INTERROGATORIES

INTERROGATORY NO. 1: State the status of the negotiations between the State of New Mexico and the Navajo Tribe and/or other Federal agencies.

ANSWER:

**INTERROGATORY NO. 2:** State whether you have reached an agreement with the other parties mentioned in Interrogatory No. 1, subject only to approval by the Navajo Tribe or other entities.

**ANSWER:**

**INTERROGATORY NO. 3:** If you have reached agreement, please describe the approval process and when you expect to submit the agreement to the Court in this case for review, inter se proceedings and final approval.

**ANSWER:**

**INTERROGATORY NO. 4:** If you have not reached agreement, even preliminary, state when you expect to reach agreement and expect to submit it to the Court for approval.

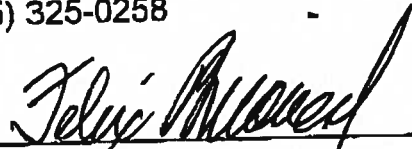
**ANSWER:**



**INTERROGATORY NO. 5:** State what impact the agreement you have reached or expect to reach with the Navajo Tribe and other Federal agencies will have upon the adjudication process and the water which is available for the other Defendants/claimants herein.

**ANSWER:**

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333 East Main Street  
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(505) 325-0258



FELIX BRIONES, Jr.  
Attorney for SAN JUAN AGRICULTURAL  
WATER USERS ASSOCIATION  
Attorney Number 379

ELEVENTH JUDICIAL DISTRICT COURT  
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STATE OF NEW MEXICO on the  
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JICARILLA APACHE NATION AND  
NAVAJO NATION,

Defendant-Intervenors.

No. CV-75-184

**DEFENDANT SAN JUAN AGRICULTURAL WATER USERS ASSOCIATION'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

**TO: State of New Mexico on the relation  
of the State Engineer  
c/o Its Attorney  
Perry C. Abernathy, Esq.  
Post Office Box 25102  
Santa Fe, New Mexico 87504-5102**

Pursuant to Rule 1-034 of the Rules of Civil Procedure, the Defendant, San Juan Agricultural Water Users Association, by and through its attorney, Felix Briones, Jr., of Briones Law Firm, P.A., hereby requests that the Plaintiff, State of New Mexico, produce the

documents designated hereinafter and serve written response to this Request For Production Of Documents within thirty (30) days after service hereof, consistent with the definitions set out below

### **DEFINITIONS**

For the purpose of this Request For Production Of Documents, the hereinafter described term(s) shall have the meaning and significance as follows:

The word "document" as used herein shall mean any tangible thing, recording or reproduction in any form, any visual or auditory data which is in your possession, control or custody, including without limiting the generality of the foregoing, any correspondence, memoranda, transcripts, photographs, stenographic or hand-written notes, studies, evaluation, analyses, reports, reviews, working papers, books, charts, telegrams, pamphlets, pictures, visual or audio tapes, voice recordings, computer records, data compilations and/or information stored on electronic media, including computer tapes, printouts or cards, microfilm, microfiche, any paper on which words have been written, printed, typed, or otherwise affixed, and shall mean a copy where the original is not in your possession, control or custody, and shall mean every copy of every document where such copy is not an identical copy of an original.

**DOCUMENTS AND TANGIBLE EVIDENCE REQUESTED**

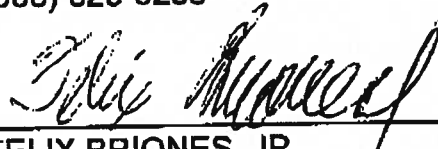
**REQUEST FOR PRODUCTION NO. 1:** Please produce a copy of the agreement you have reached with the Navajo Tribe and/or other Federal agencies.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce a copy of any and all proposed resolutions, legislation or other documents which have been produced in anticipation of final approval of the agreement with the Navajo Tribe and/or other Federal agencies.

**RESPONSE:**

BRIONES LAW FIRM, P.A.  
333 East Main Street  
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\_\_\_\_\_  
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Attorney Number 379