

STATE OF NEW MEXICO'S RULE 71.3 REPORT
FY 2025 (July 1, 2024 to June 30, 2025)
EXHIBIT C: BUREAU FOR PUEBLOS, TRIBES, AND NATIONS

June 6, 2024

The Bureau for Pueblos, Tribes, and Nations (“PTN Bureau”) is charged with addressing the water rights claims of the New Mexico Pueblos, Tribes, and Nations in pending adjudications through settlement negotiations or litigation, if necessary. The PTN Bureau also assists with implementation issues for executed Settlement Agreements.

The OSE’s Tribal Liaison plays a key role in all aspects of communications with the Pueblos, Tribes, and Nations and is directly involved in the activities of the PTN Bureau. The Tribal Liaison’s time is not reflected in this report. The PTN Bureau consults with other staff members in other bureaus within the OSE and Interstate Stream Commission. Their assistance is an integral part of negotiations; however, the time of these staff members is not reflected here.

This report breaks down the amount of effort for each adjudication task at the level of 0.5 full-time equivalent (FTE). The amounts of effort allotted to each adjudication task may not, in the aggregate, add up to the full amount of resources available, or may exceed the available resources. This allows for flexibility as needed during the year.

Currently, the PTN Bureau is staffed with four full time employees:

- Deputy General Counsel
- Attorney
- Technical Lead (Water Resource Professional)
- Law Clerk

In addition, this report includes the time of staff members within the Northern New Mexico Adjudication and the Hydrographic Survey Bureaus, which are located within the Litigation and Adjudication Program, and contract attorneys and technical staff.

**SUMMARY OF AVAILABLE RESOURCES FOR THE BUREAU FOR PUEBLOS,
TRIBES, AND NATIONS RELATED TO ADJUDICATIONS**

STAFF RESOURCES AVAILABLE TO BUREAU FOR PUEBLOS, TRIBES, AND NATIONS	Staff Atty	Contract Atty	Staff Law Clerk	Technical Lead	Survey Staff	Technical Contractor	Section Totals
<i>FULL TIME EQUIVALENT ALLOCATION</i>	2	2	1	1	1.5	0.5	8

	FY2024 FTEs
Total Bureau Staff and Contractor Resources	8
State Adjudications:	
I. San Juan Adjudication	0.5 to 1
<ul style="list-style-type: none"> • Navajo Nation Settlement Agreement – Implementation • Ute Mountain Ute Tribe – In Negotiation 	
II. San Jose Adjudication (<i>Kerr-McGee</i>)	0.5
<ul style="list-style-type: none"> • Pueblos of Acoma, Laguna – Seeking Federal Legislation • Navajo Nation – In Negotiation; Seeking Federal Legislation 	
III. Santa Fe Adjudication (<i>Anaya</i>) – N/A	-
IV. Pecos Adjudication (<i>Lewis</i>) – N/A	-
Federal Adjudications:	
V. Chama Adjudication (<i>Aragon</i>)	0.5
<ul style="list-style-type: none"> • Ohkay Owingeh – Seeking Federal Legislation 	
VI. Taos Adjudication (<i>Abeyta</i>)	0.5
<ul style="list-style-type: none"> • Taos Pueblo Settlement Agreement – Implementation & Seeking Federal Legislation 	
VII. Zuni Adjudication (<i>A&R</i>)	0.5
<ul style="list-style-type: none"> • Zuni Pueblo – Seeking Federal Legislation • Navajo Nation (Ramah Navajo) – In Negotiation 	
VIII. Santa Cruz/Truchas Adjudication (<i>Abbott</i>)	2
<ul style="list-style-type: none"> • Santa Clara Pueblo and Ohkay Owingeh – In Negotiation 	
IX. Jemez Adjudication (<i>Abousleman</i>)	1
<ul style="list-style-type: none"> • Pueblos of Zia and Jemez – Seeking Federal Legislation • Pueblo of Santa Ana – In Litigation 	
X. Nambé, Pojoaque, Tesuque Adjudication (<i>Aamodt</i>)	0.5
<ul style="list-style-type: none"> • Pueblos of Nambé, Pojoaque, Tesuque, San Ildefonso - Implementation 	
Other Tribes, Pueblos & Nations:	
XI. Six Middle Rio Grande Pueblos	1.5 to 2
<ul style="list-style-type: none"> • Pueblos of Sandia, Isleta, Cochiti, Santa Domingo, San Felipe, and Santa Ana – Federal Assessment Team newly appointed, hoping for Federal Negotiation Team to be appointed 	

STATE COURT ADJUDICATIONS - PRIORITIES FOR FY 2025

I. SAN JUAN ADJUDICATION, *New Mexico v. U.S., Jicarilla Apache Tribe and Navajo Nation*, Case No. D-1116-CV-75-184 (11th Judicial District, San Juan County)

A. Navajo Nation Settlement Agreement: Consult and assist with settlement agreement implementation issues.

B. Ute Mountain Ute Tribe: Federal Assessment Team was converted to Federal Negotiation Team at the end of FY 2024. State will continue negotiations to reach settlement of the Tribe's pending claims.

II. RIO SAN JOSE ADJUDICATION, *New Mexico v. Kerr-McGee Corp.*, Case No. CB-83-190-CV & CB-83-220-CV (consolidated) (13th Judicial District, Cibola County)

A. Pueblos of Acoma and Laguna:

Accomplishments Through FY 2024: The parties (other than the United States) signed a settlement agreement (Local Settlement Agreement) in June 2022. Congress introduced legislation in both the House and the Senate (*Rio San Jose and Rio Jemez Water Settlements Act of 2023*, Senate Bill 595; House of Representatives Bill 1304) on March 1, 2023, seeking approval and funding. The Senate Indian Affairs Committee approved the Senate bill at its business meeting on March 29, 2023 and ordered a favorable report without amendment, No. 118-131, which was printed on December 12, 2023. The House of Representatives Committee on Natural Resources referred the bill to the Subcommittee on Water, Wildlife, and Fisheries on March 22 2023, but a hearing has not been scheduled.

FY 2025: Once legislation is passed, the parties will continue discussions to conform the Local Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by the parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating the Pueblos' water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

B. Navajo Nation: The (same?) parties have completed negotiations and are in the process of executing the Local Settlement Agreement of Navajo Nation's water rights claims in the Rio San Jose. Once all the parties (other than the United States) have signed the agreement, Navajo Nation will begin the same congressional approval process detailed above and ultimately combine its Settlement Agreement with that of the Pueblos of Acoma and Laguna.

III. SANTA FE ADJUDICATION, *Anaya v. Public Service Co. of New Mexico*, Case No. 43,347 (1st Judicial District, Santa Fe County) Potential claims of Pueblos, Tribes, and Nations are not currently under review in this adjudication.

- IV. **PECOS ADJUDICATION**, *State of N.M. & PVACD v. Lewis*, Case Nos. 20294 & 22600 (Consolidated) – Potential claims of Pueblos, Tribes, and Nations are not currently under review in this adjudication.

FEDERAL COURT ADJUDICATIONS - PRIORITIES FOR FY 2025

- V. **CHAMA ADJUDICATION**, *N.M. v. Aragon*, Case No. 69cv07941-KWR/KK (U.S. D.Ct., N.M.)

A. **Ohkay Owingeh:**

Accomplishments Through FY 2024: The parties (other than the United States) signed a Local Settlement Agreement for the Chama Stream System claims, dated July 5, 2023

FY 2025: The parties are working on federal legislation to propose to the Department of the Interior and introduce to Congress in FY 2025.

Once legislation is passed, the parties will continue discussions to conform the Local Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by all parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating Ohkay Owingeh's water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

- VI. **TAOS ADJUDICATION**, *New Mexico v. Abeyta*, Case No. CV-69-7896-MV/WPL & No. CV-7939-MV/WPL (consolidated) (U.S. D.Ct., N.M.)

A. **Taos Pueblo Settlement Agreement:**

Accomplishments During FY 2024: The local parties drafted an amendment to the the Taos Pueblo Indian Water Rights Settlement Act of 2010, Public Law 111-291, seeking additional federal funding required to complete the projects identified in the 2012 conformed Settlement Agreement.

FY 2025: The State will continue to consult and assist with Settlement Agreement implementation issues and support the amendment seeking additional federal funding and congressional approval process.

- VII. **ZUNI ADJUDICATION**, *U.S. v. N.M.*, Case No. 07-cv-00681-MV-JHR (U.S. D.Ct., N.M.)

A. **Zuni Tribe:**

Accomplishments Through FY 2024: Zuni Pueblo and the State signed the Local Settlement Agreement in the Spring of 2023.

FY 2025: The parties are working on federal legislation to propose to the Department of the Interior and introduce Congress during FY 2025. Once legislation is passed, the parties will continue discussions to conform the Settlement Agreement to the federal

legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by all parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating Zuni Tribe's water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

- B. Navajo Nation (Ramah Chapter):** The State commenced negotiations to reach settlement of the Tribe's claims in FY 2024 and will continue to strive towards reaching a Local Settlement Agreement and draft federal legislation to propose to the Department of Interior for review and introduce to Congress during FY 2025.

VIII. SANTA CRUZ/TRUCHAS ADJUDICATION, *New Mexico v. Abbott*, Case No. 68-7488 KWR/JHR (Santa Cruz) and Case No. 70-8650 KWR/JHR (Truchas) (U.S. D.Ct., N.M.)

A. Ohkay Owingeh and Pueblo of Santa Clara:

Accomplishments in FY 2024: The parties had put negotiations regarding Pueblo claims in this adjudication on hold while it completed the negotiations of Ohkay Owingeh's water rights claims in the Chama adjudication. The parties have contracted mediators and re-commenced negotiations in early Spring of FY 2024 to reach settlement of Ohkay Owingeh and Santa Clara Pueblo's claims and have reached out to the Pueblos of Nambe, Pojoaque, and San Ildefonso to discuss potential outstanding claims pending in this adjudication.

FY 2025: The State will continue negotiations with the Pueblos and other water users in the Santa Cruz/Truchas Stream System and working towards the goal of reaching a local settlement agreement.

IX. JEMEZ ADJUDICATION, *U.S. v. Abousleman*, Case No. 6:83-cv-01041-MV-JHR (U.S. D.Ct., N.M.)

A. Pueblos of Zia and Jemez:

Accomplishments Through FY 2024: The parties (other than the United States) signed a settlement agreement in June 2022. Congress introduced legislation in both the House and the Senate (*Rio San Jose and Rio Jemez Water Settlements Act of 2023*, Senate Bill 595; House Bill 1304) on March 1, 2023, seeking approval and funding. The Senate Indian Affairs Committee approved the Senate bill at its business meeting on March 29, 2023. The Senate Indian Affairs Committee approved the Senate bill at its business meeting on March 29, 2023, and ordered a favorable report without amendment, No. 118-131, which was printed on December 12, 2023. The House bill was referred to the Committee on Natural Resources and the Subcommittee on Water, Wildlife, and Fisheries in March of 2023, but a hearing has not been scheduled.

FY 2025: Once legislation is passed, the parties will continue discussions to conform the Local Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by the parties, including the United States, the State will move the court for entry of a partial final judgment and

decree adjudicating the Pueblos' water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

B. Pueblo of Santa Ana:

Accomplishments Through FY 2024: The parties filed supplemental briefs in the Fall of 2022 pursuant to the Court's scheduling order, addressing the scope of the issues on remand related to aboriginal rights and Winan's rights. The Court issued its Order in September 2023. The United States, Pueblos of Jemez, Santa Ana and Zia filed a motion for clarification, which was denied in April 2024.

FY 2025: The parties await decisions on the remaining threshold issues not addressed in the Court's September 2023 Order.

X. NAMBÉ-POJOAQUE-TESUQUE ADJUDICATION, *New Mexico v. Aamodt, Case No. 66-cv6639- MV/WPL* (U.S. D.Ct., N.M.) - FJD entered 2017 and case closed.

A. Pueblos of Nambé, Pojoaque, Tesuque and San Ildefonso Settlement Agreement:

Consult and assist with settlement agreement implementation issues, including continued assessment of lands under Section 4 of the Settlement Agreement.

OTHER TRIBES, PUEBLOS, AND NATIONS - PRIORITIES FOR FY 2025

XI. SIX MIDDLE RIO GRANDE PUEBLOS

A. Pueblos of Sandia, Isleta, Cochiti, Santa Domingo, San Felipe, and Santa Ana:

FY 2025: The State, Pueblos and United States continue to meet with the federal assessment team to provide information with the goal of having a federal negotiation team appointed so that settlement agreement negotiations can begin.