

UNITED STATE DISTRICT COURT
DISTRICT OF NEW MEXICO

DATE: Feb 14, 2002

TIME: 1:30 pm

CLERK'S MINUTES OF HEARING

HEARING BEFORE: () Senior Judge E.L. Mechem
 () Vickie L. Gabin, Special Master

CASE NAME & NUMBER: UNITED STATES v A+R PRODUCTIONS

01cv00072 - BDB-ACE
ZUNI RIVER BASIN ADJUDICATION

COUNSEL:

PLAINTIFF: _____

CHARLES O'CONNELL _____

DEFENDANT: _____

SEE ATTACHED LIST _____

NOTES: NOTICE filed January 15, 2002 (# 101) for a
Scheduling and Adjudication meeting
Matters discussed:

- 1) Boundaries of Zuni River Basin - hydrological and surface, concerns expressed particularly about delineation of northern area of Basin
- 2) Filings by Zuni tribe in 1982 referred to "Gallup Ag." being interrelated with waters of Zuni River
- 3) Questions regarding possibilities of persons water rights being adjudicated in more than one basin
- 4) Time estimates for study of Basin given as 3-4 years depending on funding; Non-Indian Federal claims - 3 years; Indian claims possibly 2-2 1/2 years

COURT REPORTERS:

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OTHERS IN ATTENDANCE:
SEE ATTACHED LIST

5) Special Master's recommendations to the Court which will include:

United States to bear cost of hydrographic survey and joining of individual defendants;

Individual claimants to have full participation in adjudication of Indian claims;

Re-align State of New Mexico as plaintiff;

Dismiss without prejudice all defendants at this time;

Case would be a U.S. stream adjudication, not a quiet title suit;

Opportunity to answer Zuni and Navajo motions to intervene;

United States to establish central repository for pleadings and a possible website;

Hydro survey to begin with areas of most intense use;

U.S. to file plan delineating boundaries of hydro survey, State to review;

Hydro survey to be done in sections; defendants joined as each section is surveyed;

Changes of address, ownership of properties, etc. to be updated;

Once survey is completed State begins serving defendants and keeps subfiles to conclusion;

Semi-annual reports will be required.

6) Defendant's statements that filing of suit destroyed real estate market

7) Preference of defendants for dismissal of suit over dismissal of presently named defendants

8) Request for 60 day period to respond to Special Master's recommendations