

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT RE: INTER-CASE SCHEDULING

Pursuant to the Special Master’s July 16, 2007 *Order Setting Deadlines for Proposed Case Priorities Order* (Doc. No.1160) (“Special Master’s July 16, 2007 Order”) and the *Joint Status Report Re: Inter-Case Scheduling* (No. 1282), the United States of America (“United States”) and the State of New Mexico ex rel. State Engineer (“State”) hereby report further on their efforts to formulate a proposed order concerning inter-case scheduling, and make recommendations concerning further proceedings on the matter.

1. In the last status report on September 28, 2007, counsel for the United States and the State reported that they appeared to have reached a general consensus on adjustments to the pending schedule for proceedings on Ohkay Owingeh’s water rights claims in New Mexico ex rel. State Engineer v. Aragon, No. 69cv07941-BB (D.N.M.) (Rio Chama

Adjudication), and New Mexico ex rel. State Engineer v. Abbott, Nos. 68cv7488-BB & 70cv8650-BB consolidated (D.N.M.) (Rio Santa Cruz & Rio de Truchas Adjudication). Since then, counsel for the State have continued to review the expert reports disclosed by the United States and Ohkay Owingeh in support of their claims in Subproceeding 1 in the Rios Santa Cruz/Truchas Adjudication. As a result, the State has concluded that it will need extra time to adequately respond to those expert reports supporting the claims for pre-Spanish water use. The State therefore expects that it will move the Court to extend the present discovery and trial schedule in the Rios Santa Cruz/Truchas Adjudication as to evidence and claims of pre-Spanish water use. At the present time, however, the State believes it can meet the present discovery and trial schedule for the Spanish-and-later historic and existing uses claims for Ohkay Owingeh in Subproceeding 2 in the Rios Santa Cruz/Truchas Adjudication.

2. The State does not yet have an opinion of the effect of such an extension on the scheduling for proceedings on claims by Ohkay Owingeh in the Rio Chama Adjudication and for subsequent subproceedings in the Rios Santa Cruz/Truchas Adjudication.

3. The State notes that this issue regarding claims for pre-Spanish water use also exists in this adjudication, and it expects to raise this issue at the planned scheduling conference on November 27, 2007 in Case No. 07cv 00681-BB. In addition, the United States and the State suggest that issues raised by other parties at that scheduling conference may have significant consequences for scheduling in this and other adjudications.

4. Counsel for the United States, the State, the Zuni Indian Tribe, and the Navajo Nation continue to agree that the pending deadline for initiation of the Cibola National Forest Subproceeding, the Federal Public Lands Subproceeding, and the El Morro National

Monument, El Malpais National Monument, and El Malpais National Conservation Area Subproceeding, established by the Special Master's April 5, 2004 *Procedural and Scheduling Order for Federal and Indian Water Rights Claims* [Doc. No. 323 in 01cv00072-BB] should be vacated.

5. Counsel for the United States and the State will continue discussions between themselves and with counsel for the other parties regarding these issues, with the goal of proposing amended scheduling orders for the affected subproceedings. The undersigned proposed to submit the next status report on this subject on December 17, 2007.

Respectfully submitted: October 30, 2007.

Electronically Filed

/s/ Arianne Singer

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__(approved 10/30/07)_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 30, 2007, I filed the foregoing *Joint Status Report Re: Inter-Case Scheduling* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/ Arianne Singer