

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

UNITED STATES OF AMERICA

Plaintiff,

v.

STATE OF NEW MEXICO, ex rel. State

Engineer, A&R Productions, et al.,

Defendants.

03 MAR 10 AM 11:30

01cv00072-BB/WDS (ACE)

ZUNI RIVER BASIN
ADJUDICATION

**OBJECTION OF QUIVIRA MINING COMPANY TO
SPECIAL MASTER'S REPORT AND RECOMMENDATIONS
ON GEOGRAPHIC SCOPE OF ADJUDICATION**

The Special Master's March 13, 2003 Report and Recommendations acknowledges on pages 1 and 2 that the Court determined in its July 15, 2002 Scheduling Order that "[g]roundwater diversions which lie within the surface boundaries shall be included in the adjudication" and that "[t]he groundwater considered shall be limited to that which lies within surface boundaries, as though their lines were drawn vertically through the earth."

However, Recommendation A on pages 10-11 of the Special Master's Report and Recommendations, which recommends adjudication boundaries, fails to consider groundwater.

Quivira Mining Company objects to this failure to consider groundwater and suggests that the definition of adjudication boundaries set forth in Recommendation A of the Special Master's Report and Recommendations should be revised to read as follows:

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Recommendations should be revised to read as follows:

A. the Court define the adjudication boundaries as lying within the surface water drainage basin as depicted on the map dated December, 2002, which is appended to the January 6, 2003, United States' Identification of Zuni River Stream System Boundary, and as described in the January 14, 2003, Supplemental Identification of Zuni River Stream System Boundary [1], and that the groundwater subject to this adjudication shall be limited to that which lies within the surface boundaries of such surface water drainage basin as so depicted and described, as though such boundaries were drawn vertically through the earth.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March ¹⁶17, 2003, I mailed copies of the foregoing Objection of Quivira Mining Company to Special Master's Report and Recommendations on Geographic Scope of the Adjudication to all persons on the attached mailing list.


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