

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, et al.,

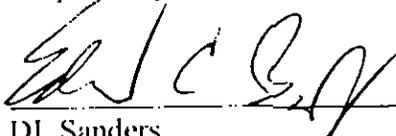
Defendants.

FILED
03 JUN 10 PM 1:42
CIV No. 01 0072 BB/WWD-ACE
ZUNI RIVER BASIN

NOTICE OF FILING JOINT LETTER AND PROPOSED ORDER

THE UNITED STATES AND THE STATE OF NEW MEXICO, by and through their counsels of record, hereby file their joint June 6, 2003 letter to the Special Master and accompanying proposed draft Interim Procedural Order Requiring All Water Rights Claimants to Update Their Water Rights Files With the State Engineer.

Respectfully submitted,

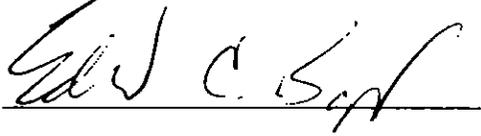


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Certificate of Service

I certify that on this 10th day of June, 2003, a true and correct copy of the foregoing Notice of Filing joint June 6, 2003 letter to the Special Master and accompanying proposed draft Interim Procedural Order Requiring All Water Rights Claimants to Update Their Water Rights Files With the State Engineer were mailed by first class mail to the attached list of counsel of record and pro se parties:



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STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr.
State Engineer

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June 6, 2003

BY REGULAR MAIL

Special Master Vickie L. Gabin
U.S. District Court
100 South Federal Place
Santa Fe, NM 87504

Re: United States v. A & R Productions, et al., 01cy00072BDB/WWD(ACE)

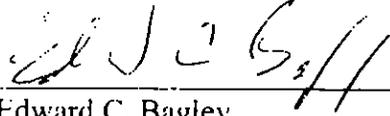
Dear Special Master Gabin:

Attached is our joint recommendation for the form of an Interim Procedural Order to require water rights claimants to update their water rights files with the State Engineer.

Of course, if you have questions, please do not hesitate to contact the undersigned.

Sincerely,

Telephonically Approved
Charles E. O'Connell, Jr.
Attorney
U.S. Department of Justice


Edward C. Bagley
New Mexico
Special Assistant Attorney General

cc

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

UNITED STATES OF AMERICA,

Plaintiff,

CIV No. 01 0072 BB/WWD-ACE

v.

**ZUNI RIVER STREAM
SYSTEM ADJUDICATION**

**STATE OF NEW MEXICO, ex rel.
STATE ENGINEER, et al.,**

Defendants.

**INTERIM PROCEDURAL ORDER REQUIRING ALL WATER RIGHTS
CLAIMANTS TO UPDATE THEIR WATER RIGHTS FILES WITH THE STATE
ENGINEER**

This Order is entered by the Special Master pursuant to Fed.R.Civ.P. 16(b). It is an Interim Order, entered A) to provide defendants with the means to be dismissed from this adjudication and/or B) to insure that the State Engineer possesses current and accurate information with regard to all claimed water rights, so that an abstract of those rights will become available for the hydrographic survey, and thereby serve as a basis and a guide for its development.

If a defendant intends to claim a right to the use of the Zuni River Basin's surface and/or groundwater resources, it is hereby ordered that the following will govern the course of this phase of the adjudication:

1. By October 31, 2003, any and all water right claimants in the Zuni River stream system shall file with the State Engineer any such documents as may be necessary to either update their existing water rights files, or if no such files exist, to create such files to accurately reflect the current ownership, nature and extent of their claimed water right.

2. Such documents shall be documents used in the ordinary course of business by the Water Resource Allocation Program of the Office of the State Engineer ("WRAP"). WRAP documents include, but are not limited to surface and groundwater declaration forms (forms wr-03 or wr-21), Change of Ownership of Water Right forms (form wr-02), and surface water permit application forms and groundwater permit application forms (several different permit application forms are used depending on the nature of the application).

3. A declaration form shall be completed by any water right claimant whose use of a surface water right was initiated prior to March 19, 1907, and continues through the present, or whose groundwater right was initiated prior to March 14, 1994 and continues through today, and that water right is not reflected by an existing WRAP file. As its title suggests, its purpose is to allow the claimant an opportunity to "declare" their water right. Copies of both a Declaration of Owner of Underground Water Right form (wr-03) and a Declaration of Ownership of Water Right of Surface Waters form (wr-21) are attached hereto as Exhibits A and B.

4. A Change of Ownership of Water Right form shall be completed by any claimant whose water right is reflected by an existing WRAP file, but where the owner identified by the file is not the current owner or claimant. A copy of a Change of Ownership of Water Right form (wr-02) is attached hereto as Exhibit C.

5. A surface water permit application form shall be completed by any water right claimant who is diverting surface water, and whose use was initiated after March 19, 1907, but who has not previously obtained a permit from WRAP. A copy of an Application for Permit to appropriate the Public Surface Waters of the State of New Mexico (wr-14) is

attached hereto as Exhibit D. There are several other surface water permit application forms available for use depending on the nature of the application.

6. A groundwater permit application form shall be completed by any water right claimant who is diverting groundwater from a well, and whose use was initiated subsequent to March 14, 1994, but who has not previously obtained a well permit from WRAP. A copy of an Application for Permit to Use Underground Waters in Accordance With Section 72-12-1 New Mexico Statutes (wr-01) is attached hereto as Exhibit E. There are several other groundwater permit application forms available for use depending on the nature of the application.

7. All forms used by WRAP in the ordinary course of business may be found at the State Engineer's website at "www.seo.state.nm.us."

8. For the purpose of providing and explaining blank forms, and receiving completed documents for filing with the State Engineer, WRAP shall hold six field offices within the boundaries of the Zuni River stream system between July 15, 2003 and October 15, 2003. Each of the field offices shall be open for two days, and each shall be located in a different sub-area of the basin so as to maximize their physical accessibility to local parties. A copy of the field office schedule is attached hereto as Exhibit F.

9. If a defendant does not claim a right to the use of the Zuni River stream system surface and/or groundwater resources, there is enclosed a form that allows for dismissal from this adjudication, attached hereto as Exhibit G. This is not a WRAP form, but rather is a form generated specifically for this adjudication. **A PARTY COMPLETING AND RETURNING THE DISCLAIMER FORM TO THE UNITED STATES AND/OR THE NEW MEXICO STATE ENGINEER DOES NOT PRECLUDE THE STATE**

**ENGINEER IN THE FUTURE FROM GRANTING THAT PARTY OR SUCCESSOR-
IN-INTEREST A RIGHT TO BENEFICIALLY USE THE WATERS OF THE ZUNI
RIVER BASIN.**

10. Water rights claimants may also file any of the forms described above in person or by mail at the District 1 Office of WRAP located at 121 Tijeras, NE, Suite 2000, Albuquerque, New Mexico, 87102.

11. After October 31, 2003, to the extent a water right claimant has failed to file with the State Engineer any such documents as may be necessary, as described above, that claimant's water right may be determined for purposes of the hydrographic survey solely by the Plaintiffs.

IT IS SO ORDERED

SPECIAL MASTER VICKIE L. GABIN

Respectfully submitted,

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