

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/WDS
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

STATUS REPORT RE: ADJUDICATION OF SUBFILES

In accordance with the Special Master’s December 5, 2009 *Amended Order for Further Proceedings* (Doc. No. 2489), the Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”) hereby report on the progress of the adjudication of subfiles in this case and make recommendations with regard to the remaining unadjudicated subfiles.

1. As of January 14, 2010, the Plaintiffs had completed the adjudication of their interests in 704 subfiles, involving nearly 680 ponds and over 800 wells, through entry by the Court of either an approved Consent Order or a Default Judgment. As of the same date, an additional 156 subfiles remained to be adjudicated.

2. As of the date of this report, the United States' hydrographic survey contractor has investigated all wells for which records in the Office of the State Engineer indicate a priority date senior to this Court's December 4, 2008 *Order Granting Motion to Define Temporal Scope of Adjudication and Clarifying Effect of Consent Orders* (Doc. No. 1988).

3. Subfiles that remain to be adjudicated are listed in the following table. Brief status summaries have been provided for each of the listed subfiles. Plaintiffs caution that the process of reviewing the status of each of the remaining 156 subfiles is itself very time-consuming. The following summaries necessarily sacrifice precision and thoroughness in the interests of concision, and are intended only to generally convey the diverse nature of the subfile work remaining in this case. It was, moreover, infeasible to coordinate these summaries with the other parties to the subfiles. These summaries necessarily reflect the Plaintiffs' views of the other parties' positions, but are not intended to preclude those parties from presenting their own views in accordance with applicable procedural rules and orders. Accordingly, these summaries are not intended to fulfill the functions of pleadings and Plaintiffs respectfully request that all parties be given an opportunity to submit appropriate pleadings before the Court takes specific action concerning any particular listed subfile.

SUBFILE/DEFENDANT(S)	STATUS SUMMARY
ZRB-1-0005 RONALD PORATH, TRUSTEE BATTLE WOLF TRUST & MARZELLA PORATH, TRUSTEE BATTLE WOLF TRUST	The United States and the State were unable to reach complete agreement with the Defendants in consultation, on February 20, 2008, and they refused to allow follow-up field work. A final offer, incorporating the points of agreement reached and some typographical corrections, will be prepared and provided to the Defendants. The Defendants may be technically in default under the terms of the applicable Procedural and Scheduling Order. However, as a consequence of a document the Defendants filed with the Court on February 14, 2006 (Doc. No. 485), the record is not clear. Accordingly, if the Defendants fail to accept Plaintiffs final offer, a pre-trial conference will be necessary.
ZRB-1-0007 KATHERINE L. BELFORD, aka KATHERINE L. CLARK	The United States transmitted a revised consent order to the Defendant on November 18, 2009, which was returned unclaimed by the postal service. Plaintiffs will prepare a motion for default judgment.
ZRB-1-0010 ROSS BOEHM & SIMMIE BOEHM	Plaintiffs have thus far been unable to schedule a consultation with these Defendants.
ZRB-1-0017 LARRY W. AND SALLY L. CARVER TRUST	After unsuccessful consultations, this subfile was ready for a pretrial conference. However, the hydrographic survey has recently determined that these Defendants drilled another well, without a permit, after the basin was declared. The Plaintiffs are considering policy ramifications in an attempt to determine an appropriate course of action.
ZRB-1-0030 DANA BINNION & SHARRON DISHONGH & KYLE CASFORD	Following a consultation in 2006, the State had a policy concern about the purpose of use classification for the Defendants' well. These issues have now been resolved and the Plaintiffs will be sending a revised consent order offer within 60 days.
ZRB-1-0035 WILHELMINA M. GROSS & LOUIS W. GROSS	After consultation in 2006, Plaintiffs agreed to give the Defendants additional time to provide information concerning their uses from a newly-drilled well. Plaintiffs will schedule a follow-up consultation.

<p>ZRB-1-0054 LEWIS S. LIGON & KAREN L. LIGON</p>	<p>Plaintiffs attempted to schedule consultation with these Defendants while they were represented by counsel, but were unable to arrange a mutually convenient time. Counsel for the Defendants was granted leave to withdraw on September 10, 2008 (Doc. No. 1856). Plaintiffs will attempt to schedule this consultation again.</p>
<p>ZRB-1-0057 CHARLES E. MALLERY</p>	<p>This Defendant did not respond to Plaintiffs' original service packet. However, information obtained during consultations and field work concerning other subfiles indicated changes to the consent order in this subfile were necessary. The Defendant has also retained a new attorney who has raised additional issues concerning the subfile. While the Defendant was technically late in raising these matters, there are complex features to the subfile and Plaintiffs believe the interests of the adjudication are best served by pursuing further consultation with the Defendant and his counsel.</p>
<p>ZRB-1-0064 WALTER LEE MEECH & VICKI J. MEECH</p>	<p>This subfile is related, by partially overlapping ownership, or family connections, with several other subfiles. The parties had an initial consultation on April 5, 2006 and agreed to await the collection of meter readings from involved wells. In the interim, further field work has also indicated necessary changes to the subfile consent order. The Defendants are represented by counsel. Plaintiffs believe further consultation is necessary due to confusing features of this, and the related subfiles.</p>
<p>ZRB-1-0075 NEW MEXICO STATE LAND OFFICE</p>	<p>The parties have tentatively agreed to consolidate all of the State Land Office subfiles for purposes of consultation or adjudication. Progress on this, and the other State Land Office subfiles, currently requires a detailed response from the counsel for the Land Office to the Plaintiffs' hydrographic survey results.</p>
<p>ZRB-1-0077 COLIN E. O'NEILL & GREGORY C. FRANK & JOHANNE F. O'NEILL</p>	<p>These Defendants, though represented by New Mexico counsel, apparently are not residents of the State and have requested consultation in Denver, Colorado. Plaintiffs have been unable to schedule the consultation.</p>

<p>ZRB-1-0091 JOSEPH WILLIAM SCHEPPS</p>	<p>The parties had an initial consultation in August of 2006. Defendant at that time raised an issue which triggered policy concerns by the State. In the meantime, Defendant also drilled a new well, which was surveyed in 2009. Plaintiffs expect to send Defendant's counsel a revised consent order offer within 60 days.</p>
<p>ZRB-1-0092 DOROTHY SCHNAIDT & THEODORE SCHNAIDT</p>	<p>Defendants made a timely request for consultation, but one of them did not waive service of a summons and was served via process server in September of 2008. It also appears from the record that one of the Defendants is represented by counsel, but the other is not. Plaintiffs will make a further attempt to schedule a consultation with these Defendants.</p>
<p>ZRB-1-0103 PATSY RUTH TURLEY & FRANKLIN D. TURLEY</p>	<p>Plaintiffs believe this subfile may be ready for a dispositive motion or pretrial conference.</p>
<p>ZRB-1-0110 J. E. AND WINNIE MAE WILLCOX TRUST</p>	<p>Consultation has not been successful. This subfile may be ready for a dispositive motion or pretrial conference.</p>
<p>ZRB-1-0115 MEECH-CASH, LLC</p>	<p>This subfile is related to ZRB-1-0064. The Defendant is represented by counsel. Further consultation may be necessary to sort out apparently conflicting ownership and water use information.</p>
<p>ZRB-1-0128 FRED SCOTT</p>	<p>Plaintiffs have filed a motion for default judgment.</p>
<p>ZRB-1-0141 SALLY L. CARVER</p>	<p>The parties initially consulted in February of 2006, without reaching agreement. Subsequently, Plaintiffs have received conflicting information about the ownership of the subfile property and whether this Defendant was represented by counsel. Plaintiffs believe a further attempt at consultation will help to clarify the record.</p>
<p>ZRB-1-0148 WALTER V. MEECH JR. & NORMA M. MEECH</p>	<p>This subfile is related to Subfiles ZRB-1-0064 and ZRB-1-0115 and likewise involves complex issues of ownership and water usage. Due to a minor name difference, there is also a question as to whether one of the Defendants in this subfile is represented by counsel. Plaintiffs believe further consultation with Defendants or their attorney will be necessary.</p>

<p>ZRB-1-0185 BETHRA M. SZUMSKI</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-1-0188 BARBARA YETTE & GILBERT YETTE</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-1-0189 BEVERLY MOODY</p>	<p>The Defendant's timely Request for Consultation agreed that her well is a dry hole. She has been advised of the need to enter a no right judgment for the well, but has not returned the offered consent order. Plaintiffs will file a Notice That the Consultation Period Has Ended and, if necessary, move for default judgment.</p>
<p>ZRB-1-0190 MARY HART & GORDON HART</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-1-0191 KEVIN ZAJICEK & KARLENE ZAJICEK</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>

<p>ZRB-1-0192 DEBORAH FAULKNER & DOLORES KATES</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-1-0193 DAVID JIPP</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-2-0003 JANE C. MARTIN & CHARLIE H. ALLEN</p>	<p>The parties consulted on June 14, 2006 and Plaintiffs believed an agreement had been reached. However, the Defendants have not returned the revised consent order. Plaintiffs will file a Notice That the Consultation Period Has Ended and, if necessary, proceed to seek a default judgement.</p>
<p>ZRB-2-0006 WELLS FARGO BANK, NA, AS SUCCESSOR TRUSTEE FOR THE ALLEN TRUST DATED MARCH 1, 2000</p>	<p>In 2008, there was a change in the ownership associated with this subfile, due to the death of the originally-named Defendant. A subsequent field inspection revealed, among other features, a very unique water distribution system, apparently intended at one time to irrigate a number of widely-spaced plants of unknown species. Due to policy concerns, Plaintiffs have been unable to agree on how, or whether, to quantify a water right for that system and for another area of claimed irrigation on the property.</p>
<p>ZRB-2-0014 EDWARD BAWOLEK & SUZAN J BAWOLEK REVOCABLE TRUST</p>	<p>The parties consulted on April 4, 2006, but did not reach closure on a revised consent order. Subsequently, the Defendants obtained the representation of counsel. Because some of the Defendants' objections may have been addressed by the Court's Order of December 4, 2008 (Doc. No. 1988), Plaintiffs believe a further consultation is appropriate.</p>

<p>ZRB-2-0026 KENNETH BRUTON</p>	<p>Following consultation on July 17, 2007, and subsequent field work, Plaintiffs have prepared a revised consent order which will be transmitted to the Defendant within 60 days.</p>
<p>ZRB-2-0038 REGINA FREDRICKSON & CRAIG FREDRICKSON</p>	<p>At a consultation held July 17, 2007, Plaintiffs agreed to wait for Defendants to submit a status report after a year. Defendants did submit a tardy status report. However, changes in staff at the Office of the State Engineer have delayed preparation of a response by Plaintiffs. Plaintiffs anticipate sending the Defendants a response within 60 days.</p>
<p>ZRB-2-0042 MARVIN J. ALLEN</p>	<p>Following delivery of the initial service packet for this subfile, information obtained from other parties, and from a subsequent field inspection revealed a substantive error in the originally proposed consent order and, what is more difficult, a persistent puzzle concerning the ownership of the parcel involved. Plaintiffs are evaluating how to proceed in the circumstances.</p>
<p>ZRB-2-0044 LEONARD GARCIA & ELENA BOWERS & HILDA KENDALL & MARVIN GARCIA</p>	<p>Ownership of this parcel has changed, due to the death of both the originally-named Defendant and her heir. The United States has been unable to obtain service of process on one of the successor owners, Marvin Garcia, and will have to serve him by publication.</p>

<p>ZRB-2-0047 DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST & JAMES GREEN TRUSTEE FOR TRIBAL TRUST</p>	<p>These Defendants never returned a Request for Consultation. The Subfile Answer filed by these Defendants on August 9, 2006 (Doc. No. 789) refers to an attached sheet which claims their water rights should include additional quantities for "projected needs, taking into consideration future expansion." A subsequent Change of Address form submitted by the Defendants claimed the property had been conveyed to a "Cheptsebah Trust" with an unknown address, but attached no copy of a deed. Other communications from these Defendants, and independent research, indicates a history of these Defendants purporting to convey their property to various trust entities with non-existent addresses, possibly in order to avoid execution of a \$1.2 million judgment entered against them in California in 1989. One communication from the Defendants in early 2006 referred inquiries concerning their New Mexico properties to an individual in Oklahoma whose conviction for filing false liens against Internal Revenue Service agents was upheld by January 14, 1999 Order and Judgment of the United States Court of Appeals for the Tenth Circuit. These Defendants were also named in Subfile ZRB-3-0065, for which a Default Judgment was entered on July 25, 2008 (Doc. No. 1819) and appear to be the individuals responsible for the Subfile Answer filed in Subfile ZRB-3-0139 under the name "River of Life Trust." (Compare Doc. No. 788 with Doc. No. 789.) Plaintiffs anticipate filing a dispositive motion concerning the present subfile, but the matter is quite complicated and will require considerable attorney time to present properly.</p>
<p>ZRB-2-0063 MICHAEL LIGHTRAIN</p>	<p>After this Defendant was served with a summons, counsel for the Defendant filed a late answer to the complaint, but not a subfile answer. Action on this subfile has been deferred, pending investigation of possibly relevant, but obscure, information in the Office of the State Engineer's WATERS database. Plaintiffs may attempt to reach agreement with Defendant's counsel on a consent order before seeking a default judgment.</p>

<p>ZRB-2-0064 WILSON LINK</p>	<p>Following an unsuccessful consultation on April 5, 2006, a non-attorney claiming to have a power of attorney to act for the Defendant filed a late Subfile Answer on April 24, 2006 (Doc. No. 681). The Subfile Answer raises only legal issues. Plaintiffs anticipate filing a dispositive motion.</p>
<p>ZRB-2-0068 CHITA MCAVOY & JIM MCAVOY</p>	<p>These Defendants are in default for failing to submit a timely Request for Consultation or a Subfile Answer. However, following entry of the Clerk's certificate of their default on December 13, 2007, Plaintiffs received a communication from an attorney acting on Defendants' behalf which indicates a negotiated resolution of the subfile may not be difficult. Further progress on the subfile has been hindered by difficulties in scheduling a consultation.</p>
<p>ZRB-2-0075 NEW MEXICO STATE LAND OFFICE</p>	<p>The parties have tentatively agreed to consolidate all of the State Land Office subfiles for purposes of consultation or adjudication. Progress on this, and the other State Land Office subfiles, currently requires a detailed response from the counsel for the Land Office to the Plaintiffs' hydrographic survey results.</p>
<p>ZRB-2-0077 DENNIS M. NORTON & LINDA J. NORTON</p>	<p>Plaintiffs filed a Notice That the Consultation Period Has Ended on October 9, 2007. Defendants filed their Subfile Answer on October 31, 2007. The subfile is ready for a pretrial conference.</p>
<p>ZRB-2-0084 DANNY STOKES & IDA STOKES</p>	<p>This subfile has been affected by erroneous ownership data received from the county. The ownership was recently clarified and the United States has prepared a consent order which, if approved by counsel for the State, should be transmitted to the Defendants, with an initial service packet, within 60 days.</p>
<p>ZRB-2-0085 WILLIAM MURDOCH & IDA STOKES</p>	<p>Although these Defendants are technically in default, the subfile has been affected by erroneous ownership data received from the county, and also involves a well drilled after the initial hydrographic survey. The United States has prepared a revised consent order which, if approved by counsel for the State, will be transmitted to the Defendants within 60 days.</p>

<p>ZRB-2-0091 EDWARD ALLEN WAGNER & DONNA MARIE WAGNER</p>	<p>Following consultation and follow-up field work, the United States has prepared a revised consent order which, if approved by Counsel for the State, will be transmitted to the Defendants.</p>
<p>ZRB-2-0092 ROBERT J. WALLACE & ROBERT R. WALLACE</p>	<p>Plaintiffs have consulted twice with these Defendants. Follow-up field work corroborated some of Defendants' claims made at the consultations, but not others. The United States has prepared a revised consent order to discuss with counsel for the State. However, the subfile does present difficult issues for which the Plaintiffs have not yet agreed on a position.</p>
<p>ZRB-2-0098 YATES PETROLEUM CORPORATION & JOHN A. YATES & TRUST Q UNDER THE LAST WILL AND TESTAMENT OF PEGGY A. YATES, DECEASED</p>	<p>This subfile involves a large ranching operation with numerous wells and impoundments. Counsel for Defendants submitted a timely, and detailed, Request for Consultation which raises several difficult legal issues. Plaintiffs' attorneys have toured the subject property, and the United States hydrographic survey contractor performed follow-up field work, but due to the anticipated time commitment required, Plaintiffs have not yet engaged in substantive discussions with Defendants' counsel. Defendants' counsel has proposed a joint meeting with counsel representing other large ranching interests and Plaintiffs intend to pursue that proposal in the first quarter of 2010.</p>
<p>ZRB-2-0101 LINK RANCH, LLC</p>	<p>Plaintiffs consulted with a representative of the Defendant on April 5, 2006, and negotiated a revised consent order. However, the Defendant subsequently declined to execute the consent order and sent to Counsel for the United States, but failed to file with the Court, a Subfile Answer. The unfiled Subfile Answer raises legal questions concerning the nature of the adjudication and a claimed entitlement to future uses. The subfile is in default, under the terms of the applicable Procedural and Scheduling Order, and Plaintiffs will consider filing a motion for default judgment.</p>

<p>ZRB-2-0104 LAWRENCE SILVIS & LAURA SILVIS</p>	<p>Plaintiffs consulted with Defendants on May 17, 2006 and, after follow-up field work, sent Defendants a revised consent order, to which the Defendants have never responded. The subfile is procedurally somewhat confused because Defendants filed a subfile answer before the initial consultation, but were subsequently made subject to an amended procedural order that contemplates a different sequence of events. Counsel for the United States will send Defendants correspondence indicating that Plaintiffs will request a pretrial conference unless Defendants respond to the last consent order offer by a date certain.</p>
<p>ZRB-2-0108 JARALOSA CATTLE CO., LLC.</p>	<p>Defendant is a large ranching operation. Counsel for Defendant submitted a timely request for consultation and thereafter made a detailed proposal which raises policy concerns for both the United States and the State. Counsel for all the parties have agreed to a joint meeting with counsel for another subfile involving similar issues. Plaintiffs will attempt to schedule that meeting in the first quarter of 2010.</p>
<p>ZRB-2-0109 JFT INVESTORS, LLC. & R.D.S., INC.; & HINKSON RANCH INVESTORS, LLC. & ORC, LLC & TERRESTRIAL ACQUISITIONS, LLC.</p>	<p>This subfile involves a large ranching operation. Counsel for Defendants submitted a timely request for consultation and thereafter made a detailed proposal which raises policy concerns for both the United States and the State. Counsel for all the parties have agreed to a joint meeting with counsel for another subfile involving similar issues. Plaintiffs will attempt to schedule that meeting in the first quarter of 2010.</p>
<p>ZRB-2-0111 MARILYN O. ZUG & RICHARD B. ZUG</p>	<p>The parties consulted on September 25, 2007. Defendants agreed to provide additional information concerning the claimed livestock use on their property, but have never provided such. Plaintiffs will file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-2-0113 LAURA ARNOLD & CHARLES ARNOLD</p>	<p>Defendants have requested consultation, which is yet to be scheduled.</p>
<p>ZRB-2-0117 SCOTT CRAWFORD & LINDA CRAWFORD</p>	<p>This subfile is in default as of December 7, 2009. Plaintiffs will file appropriate motions.</p>

ZRB-2-0118 GLEN RICHARDSON	This Defendant's default was certified by the Clerk on November 23, 2009, but he subsequently indicated he was willing to sign the consent order, but had lost it. The United States is sending the Defendant a copy of the consent order.
ZRB-2-0119 PETER CARLSON & MARILYN CARLSON	This is a new subfile resulting from updated property description data. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-2-0120 BRUCE MCINTYRE	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-2-0121 JOHN DAVEY	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-2-0122 STEVE MORSE	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-3-0002 CYNTHIA ANDERSON & KURT ANDERSON	The Defendants have requested a consultation, which has not yet occurred.
ZRB-3-0017 BROE LAND ACQUISITIONS III, LLC	The parties held an initial telephone consultation in July of 2006. At that time Defendants requested additional time to survey the water uses on their property. Competing obligations in this and other cases have prevented Plaintiffs counsel from following up.

ZRB-3-0018 RICHARD BROOKS & BEVERLY BROOKS	This subfile is ready for a pretrial conference.
ZRB-3-0022 DEBBIE A. BYINGTON & JUDY BURNETT & JOHN C. BYINGTON & CARLA FERONG & KONRAD KNOLL	Plaintiffs filed a motion for default judgment on January 5, 2010.
ZRB-3-0029 ERNEST CHAVEZ	At a consultation in November 2006, Defendant claimed ownership of a pond the Plaintiffs assigned to a different subfile. Defendant's attorney has not provided promised quiet title documentation.
ZRB-3-0031 ROBERTA HAY & L.B. TARRY & BARBARA O'BRYON & WAYNE CHILDERS & FRANK TARRY & UNKNOWN HEIRS OF DORIS CHICK & WINONA WALTON & LAVERN WILSON	The large number of joint owners, who reside in different states and are reported to have substantial disagreements among themselves about this subfile, has proven to be a vexing problem. Plaintiffs will likely have to ask the Special Master to approve a special procedural approach to deal with these Defendants.
ZRB-3-0032 CIBOLA COUNTY	The owner of this property has no record of the well found on it and the hydrographic survey has otherwise been unable to find any evidence of historic uses from well. Plaintiffs are attempting to determine an appropriate way to treat this anomaly for purposes of the adjudication.
ZRB-3-0046 ANITA DAVIS SCHAFER & KRISTI DAVIS & PAMELA KAY DAVIS & SAGE GRAE MERRILL	The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendants on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.
ZRB-3-0047 PAUL DAVIS	The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.

ZRB-3-0051 WILLIAM J. ELAM & NORMA M. ELAM	A consultation in June of 2006 did not produce an agreement. Plaintiffs will file a Notice That the Consultation Period Has Ended.
ZRB-3-0059 CAROL CEASER & DANIEL THOMPSON	The parties consulted in February of 2008 and the United States subsequently made a follow-up field inspection. The United States will prepare a revised consent order for approval by the State, and transmittal to the Defendants.
ZRB-3-0074 DARYL COX	An ambiguity concerning whether this Defendant had been properly served with process caused delay in proceeding with this subfile. That matter has been clarified and Plaintiffs will file appropriate motions concerning the Defendant's default.
ZRB-3-0079 HOFFMAN LIVING TRUST DATED SEPTEMBER 25, 2002	This subfile is ready for a pretrial conference.
ZRB-3-0086 ROSIE PEARL CARROLL JONES & GARY DUNCAN & ANNIE MAY CARROLL SELTZER & CARL DUNCAN	The Defendants submitted a timely Request for Consultation. The consultation is yet to be scheduled.
ZRB-3-0121 JOSEPH F. NEAS & SUSAN S. NEAS REVOCABLE TRUST	This subfile is ready for a pretrial conference.
ZRB-3-0122 JOSEPH F. NEAS & SUSAN S. NEAS REVOCABLE TRUST	This subfile is ready for a pretrial conference.
ZRB-3-0123 NEW MEXICO STATE LAND OFFICE	The parties have tentatively agreed to consolidate all of the State Land Office subfiles for purposes of consultation or adjudication. Progress on this, and the other State Land Office subfiles, currently requires a detailed response from the counsel for the Land Office to the Plaintiffs' hydrographic survey results.
ZRB-4-0108 HANNAH C. CROOKS & ROBERT W. CROOKS	This subfile is ready for a pretrial conference.

<p>ZRB-4-0110 CROSSFIRE CATTLE CO.</p>	<p>The Defendant submitted a timely Request for Consultation while represented by counsel. The matter was deferred in order to avoid unauthorized contacts with represented persons and consolidate consultations involving common representation. Counsel has since been granted leave to withdraw. The consultation is yet to be scheduled.</p>
<p>ZRB-4-0114 LYNNA S. DAVIS & LAWRENCE D. DAVIS</p>	<p>The Defendant submitted a timely Request for Consultation while represented by counsel. The matter was deferred in order to avoid unauthorized contacts with represented persons and consolidate consultations involving common representation. Counsel has since been granted leave to withdraw. The consultation is yet to be scheduled.</p>
<p>ZRB-4-0115 PAMELA DAVIS</p>	<p>The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0116 ANITA DAVIS SCHAFER & SAGE GRAE MERRILL & PAMELA DAVIS & PAUL DAVIS SURVIVOR'S TRUST & KRISTI DAVIS</p>	<p>The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendants on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0341 DIANNE ZWIGART & LARRY ZWIGART</p>	<p>The Defendants submitted a timely Request for Consultation. The consultation is yet to be scheduled.</p>
<p>ZRB-3-0139 RIVER OF LIFE TRUST C/O O.A.R.</p>	<p>This subfile appears to be owned in fact by James Green and Deborah Green, the same Defendants named in Subfiles ZRB-2-0047 and ZRB-3-0065. (Compare Doc. No. 789 with Doc. No. 788.) The Subfile Answer filed August 9, 2006 (Doc. No. 788) is not signed with the name of any natural person, nor have Plaintiffs been able to definitively identify any natural person for purposes of service of process. A chain of deeds does lead back to James and Deborah Green, but the current record address for the Defendant River of Life Trust is a Post Office Box in Auckland, New Zealand.</p>

ZRB-3-0143 PRISCILLA SCHULTE	The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.
ZRB-3-0168 KAREN L. WILLIAMS	The parties consulted in March of 2007. The United States' hydrographic survey contractor has yet to conduct a follow-up field inspection.
ZRB-3-0171 MICHAEL SWEET & SHIRLEY SWEET	The Defendants submitted a timely request for consultation but were unable to attend the first scheduled consultation. Plaintiffs will attempt to schedule another consultation.
ZRB-3-0175 LINDA SWINDLE TRUSTEE & DAVID SWINDLE TRUSTEE	This subfile is ready for a pretrial conference.
ZRB-3-0179 CAROL RAUSCHKE	The Defendant submitted a timely Request for Consultation. The consultation is yet to be scheduled.
ZRB-3-0192 CHARLES YOUNG TRUSTEE & NORMA YOUNG TRUSTEE	This is a new subfile for a recently-surveyed well. The United States is conducting further research to clarify the ownership of the property.
ZRB-3-0196 JAMES HOPKINS	Plaintiffs filed a motion for default judgment on January 5, 2010.
ZRB-3-0198 STEPHANIE COX & JUSTIN COX	Defendants submitted a timely Request for Consultation. The consultation is yet to be scheduled.
ZRB-3-0199 KARL ANDERSON & DONNA ANDERSON	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.

<p>ZRB-4-0004 SHARON M. ALLEN</p>	<p>This subfile is technically in default, but one of the originally-named Defendants is deceased and an additional well was drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-4-0035 RICHARD E. BEELER TRUSTEE</p>	<p>The Defendant submitted a timely Request for Consultation. The consultation is yet to be scheduled.</p>
<p>ZRB-4-0064 JOSEPH DEAN BOND & BILLIE ETHNA BOND</p>	<p>A consultation in March of 2007 did not produce an agreement, but Plaintiffs are still evaluating claims made by the Defendants at the consultation. In particular, Defendants made irrigation claims that create policy issues for both the United States and the State.</p>
<p>ZRB-4-0118 JOANN V. DAVIS RESIDUAL TRUST DATED JULY 28, 2003</p>	<p>The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0119 PAUL DAVIS SURVIVORS TRUST DATED JULY 28, 2003</p>	<p>The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0126 VIEL GLUCK LIMITED PARTNERSHIP & BEN FATTO LIMITED PARTNERSHIP & BOA SORTE LIMITED PARTNERSHIP</p>	<p>The Request for Consultation initially submitted concerning this subfile indicated only concerns related to ownership changes. The United States filed a necessary motion to substitute, which was granted by the Court (Doc. No. 1008), and thereafter Plaintiffs sent the Defendants a revised consent order offer. There has been no response to that offer from the Defendants and subsequent attempts to schedule a follow-up consultation have been unsuccessful. Plaintiffs will consider filing a Notice That the Consultation Period Has Ended.</p>

<p>ZRB-4-0168 CARY GRINOLD & LYNNE A. GRINOLD</p>	<p>A consultation in February 2008 did not produce an agreement. The subfile is ready for a pretrial conference and may submit a dispositive motion.</p>
<p>ZRB-4-0169 REBECCA GRIZZLE & HENRY RAY GRIZZLE</p>	<p>A consultation in February 2007 did not produce an agreement and Defendants refused to allow a follow-up field inspection. This subfile is ready for a pretrial conference.</p>
<p>ZRB-4-0175 JAMES H. PARRY & JOSEPHINE PARRY</p>	<p>This subfile may need to be consolidated with ZRB-4-0309. A consultation in August of 2007 did not produce an agreement. However, the primary concerns expressed by the Defendants at that time may have been addressed by the Court's December 4, 2008 order defining the temporal scope of the adjudication. Counsel for the United States will send the Defendants a copy of the Court's order and inquire whether they desire further consultation.</p>
<p>ZRB-4-0182 PEGGY N. HILKER & ROBERT L. HILKER</p>	<p>Defendants submitted a timely request for consultation and, when subsequently contacted, indicated there had been an ownership change for the property due to the death of one of the Defendants. The remaining Defendant promised to provide documentation of these changes, but has not done so. The United States' hydrographic survey contractor will attempt to verify ownership data and, if necessary, the Plaintiffs will file a motion to substitute.</p>
<p>ZRB-4-0192 LINDA PATRICK HUGHES & DAVID MICHAEL RUNG</p>	<p>Plaintiffs filed a motion for default judgment on January 5, 2010.</p>
<p>ZRB-4-0203 LUCY W. KLUCKHOHN JONES TRUSTEE</p>	<p>The parties had a constructive consultation on October 23, 2008, and, after follow-up field work, Plaintiffs sent a revised consent order to Counsel for the Defendant on May 5, 2009. Plaintiffs have received no response to that offer and may have to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0226 PRESTON LAMBSON & MARCIA LAMBSON</p>	<p>In February of 2009, the Court granted the Plaintiffs' motion to withdraw a previously-filed motion for default judgment (Doc. No. 2134). There is a technical problem in the data concerning a well in the subfile which Plaintiffs continue to investigate.</p>

<p>ZRB-4-0228 PAMELA KAMINSKI & JOHN MAYER</p>	<p>This subfile was affected by an ownership change and required a field re-survey. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-4-0270 ELIZABETH M. MINNECI & JOHN V. MINNECI</p>	<p>A consultation held in March of 2007 did not produce an agreement. The Plaintiffs will file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0271 MIGUEL A. MIRABAL</p>	<p>An attorney representing the Defendant submitted a late Request for Consultation. Because the issues raised appear constructive, Plaintiffs have agreed to defer action on the Defendant's default until after a consultation can be scheduled.</p>
<p>ZRB-4-0293 BILLIE IONE NAVARRE REVOCABLE TRUST</p>	<p>The Defendant submitted a timely Request for Consultation. The consultation is yet to be scheduled.</p>
<p>ZRB-4-0295 NEW MEXICO STATE LAND OFFICE</p>	<p>The parties have tentatively agreed to consolidate all of the State Land Office subfiles for purposes of consultation or adjudication. Progress on this, and the other State Land Office subfiles, currently requires a detailed response from the counsel for the Land Office to the Plaintiffs' hydrographic survey results.</p>
<p>ZRB-4-0298 JOEL L. NICOLL</p>	<p>This Defendant's default was certified by the Clerk on February 13, 2009 (Doc. No. 2121). However, subsequent review of the subfile revealed a discrepancy in Office of the State Engineer records concerning the property, and a possible encroachment issue involving Indian trust land. The United States is investigating the matter.</p>
<p>ZRB-4-0309 JAMES H. PARRY & JOSEPHINE PARRY</p>	<p>This subfile may need to be consolidated with ZRB-4-0175. A consultation in August of 2007 did not produce an agreement. However, the primary concerns expressed by the Defendants at that time may have been addressed by the Court's December 4, 2008 order defining the temporal scope of the adjudication. Counsel for the United States will send the Defendants a copy of the Court's order and inquire whether they desire further consultation.</p>

ZRB-4-0311 LORENZO PEREZ	The parties consulted on February 21, 2007. At that time, the Defendant had a permit application pending before the Office of the State Engineer that would be material to adjudication of this subfile. The plaintiffs will attempt to determine whether there has been any final action on the permit application.
ZRB-4-0312 PAUL PETRANTO	Plaintiffs consulted with counsel for the Defendant on October 23, 2008. A follow-up field inspection has not been completed.
ZRB-4-0313 KAREN PETTIT, TRUSTEE & STEVEN PETTIT, TRUSTEE	This subfile is ready for a pretrial conference.
ZRB-4-0351 JACK L. WOODS & B. ELAINE WOODS	This subfile is ready for a pretrial conference. Based on the Subfile Answer filed by the Defendants (Doc. No. 1152) Plaintiffs believe it may be possible to resolve the matter by means of a dispositive motion.
ZRB-4-0354 W.A. SCOTT & RAQUEL SCOTT & LOUIS HAROLD SCOTT & JANET FAY SCOTT & JANNA LEE SCOTT	The Defendants submitted a timely Request for Consultation. The consultation is yet to be scheduled.
ZRB-4-0365 MATTHEW K. SILVA	The parties consulted on March 21, 2007 without reaching agreement. Subsequently, the Defendant sent a letter to counsel for the United States that, in several respects, characterized the consultation in a manner at variance with the recollections of the representatives of United States and the State who were present. The letter also raised a number of issues Plaintiffs consider well outside the scope of this water adjudication. The Plaintiffs will need the assistance of the Court in resolving this subfile and will file a Notice That the Consultation Period Has Ended in order to prepare the matter for a pre-trial conference.
ZRB-4-0370 ROSEMARY SMITH & LARRY O. SMITH JR.	Following a consultation in February of 2007, and follow-up field work, the parties were unable to reach agreement on a consent order. Counsel for the Defendants filed a Subfile Answer on October 3, 2008 (Doc. No. 1902). The matter is ready for a pre-trial conference.

<p>ZRB-4-0371 TAMPICO SPRINGS 3000, LLC</p>	<p>An initial consultation concerning this subfile on April 18, 2007 was productive, but resulted in an agreement only for further field work. Subsequently, the Defendant also drilled a new well within the temporal scope of the adjudication which required yet another field visit. The results of the field investigations appear in some respects inconsistent with Office of the State Engineer permit records and have triggered complex policy concerns for both the United States and the State. Resolution of these concerns will require extended discussions involving counsel for the Plaintiffs and hydrographic survey personnel from both the State and the United States' contractor.</p>
<p>ZRB-4-0379 MARC DE-PUY & ARIANE TAPPOLET & ANNIE DEJARDIN</p>	<p>Two of the named Defendants on this subfile are residents of Switzerland. Due to the complexity of service of process in that country, action of this subfile thus far has been deferred in favor of resolving other subfiles.</p>
<p>ZRB-4-0381 THE RIVARD FAMILY TRUST</p>	<p>A consultation on March 20, 2007 failed to produce an agreement. Plaintiffs will file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0386 TIMBERLAKE RANCH LANDOWNERS ASSOC.</p>	<p>A consultation on March 20, 2007, and subsequent communications among the parties, have failed to produce an agreement. The subfile also raises a policy question for the State concerning whether the subfile well must be metered, given the nature of the use. Plaintiffs are considering whether to file a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0395 NANCY VANDIEPEN & HERMAN VANDIEPEN</p>	<p>These Defendants are in default. However, review of the hydrographic survey in preparation for filing a motion for default judgment revealed an error in the property description which may require additional field work.</p>
<p>ZRB-4-0399 RAYMOND DOUGLAS WALKER AND MARY LOUISE LANDRUM WALKER REVOCABLE LIVING TRUST DATED FEBRUARY 3RD, 1992</p>	<p>This Defendant is in default, but there is a technical problem with the hydrographic survey for the subfile. The United States is working to correct the problem.</p>

<p>ZRB-4-0406 KENNETH MONTAGUE & TONIA MONTAGUE</p>	<p>A consultation on August 21, 2007 failed to produce an agreement, but subsequently-acquired information concerning ownership required joinder of an additional Defendant and a consequent change to the consent order. In addition, these Defendants failed to waive service of a summons and complaint and were eventually served by publication. (See Doc. No. 2379.) They are now in default for failure to respond to the summons. Plaintiffs will file and serve a Notice That the Consultation Period Has Ended.</p>
<p>ZRB-4-0411 SALLY L. CARVER & J.E. WILLCOX & WINNIE MAE WILLCOX & JOANN STRICKLAND</p>	<p>A consultation with these Defendants on July 17, 2007 failed to produce an agreement. The Defendants subsequently submitted an additional statement concerning their uses. Plaintiffs have not yet determined whether to pursue further consultation.</p>
<p>ZRB-4-0414 JOHN C. WILLSON & SHARON K. WILLSON</p>	<p>These Defendants are in default, but there was an error in the original hydrographic survey of this subfile. The United States has prepared a revised consent order and, if Counsel for the State approves, the Defendants will be given an opportunity to accept the revised consent order before Plaintiffs move for default judgment.</p>
<p>ZRB-4-0429 GLORIA A. SANCHEZ & EUGENE L. SANCHEZ</p>	<p>Plaintiffs filed a motion for default judgment on January 5, 2010.</p>
<p>ZRB-4-0451 LINDA R. MURPHY & RICHARD D. MURPHY</p>	<p>This is a recently-created subfile for a new well. The initial service packet will be sent to Defendants within 60 days.</p>
<p>ZRB-4-0452 NANCY WHITESIDE TRUST</p>	<p>The Defendant submitted a timely request for consultation. The consultation remains to be scheduled.</p>
<p>ZRB-4-0453 THEODORE BRODERICK</p>	<p>The Defendant submitted a timely request for consultation. The consultation remains to be scheduled.</p>
<p>ZRB-4-0455 JO MARIE BALOK & ALAN F. BALOK</p>	<p>This is a recently-created subfile for a new well. Plaintiffs anticipate the initial service packet will be sent to Defendants within 60 days.</p>

ZRB-4-0456 JANET PLUMER	This Defendant is in default as of December 2, 2009. Plaintiffs will file appropriate motions.
ZRB-4-0457 BARBARA GORDON	This Defendant is in default as of December 3, 2009. Plaintiffs will file appropriate motions.
ZRB-4-0458 RONALD MONTANO	Plaintiffs filed a motion for default judgment on January 5, 2010.
ZRB-4-0459 MAJELLA MANNING & GERALD BACA	These Defendants are in default as of December 20, 2009. Plaintiffs will file appropriate motions.
ZRB-4-0461 RONALD WEATHERFORD	The United States has been unable to locate this Defendant, who was joined on July 14, 2009. Plaintiffs will file a motion concerning service by publication.
ZRB-4-0463 JOHN GLASGOW	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-4-0470 MICHAEL PASICH	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.
ZRB-4-0472 DENNIS GILLILAN	This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.

<p>ZRB-4-0474 TIMOTHY BRYANT & LINDA BRYANT</p>	<p>This is a new subfile for a well drilled after the initial hydrographic survey, but before the Court's December 4, 2008 order defining the temporal scope of the adjudication. The United States has prepared a consent order and, if Counsel for the State approves, the initial service packet should be sent within 60 days.</p>
<p>ZRB-5-0001 AUDREY MORANO</p>	<p>The Defendant timely requested consultation, which is yet to be scheduled.</p>
<p>ZRB-5-0009 JOSEPH DEAN BOND & BILLIE ETHNA BOND</p>	<p>The Defendants have requested consultation, which Plaintiffs have yet to schedule.</p>
<p>ZRB-5-0011 THE UNKNOWN HEIRS OF RALPH BOND</p>	<p>This subfile is ready for default judgment. The Plaintiffs will file appropriate motions.</p>
<p>ZRB-5-0014 THE CLAWSON FARM & RANCH LLC D/B/A THE QUARTER CIRCLE RANCH</p>	<p>A consultation on September 25, 2007 failed to produce any agreement. The Defendant's subfile answer, which was filed by a non-attorney on behalf of the Defendant limited liability corporation, raises, inter alia, legal questions concerning water rights for future uses. The subfile is ready for a pretrial conference. Plaintiffs believe formal discovery may be necessary, and will thereafter likely submit a dispositive motion.</p>
<p>ZRB-5-0016 HAZEL CLAWSON & FLORA JAMES CLAWSON</p>	<p>These Defendants are in default. However, there is a technical problem with the hydrographic survey description of a feature in the subfile that requires further investigation.</p>
<p>ZRB-5-0019 JACKI CLAWSON & OLIN CLAWSON</p>	<p>These Defendants failed to submit a timely Request for Consultation and also failed to answer after being served with a summons. However, a telephone communication from them on August 17, 2007 indicated a consultation may be productive. To date, Plaintiffs have not been able to schedule the consultation.</p>

<p>ZRB-5-0021 DORIS JEAN CLAWSON & WILLARD LAVAR CLAWSON</p>	<p>Following a consultation on October 3, 2007, the hydrographic survey team found possible discrepancies with regard to two of the wells in this subfile. In addition, the subfile also involves a supplemental irrigation well which, in context, raises a serious policy question for the State. Additional consultation may be necessary.</p>
<p>ZRB-5-0022 EDD COFFEY</p>	<p>The parties to date have been unable to schedule a consultation for this subfile.</p>
<p>ZRB-5-0023 WILLIAM G. COFFEY</p>	<p>The parties consulted on July 17, 2007, but reached agreement only as to minor aspects of the subfile. The subfile also involves a supplemental irrigation well which, in context, raises a serious policy question for the State.</p>
<p>ZRB-5-0032 KENNETH & ROSEMARY HARRINGTON REV. TRUST</p>	<p>The parties consulted on July 17, 2007 and reached agreement as to some aspects of the subfile. However, the subfile also involves a supplemental irrigation well which, in context, raises a serious policy question for the State.</p>
<p>ZRB-5-0034 ROBERT W. IONTA & LINDA A. IONTA REV TRUST</p>	<p>This subfile requires further consultation. The Defendants are represented by counsel.</p>
<p>ZRB-5-0048 MARVIN LEWIS</p>	<p>On January 5, 2010, Plaintiffs filed a motion for default judgment in this subfile.</p>
<p>ZRB-5-0051 ROBERT E. MERRILL & LAVERNE B. MERRILL</p>	<p>The Defendants submitted a timely request for consultation, but did not attend the initially-scheduled consultation. Counsel for Defendants was permitted to withdraw from that representation by an order entered April 28, 2009 (Doc. No. 2325). Plaintiffs intend to make another attempt to schedule a consultation. However, the subfile involves what appears to be a supplemental irrigation well, which, in the particular context, raises serious policy questions for the State.</p>

ZRB-5-0054 NEW MEXICO STATE LAND OFFICE	The parties have tentatively agreed to consolidate all of the State Land Office subfiles for purposes of consultation or adjudication. Progress on this, and the other State Land Office subfiles, currently requires a detailed response from the counsel for the Land Office to the Plaintiffs' hydrographic survey results.
ZRB-5-0056 RAMAH DOMESTIC UTIL. ASSOC.	Although listed differently in County ownership records, this Defendant appears to be the same entity named in Subfile ZRB-5-0057. A timely Request for Consultation was submitted on behalf of the Defendant. However, the subfile involves unique issues relating to municipal water use and will require extended negotiation to resolve.
ZRB-5-0057 RAMAH WATER & SANITATION DISTRICT	Although listed differently in County ownership records, this Defendant appears to be the same entity named in Subfile ZRB-5-0056. A timely Request for Consultation was submitted on behalf of the Defendant. However, the subfile involves unique issues relating to municipal water use and will require extended negotiation to resolve.
ZRB-5-0065 RAMAH LAND AND IRRIGATION CO.	This is by far the largest non-Indian subfile in the adjudication. The hydrographic survey has identified 981.7 irrigated acres and an impoundment with storage volume of 7,991 acre feet. The Defendant, via counsel, timely requested consultation and disputes the hydrographic survey results. The subfile involves complex factual and legal issues which will require extensive attorney time to resolve.

4. Plaintiffs' counsel intend to meet on January 25, 2010 to discuss these pending subfiles and, in particular, to review and sign approximately 30 consent orders that are yet to be offered to defendants. At the present time, the greatest impediment to making progress in the remaining subfiles is the practical difficulty of finding time when necessary personnel from the United States and the State can make themselves available to work on the issues involved, some of which will require extended

periods of focused attention. Both Counsel for the United States and Counsel for the State have mounting obligations in other cases, as well as with regard to the adjudication of Indian rights in the present case. However, they are of the view that of the alternatives available for progress on pending subfiles in the present case, consultation continues to be the most promising. Accordingly, Plaintiffs recommend that, for the near future, they be allowed to give priority to scheduling consultations in the more than 50 subfiles for which that step either is yet required, or continues, in Plaintiffs' view, to be warranted. While a number of subfiles appear to have reached an impasse and are reported as ready for pretrial conferences in the foregoing summaries, preparation for active litigation of many of those subfiles will be very resource-intensive. Neither Plaintiff possesses sufficient attorney resources at this time to both meet existing obligations to this Court in other proceedings and initiate necessary discovery, briefing, and trial preparation in all of the subfiles that currently appear to need such action. Plaintiffs will, however, attempt to identify selected subfiles for which a pretrial conference or other litigation activity could result in a prompt and efficient disposition.

Respectfully submitted: January 15, 2010

Electronically Filed

/s/ Bradley S. Bridgewater

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 15, 2010, I filed the foregoing *Status Report Re: Adjudication Of Subfiles* 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/_____
Bradley S. Bridgewater