

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

UNITED STATES OF AMERICA, for Itself and )  
as Trustee for the Zuni Indian Tribe, Navajo Nation )  
and Ramah Band of Navajos, and )  
and )  
STATE OF NEW MEXICO, *ex rel.* State )  
ENGINEER, )  
Plaintiffs, )

and )  
ZUNI INDIAN TRIBE, NAVAJO NATION, )  
Plaintiffs-in-Intervention, )

-v-

STATE OF NEW MEXICO, COMMISSIONER )  
OF PUBLIC LANDS and A & R PRODUCTIONS, )  
*et al.* )  
Defendants. )

01cv00072-BB  
ZUNI RIVER BASIN  
ADJUDICATION

MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black FROM: Vickie L. Gabin  
United States District Judge Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered May 4, 2001 (Docket No. 54), regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2009, through December 31, 2009, as described herein, and the manner by which fees and expenses have been paid from the trust account.

## I. WORK PERFORMED

### A. General Case Management

The Court's data manager continues to build the Court's data base which will track all pleadings and will be used to produce a partial final decree for non-federal rights.

### B. Federal and Indian Claims

The "member case" United States v. State of New Mexico, 07cv00681-BB, was filed for the adjudication of the Zuni Indian Tribe's claims in 2007. Discovery proceedings are currently underway for the litigation of these claims (Scheduling Order, September 24, 2008, Doc. No. 264, as amended). The first phase of hearings is tentatively scheduled for November, 2010. Subproceeding II, the Navajo Indian Claims, is controlled by an amended order entered December 4, 2009 (Doc. No. 2487).

### C. Non-federal Claims

The hydrographic survey reports have been completed, and with few exceptions all known non-Indian water rights claimants have been joined and served with consent order packets pursuant to scheduling and procedural orders. I filed a special master report on a motion to set aside a default judgment (November 20, 2009, Doc. No. 2476). The vast majority of water rights claims have been determined by consent orders and default orders. Default proceedings for those individuals who fail to timely respond to proposed consent orders are on-going. At a December 1, 2009, status conference, I requested the plaintiffs to prepare a summary of outstanding subfile matters (January 15, 2010, Doc. No. 2510). The Court's data manager and I are analyzing this summary in our planning for the next phase of the adjudication. I anticipate that the litigation of disputed subfiles will begin in 2010.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of Karla Bruner/AquaTek, the Court's data manager, has been performed satisfactorily. Hourly records of work performed are available from the contractor if needed.

Dated: January 19, 2010

*Vickie L. Gabin*

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SPECIAL MASTER VICKIE L. GABIN