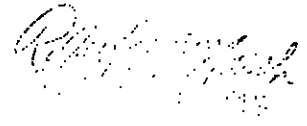


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

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

01-CV-00072-BDB/WDS (ACE)

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

ZUNI RIVER BASIN
ADJUDICATION

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

**ZUNI INDIAN TRIBE'S RESPONSE TO SPECIAL MASTER'S
REPORT AND RECOMMENDATIONS FOR FEDERAL AND INDIAN
WATER RIGHTS CLAIMS PROCEEDINGS**

The Zuni Indian Tribe, through undersigned counsel, concurs in the Response and Motion for Action filed by the United States pursuant to Fed. R. Civ. P. 53(c)(2). The Tribe shares the Court's interest in proceeding expeditiously in this case and agrees that simultaneous preparation of Indian claims and non-federal claims is appropriate. Zuni has no objection to the recommendation that the Indian water rights claims be presented no later than the fall of 2006. The Tribe, however, further suggests that a phased approach to litigation of Indian claims best allows the case to move forward efficiently.

As proposed by the United States and the Zuni Tribe at the September 9, 2003 status conference before Special Master Gabin, the Tribe believes that its claims to ground water within

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the Zuni River basin could be filed by the fall of 2004 and litigated shortly thereafter. This would, of course, proceed simultaneously with the continuing hydrographic survey of non-federal water uses. Thus, if the Court agrees that a phased schedule for the determination of tribal claims will facilitate this case moving forward on a quicker pace, the Zuni Indian Tribe's ground water claims should be addressed first. Following litigation of Zuni's ground water claims, the United States and the Tribe should be in a position to file and resolve in a timely manner Zuni's surface water claims. Zuni also suggests that given the budgetary constraints existing in this case, a Court order that establishes a phased schedule for the filing and determination of the tribal claims to the waters of the Zuni River system may be beneficial to the continued timely development and resolution of those claims.

For these reasons, in addition to the fall 2006 time frame set forth in the Special Master's Report and Recommendations, the Tribe respectfully requests the Court to adopt a phased approach to resolution of the Zuni Tribe's water claims, along the lines proposed in the draft order previously provided to the Special Master for her consideration and attached to the United States' Response and Motion for Action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was mailed to the following counsel and parties of record on this 14th day of October, 2003:

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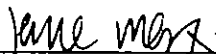
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