

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

UNITED STATES OF AMERICA and	)	
STATE OF NEW MEXICO, ex rel. STATE	)	
ENGINEER,	)	
Plaintiffs,	)	
	)	
and	)	No. 01cv0072 BB/WDS
ZUNI INDIAN TRIBE and NAVAJO NATION,	)	
Plaintiffs-in-Intervention	)	
	)	
	)	ZUNI RIVER BASIN
v.	)	ADJUDICATION
	)	
A & R PRODUCTIONS, et al.,	)	

**NOTICE AND SUGGESTION FOR PROCEDURE FOR APPOINTMENT  
OF SPECIAL MASTER**

The State of New Mexico on the relation of the State Engineer (“State”) respectfully files this *Notice and Suggestion for Procedure for Appointment of Special Master*. On June 8, 2011, the Court filed its *Order* (Doc. No. 2677) announcing the resignation of Special Master Gabin as Special Master in this case effective June 30, 2011. The Court requested that any parties that wish to suggest a candidate for the position file a notice indicating that they intend to suggest a candidate.

The State appreciates the Court’s invitation to the parties to suggest candidates for the position pursuant to Fed. R. Civ. P. 53(b)(1). The State, however, would like to request that rather than only allow the parties to separately suggest candidates, that the Court allow the parties to participate in a collective process to identify, interview and make recommendations concerning Special Master candidates. We believe that the opportunity afforded to the parties in the Aamodt adjudication (State of New Mexico et al v. Aamodt et al, U.S.D.C. No. 66-cv-6639

MV), led to the successful identification and appointment of a special master with the requisite expertise, within the financial constraints of the parties.

In that case, the Court permitted the parties to recommend candidates, participate in the interview process and make post-interview recommendations to the Court. *See* July 5, 2006 *Order* (Doc. No. 6175) in Aamodt, 66-cv-6639. A subcommittee of the settlement parties in that case (the “Special Master Search Subcommittee of the Mediation Parties”) was formed to expedite review of applications and conduct interviews of prospective candidates. The subcommittee placed an advertisement for the position, with the specific duties identified by the parties and the Court, in bar journals for New Mexico, Colorado, and Arizona. After reviewing the applications, the subcommittee conducted telephonic interviews, and selected candidates for a second, in-person interview with the settlement parties, who ultimately selected a candidate for recommendation to the Court. *See Joint Motion for Extension of Time to Complete Special Master Search and Develop Recommendations to the Court*, September 4, 2007 (Doc. No. 6252); *Motion for Extension of Time to Complete Special Master Search and Develop Recommendations to the Court*, November 2, 2007 (Doc. No. 6264); *Order Setting Status Conference*, December 10, 2007 (Doc. No. 6275) in Aamodt, 66-cv-6639. The settlement parties also submitted a proposed Order of Reference to the Court, describing the specific duties of the Special Master. *Id.* The Court then allowed any other parties to file objections to the settlement parties’ recommended candidate. *See* December 19, 2007 *Order* (Doc. No. 6283) in Aamodt, 66-cv-6639.

The State respectfully requests that the Court adopt a similar process for this case, as well. Rather than simply accept suggestions for a candidate, the State proposes that the Court form a committee of parties to advertise, review applications, conduct interviews, draft a

proposed Order of Reference, and recommend a candidate(s) to the Court. If the Court does not accept this suggestion, the State does intend to suggest a candidate.

Counsel for the United States of America, Brad Bridgewater; for the Navajo Nation, Bidtah Becker; for the Zuni Indian Tribe, Jane Marx; for Anthony & Rebecca Allina Family Trust, Barbara & Chris Dentzel, C&E Concrete, Inc., Meech-Cash, LLC., Walter Lee Meech, Michael Lightrain, Norma M. Meech, Daniel & Patricia Meech, Walter V. Meech, Jr., Charles Mallery, and Sierra Land Group, Bruce Boynton, and counsel Peter Shoenfeld and James E. Haas, for various defendants, concur with the proposal set forth in this *Notice and Suggestion*.

Respectfully submitted,

/s/ Arianne Singer  
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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 24, 2011, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.

/s/ Arianne Singer