

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

**JOINT STATUS REPORT ON THE ZUNI RIVER BASIN HYDROGRAPHIC SURVEY**

Pursuant to the Special Master’s Order of June 15, 2004 [Docket No. 334], the United States of America (“United States”) and the State of New Mexico on the Relation of the State Engineer (“State”) hereby report on the status of the hydrographic survey being conducted for purposes of this adjudication.

**Sub-Areas 4 and 8**

**1. Draft Hydrographic Survey Report for Sub-Areas 4 and 8**

Natural Resources Consulting Engineers (“NRCE”), under contract with the United States, is completing the technical work on the hydrographic survey. The United States, through NRCE, submitted a draft Hydrographic Survey Report (“HSR”) to the New Mexico

Office of the State Engineer (“OSE”) in mid-March of 2004. The OSE reviewed the report and provided comments to NRCE. The comments have been incorporated into the report.

## **2. *Additional Hydrographic Survey Mapping and Field Work for Sub-Areas 4 and 8***

The field work for Sub-Areas 4 and 8 was extended into May and June 2004 due to the extension of time for water users to update their water claims, and to verify declarations concerning stock ponds received from the OSE during the first part of May. The new information made it necessary to revisit some of Sub-Areas 4 and 8 to verify several wells and stock ponds. The field work has been completed and the maps and databases have been updated.

## **3. *Final Draft Hydrographic Survey Report for Sub-Areas 4 and 8***

The United States, through NRCE, transmitted a final draft of the HSR for Sub-Areas 4 and 8 to representatives of the OSE, the Navajo Nation and the Zuni Indian Tribe on June 23, 2004. Absent major objections from those parties, the United States anticipates being able to file the HSR with the Court by July 15, 2004.

## **4. *Status Conference Re: Scheduling, Form of Consent Orders, Etc. for Sub-Areas 4 & 8***

The United States and the State request that the Special Master set a status and scheduling conference in September of this year. Proposed forms of Consent Orders and Answers and a proposed scheduling and procedural order will be submitted 30 days before the status and scheduling conference. Once the forms are agreed upon and approved by the Special Master, NRCE will prepare Consent Orders for each defendant with a right described in the

HSR, including maps locating each described right, for review by counsel for the United States and the State.

## **Sub-Areas 9 and 10**

### **1. *Hydrographic Survey Mapping and Field Work for Sub-Areas 9 and 10***

NRCE has completed the field work for over 60 percent of the area in Sub-Areas 9 and 10. NRCE prepared maps and GIS databases that identified and located each of the parcels for field inspection. These maps include available information necessary for the hydrographic survey such as well and spring locations, stock pond or tank locations, and places of use. The maps have been updated during the hydrographic survey field work. During the field work, NRCE documented water rights claim ownership, point of diversion, place of use, amount of use, and purpose of use. NRCE used geographic positioning system (GPS) technology to map the physical locations of the pertinent features related to individual water right claims. To the extent possible, field visits have been coordinated with the land owners. Items mapped include well locations, pond locations, and places of use. Mr. Mark Fesmire, Esq. (New Mexico State Office of State Engineer) accompanied NRCE during one of the field investigations.

### **2. *Aerial Photography Review and Acquisition of Documents***

NRCE has reviewed and analyzed United States Geologic Service (USGS) digital orthophoto quarter quadrangle images (DOQQ) of Sub-Areas 9 and 10. Review of these images provides preliminary information on land and hydrographic features, including the location of access roads, water use areas, cultivated lands, stock ponds, domestic wells, etc.

In addition, NRCE has obtained the available information on property ownership maps and records from Cibola County. The maps have been scanned and rectified with the DOQQ aerial photo maps. Water right records for Sub-Areas 9 and 10 were abstracted from the OSE W.A.T.E.R.S. (Water Administration Technical Engineering Resource System) database and files. This information has been utilized in the field work that has been conducted.

### **3. Completion of Hydrographic Survey Mapping and Field Work for Sub-Areas 9 and 10**

NRCE plans to complete the field work in Sub-Areas 9 and 10 by the end of September. The maps and GIS databases are updated after each field visit. It is expected that a draft of the HSR for Sub-Areas 9 and 10 will be completed by the end of November 2004.

## **Additional Scheduled Work**

### **4. Aerial Photography Review and Acquisition of Documents**

The United States has contracted with Thomas R. Mann and Associates, Inc. which has scheduled a flight to obtain aerial photographs of the irrigated lands near the town of Ramah, New Mexico the week of July 12, 2004. The aerial photography will be used for the hydrographic survey of the area which will likely be scheduled for summer of 2005. The aerial photography will be generated in compliance with the New Mexico Hydrographic Survey Specifications.

## **Point of Clarification**

The United States and the State note that while the Special Master's June 15, 2004 Order asserts that the April 5, 2004, *Procedural and Scheduling Order for Federal and Indian Water Rights Claims* [Docket No. 323] "requires that the hydrographic survey for this *Joint Status Report on the Zuni River Basin Hydrographic Survey*, Page 4

basin be completed by December 31, 2004,” this must surely be an inadvertent error. The April 5, 2004 Order actually provides, on page 2, that the hydrographic survey be completed by December 31, 2006. Completion of the hydrographic survey two years earlier is not feasible.

Respectfully submitted this 30<sup>th</sup> day of June, 2004.

**COUNSEL FOR THE UNITED STATES:**

Digitally signed for e-filing,  
service copies signed by  
hand

6/30/04

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## CERTIFICATE OF SERVICE

I hereby certify that, on June 30, 2004, a copy of the forgoing *Joint Status Report on the Zuni River Basin Hydrographic Survey* was mailed to each person on the attached distribution list.

Digitally signed for e-filing,  
service copies signed by  
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