

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

<b>UNITED STATES OF AMERICA, and</b>	)	
<b>STATE OF NEW MEXICO, <i>ex rel.</i> STATE</b>	)	<b>No. CV 01-00072 MV/JHR</b>
<b>ENGINEER,</b>	)	
	)	<b>ZUNI RIVER BASIN</b>
<b>Plaintiffs,</b>	)	<b>ADJUDICATION</b>
	)	
<b>and</b>	)	
	)	<b>Subfile No. ZRB-1-0148</b>
<b>ZUNI INDIAN TRIBE, NAVAJO NATION,</b>	)	
	)	
<b>Plaintiffs in Intervention,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>A &amp; R PRODUCTIONS, <i>et al.</i></b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**NORMA MEECH’S RESPONSE TO PLAINTIFFS’  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Norma Meech, by and through her counsel of record, Law & Resource Planning Associates, P.C., pursuant to D.N.M.LR-Civ 7.8(c), hereby respectfully responds to the Plaintiffs’ Notice of Supplemental Authority [ECF 3560].

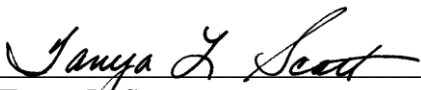
In Plaintiffs’ Notice, the Plaintiffs direct the Court’s attention to the New Mexico Supreme Court’s recent decision in *State ex rel. Office of the State Engineer v. Romero*, No. S-1-SC-37903, 2022 WL 4461410 (N.M. Sup. Ct. Sept. 26, 2022) in which the Court construed state water forfeiture statutes as allowing partial forfeitures of water rights when part of the water right had not been placed to beneficial use for four years. In so holding, the Supreme Court relied upon and restated the bedrock, constitutional, principle of water law in New Mexico and the west at large: beneficial use is the basis, the measure, and the limit of right to use water. N.M. CONST. art. XVI,

§ 3. In so holding, Plaintiffs assert that the New Mexico Supreme Court has confirmed the basis of their arguments stated in their Objections to the Special Master's Order. [ECF 3553]

As extensively discussed in Meech's response to ECF 3553 (Point II at 7-9), Meech has never contended that she has an "ever expanding water right" immune from the provisions of the beneficial use doctrine. Rather, Meech has claimed an entitlement to an adjudicated water right pursuant to the relation doctrine recognized in *State ex rel. Reynolds v. Mendenhall*, 1961-NMSC-083, 1961-NMSC-083, which allows for an extended period of time to place water to beneficial use so long as it is done in a reasonable time period. Nothing about Meech's *Mendenhall* claim violates any aspect of the requirement that water be beneficially used. As the Magistrate Judge correctly concluded in his Proposed Findings and Recommended Disposition [ECF 3547], there are genuine issues of material fact regarding whether Meech has placed water to beneficial use within a reasonable time. There is nothing in the *Romero* opinion that undercuts this conclusion.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,  
*A Professional Corporation*

By:  \_\_\_\_\_

Tanya L. Scott  
Attorneys at Law  
One Sun Plaza  
100 Sun Avenue NE, Suite 650  
Albuquerque, NM 87109  
(505) 346-0998 / FAX: (505) 346-0997

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 20, 2022, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Filing to be served by electronic means.

  
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Tanya L. Scott