

STATE OF NEW MEXICO'S RULE 71.3 REPORT
FY 2024 (July 1, 2023 to June 30, 2024)
EXHIBIT C: BUREAU FOR PUEBLOS, TRIBES, AND NATIONS
June 26, 2023

The Bureau for Pueblos, Tribes, and Nations (“PTN Bureau”) is charged with addressing the water rights claims of the New Mexico Pueblos, Tribes, and Nations in pending adjudications through settlement negotiations or litigation, if necessary. The PTN Bureau also assists with implementation issues for executed Settlement Agreements.

The OSE’s Tribal Liaison plays a key role in all aspects of communications with the Pueblos, Tribes, and Nations and is directly involved in the activities of the PTN Bureau. The Tribal Liaison’s time is not reflected in this report. The PTN Bureau consults with the Hydrology Bureau (OSE Water Resources Allocation Program), and with staff of the Interstate Stream Commission. Their assistance is an integral part of negotiations, however, the time of these staff members are not reflected here.

This report breaks down the level of effort for each adjudication task at the level of 0.5 FTE. The amounts of effort allotted to each adjudication task may not, in the aggregate, add up to the full amount of resources available, or may exceed the available resources. This allows for flexibility as needed during the year.

STAFF RESOURCES AVAILABLE TO BUREAU FOR PUEBLOS, TRIBES, AND NATIONS	Staff Atty	Contract Atty	Staff Para-legal	Survey Staff	Technical Contractor	Section Totals
FULL TIME EMPLOYEE ALLOCATION	3.5	2	0 to .5	2.5	0 to .5	9

SUMMARY OF AVAILABLE RESOURCES FOR THE BUREAU FOR PUEBLOS, TRIBES, AND NATIONS RELATED TO ADJUDICATIONS

	FY2024 FTEs
Total Bureau Staff and Contractor Resources	9
State Adjudications:	
I. San Juan Adjudication <ul style="list-style-type: none"> Navajo Nation Settlement Agreement Ute Mountain Ute Tribe 	.5 to 1.5
II. San Jose Adjudication (<i>Kerr-McGee</i>) <ul style="list-style-type: none"> Pueblos of Acoma, Laguna Navajo Nation 	.5 to 1
III. Santa Fe Adjudication (<i>Anaya</i>) – N/A	-
IV. Pecos Adjudication (<i>Lewis</i>) – N/A	-
Federal Adjudications:	
V. Chama Adjudication (<i>Aragon</i>) <ul style="list-style-type: none"> Ohkay Owingeh 	1
VI. Taos Adjudication (<i>Abeyta</i>) <ul style="list-style-type: none"> Taos Pueblo Settlement Agreement 	1
VII. Zuni Adjudication (<i>A&R</i>) <ul style="list-style-type: none"> Zuni Pueblo 	.5
VIII. Santa Cruz/Truchas Adjudication (<i>Abbott</i>) <ul style="list-style-type: none"> Santa Clara Pueblo and Ohkay Owingeh 	2 to 3
IX. Jemez Adjudication (<i>Abousleman</i>) <ul style="list-style-type: none"> Pueblos of Zia and Jemez Pueblo of Santa Ana 	1
X. Nambé, Pojoaque, Tesuque Adjudication (<i>Aamodt</i>) <ul style="list-style-type: none"> Pueblos of Nambé, Pojoaque, Tesuque, San Ildefonso Settlement Agreement 	.5
Other Pueblos, Tribes, & Nations:	
XI. Six Middle Rio Grande Pueblos <ul style="list-style-type: none"> Pueblos of Sandia, Isleta, Cochiti, Santa Domingo, San Felipe, and Santa Ana 	2 to 3

STATE COURT ADJUDICATIONS – ACCOMPLISHMENTS FOR FY 2023 AND PRIORITIES FOR FY 2024

- I. SAN JUAN ADJUDICATION, *New Mexico v. U.S., Jicarilla Apache Tribe and Navajo Nation, Case No. D-1116-CV-75-184 (11th Judicial District, San Juan County)***
- A. Navajo Nation Settlement Agreement:** Consult and assist with settlement agreement implementation issues.
- B. Ute Mountain Ute Tribe:** Continue negotiations to reach settlement of the Tribe’s pending claims.
- II. RIO SAN JOSE ADJUDICATION, *New Mexico v. Kerr-McGee Corp., Case No. CB-83-190-CV & CB-83-220-CV (consolidated) (13th Judicial District, Cibola County)***
- A. Pueblos of Acoma and Laguna:**
Accomplishments During FY 2023: The parties (other than the United States) signed a settlement agreement in June 2022. Congress introduced legislation in both the House and the Senate (*Rio San Jose and Rio Jemez Water Settlements Act of 2023*, Senate Bill 595; House Bill 1304) on March 1, 2023, seeking approval and funding. The Senate Indian Affairs Committee approved the Senate bill at its business meeting on March 29, 2023. Once the committee report is completed, the bill will be moved to the Senate floor for action. A hearing in the House has not yet been scheduled.
- FY 2024:** Once legislation is passed, the parties will continue discussions to conform the Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by the parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating the Pueblos’ water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.
- B. Navajo Nation:** The parties are completing negotiations to reach a signed Settlement Agreement that will merge with the process detailed above for the Pueblos of Acoma and Laguna.
- III. SANTA FE ADJUDICATION, *Anaya v. Public Service Co. of New Mexico, Case No. 43,347 (1st Judicial District, Santa Fe County) – There are no Pueblos, Tribes, or Nations with active claims in this adjudication.***
- IV. PECOS ADJUDICATION, *State of N.M. & PVACD v. Lewis, Case Nos. 20294 & 22600 (Consolidated) – There are no pending claims of a Pueblo, Tribe, or Nation in this adjudication.***

FEDERAL COURT ADJUDICATIONS – ACCOMPLISHMENTS FOR FY 2023 AND PRIORITIES FOR FY 2024

V. CHAMA ADJUDICATION, *N.M. v. Aragon*, Case No. 69cv07941-KWR/KK (U.S.D.Ct., N.M.)

A. Ohkay Owingeh:

Accomplishments During FY 2023: Negotiations have progressed and the parties intend to have a completed Settlement Agreement for the Chama Stream System claims asserted by Ohkay Owingeh by the end of June 2023.

FY 2024: The parties anticipate having a signed Settlement Agreement by the end of June 2023, and are working on federal legislation to propose to the Department of the Interior for introduction to Congress this year.

Once legislation is passed, the parties will continue discussions to conform the Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by all parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating the Ohkay Owingeh’s water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

VI. TAOS ADJUDICATION, *New Mexico v. Abeyta*, Case No. CV-69-7896-MV/WPL & No. CV-7939-MV/WPL (consolidated) (U.S.D.Ct., N.M.)

A. Taos Pueblo Settlement Agreement: Consult and assist with settlement agreement implementation issues.

VII. ZUNI ADJUDICATION, *U.S. v. N.M.*, Case No. 07-cv-00681-MV-JHR (US.D.Ct, N.M.)

A. Zuni Tribe:

Accomplishments During FY 2023: Zuni Pueblo and the State signed a Settlement Agreement in FY 2023.

FY 2024: The parties are working on federal legislation to propose to the Department of the Interior for introduction to Congress this year. Once legislation is passed, the parties will continue discussions to conform the Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by all parties, including the United States, the State will move the Court for entry of a partial final judgment and decree adjudicating Zuni Tribe’s water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

B. Navajo Nation (Ramah Chapter): Begin negotiations to reach settlement of the Tribe’s claims.

VIII. SANTA CRUZ/TRUCHAS ADJUDICATION, *New Mexico v. Abbott*, Case No. 68-7488 KWR/JHR (*Santa Cruz*) and Case No. 70-8650 KWR/JHR (*Truchas*) (N.M. D.Ct.,N.M.)

A. Ohkay Owingeh and Pueblo of Santa Clara:

Accomplishments During FY 2023: The parties began FY 2023 intending to negotiate the claims of Ohkay Owingeh in the *Abbott* case along with their *Aragon* case. However, the parties decided to reach settlement on the Chama claims independent of the Santa Cruz/Truchas Stream System claims and thus discussion of those claims were put on hold.

FY 2024: Continue negotiations to reach settlement of the claims of Ohkay Owingeh and Santa Clara.

IX. JEMEZ ADJUDICATION, *U.S. v. Abousleman*, Case No. 6:83-cv-01041-MV-JHR (U.S.D.Ct., N.M.)

A. Pueblos of Zia and Jemez:

Accomplishments During FY 2023: The parties (other than the United States) signed a settlement agreement in June 2022. Congress introduced legislation in both the House and the Senate (*Rio San Jose and Rio Jemez Water Settlements Act of 2023*, Senate Bill 595; House Bill 1304) on March 1, 2023, seeking approval and funding. The Senate Indian Affairs Committee approved the Senate bill at its business meeting on March 29, 2023. Once the committee report is completed, the bill will be moved to the Senate floor for action. A hearing in the House has not yet been scheduled.

FY 2024: Once legislation is passed, the parties will continue discussions to conform the Settlement Agreement to the federal legislation and seek State legislative approval. Once the conformed Settlement Agreement is signed by the parties, including the United States, the State will move the court for entry of a partial final judgment and decree adjudicating the Pueblos' water rights and to commence *inter se*. Timing for commencement of the *inter se* process is dependent upon actions by Congress.

B. Pueblo of Santa Ana:

Accomplishments in FY 2023: The parties filed supplemental briefs in the Fall of 2022 pursuant to the Court's scheduling order, addressing the scope of the issues on remand related to aboriginal rights and Winans rights.

FY 2024: The parties are waiting for a ruling by the Court on the issues to be determined on remand and a schedule for litigating the remaining issues.

X. NAMBÉ-POJOAQUE-TESUQUE ADJUDICATION, *New Mexico v. Aamodt*, Case No. 66-cv6639- MV/WPL (U.S.D.Ct, N.M.) - FJD entered 2017 and case closed.

A. Pueblos of Nambe, Pojoaque, Tesuque and San Ildefonso Settlement Agreement:

Consult and assist with settlement agreement implementation issues, including continued assessment of lands under Section 4 of the Settlement Agreement.

**OTHER PUEBLOS, TRIBES, AND NATIONS – ACCOMPLISHMENTS FOR FY 2023
AND PRIORITIES FOR FY 2024**

XI. SIX MIDDLE RIO GRANDE PUEBLOS

A. Pueblos of Sandia, Isleta, Cochiti, Santa Domingo, San Felipe, and Santa Ana:

Accomplishments During FY 2023: The Secretary of the Interior’s Indian Water Rights Office appointed a federal assessment team to consult with the six Middle Rio Grande Pueblos to determine the scope of their water right claims. The State, United States, and the Pueblos have been meeting regularly to address issues raised by the assessment team.

FY 2024: The State, Pueblos and United States continue to meet with the federal assessment team to provide information with the goal of having a federal negotiation team appointed so that settlement agreement negotiations can begin.