

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

UNITED STATES OF AMERICA	)	
and	)	07cv00681-BB
ZUNI INDIAN TRIBE	)	
Plaintiffs,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
-v-	)	
	)	
STATE OF NEW MEXICO, ex rel. State	)	<b>Subproceeding 1</b>
ENGINEER, et al.	)	<b>Zuni Indian Claims</b>
Defendants	)	
_____	)	

**Before Special Master Vickie L. Gabin**

**STATUS REPORT CONCERNING JOINT DOCUMENT DEPOSITORY AND  
MOTION FOR EXTENSION OF TIME**

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The United States of America (“United States”) via its undersigned counsel, hereby reports on the status of discussions pursuant to Paragraph 3.3 of the Special Master’s January 3, 2008 *Initial Scheduling and Planning Order* (Doc. No. 151) concerning a Joint Document Depository (“JDD”) and moves the Special Master to extend by 90 days, to May 15, 2008, the deadline for the parties to submit recommendations concerning a JDD.

1. On February 11, 2008, the following counsel, or their designated representatives, and *pro se* party conferred via teleconference:

Edward Bagley

Bradley S. Bridgewater

Jane Marx

James Noble

Stanley Pollack, for Bidtah Becker

Suzette Johnson, for James E. Haas

Peter Shoenfeld

Matthew Silva, *pro se*

Pam Stokes, for Tanya Scott

William Stripp

Dr. Niel Allen and Kit Nielsen of the United States' Hydrographic Survey consultants, Natural Resources Consulting Engineers, Inc., also participated in the call.

2. Most of those participating in the conference indicated a preference for maintaining Joint Document Depository ("JDD") documents in electronic format. Mr. Bagley indicated the State has some ability to provide on-line access to documents via the State Engineer's web site. Mr. Bridgewater indicated the United States would be able to provide on-line access to documents produced by the United States and the Zuni Tribe via the current zunibasin.com site and suggested that a division of responsibilities between the United States and the State for providing on-line access to documents could be one way to share costs in an uncomplicated manner.

3. However, Mr. Bridgewater also suggested that over-sized or poor quality originals, such as maps and microfiche may pose problems. Mr. Silva also expressed reservations based on the well-known tendency of electronic media formats, and the corresponding hardware, to evolve over time, with the potential result that documents maintained electronically could become effectively unreadable during the pendency of this case. Discussion of one or more potential physical locations for the JDD focused on Albuquerque and Gallup. Mr. Bridgewater proposed using Bureau of Indian Affairs offices in Albuquerque and agreed to investigate the possibility of also

using federal offices in Gallup to maintain a document collection. Some of the conference participants expressed interest in using a federal office other than the Bureau of Indian Affairs in Albuquerque. Mr. Bagley agreed to investigate the possibility of using a State office in Albuquerque to maintain a document collection.

4. Some of the conference call participants questioned whether the JDD continues to be as necessary as was contemplated by the *Initial Scheduling and Planning Order*, given that many of the parties originally appearing *pro se* have now either withdrawn from participation in the Subproceeding, or have retained counsel. There was also a suggestion by some of the conference call participants that they, or their clients, should not have to bear any of the JDD expenses. These issues were not resolved. The conference call participants agreed to have a further discussion of the JDD once Mr. Bagley and Mr. Bridgewater have obtained additional information concerning available physical facilities for maintaining a JDD.

5. Given that (1) none of those participating in the JDD discussions have direct experience with establishing or maintaining a JDD, (2) the particular needs this case may have for a JDD are difficult to foresee, (3) counsel for the State and the United States need to obtain additional information concerning physical facilities, and (4) the JDD may not need to be operational before the parties initial disclosures are made on July 20, 2008, pursuant to Paragraph 3.5 of the *Initial Scheduling and Planning Order*, the consensus of the conference call participants was that the subject warrants further discussion, with periodic reports to the Special Master.

6. Counsel for the United States provided the individuals listed in Paragraph 1 with a draft of the present status report and motion on February 13, 2008,

and received concurrences from Michael Silva, James Noble, Jane Marx, James E. Haas, Bidtah Becker, William Stripp, Edward Bagley, and Tanya Scott.

WHEREFORE, the United States moves the Special Master to extend by 90 days, to May 15, 2008, the deadline for the parties to submit recommendations concerning a JDD, and to require the parties to provide status reports of their discussions on March 17, 2008 and April 17, 2008.

DATED: February 15, 2008

Electronically Filed

/s/Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER

U.S. Department of Justice

1961 Stout Street – 8<sup>th</sup> Floor

Denver, CO 80294

(303) 844-1359

COUNSEL FOR THE UNITED STATES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on February 15, 2008, I filed the foregoing *Status Report Concerning Joint Document Depository And Motion For Extension Of Time* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants by first class mail, postage prepaid:

JOSEPH DEAN BOND  
P.O. BOX 802  
RAMAH, NM 87321

MILDRED C. CORDOVA  
10309 RIO PUERCO TR. SW  
ALBUQUERQUE, NM 87121

DANIEL G. CORDOVA  
10309 RIO PUERCO TR. SW  
ALBUQUERQUE, NM 87121

SFFL, LLC  
P.O. BOX 3834  
MILAN, NM 87021

MATTHEW SILVA  
9204 CAMINO DEL SOL NE  
ALBUQUERQUE, NM 87111

PAUL WOLF, JR.  
HC 31 BOX 20  
FENCE LAKE, NM 87315

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater