

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

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

**JOINT STATUS REPORT CONCERNING PROGRESS OF NEGOTIATIONS**

The State of New Mexico *ex rel.* State Engineer (“State”), the United States of America (“United States”), the Zuni Indian Tribe (“Zuni”), and the Navajo Nation (“Navajo”) (collectively, the “Parties”), through undersigned counsel, jointly submit this Status Report to the Court pursuant to the June 21, 2017 *Order Directing Submission of Status Report* [Doc. 347].

1. Since the Parties’ December 15, 2017 status report [Doc. 350], the Parties have continued to work on development of a model capable of assessing impacts of proposed water uses to assist settlement and administrative initiatives. The cooperative efforts include participation by staff and/or technical consultants representing each of the Parties. Although the technical working group did not formally meet together during the last six months, technical consultants for the Zuni Tribe and the Navajo Nation confer regularly on the model development and seek input from the other technical representatives as appropriate.

While the Parties had anticipated beginning the steady state calibration process at the end of 2017, the technical working group has had difficulty getting the model to converge because of

its complexity. To address the model convergence issues, the modeling team decided to reduce the complexity of the model, agreed upon several ways to reduce the complexity of the model, and is in the process of implementing these changes. Once the model successfully converges, the Tribe anticipates the Parties' larger technical working group will meet to provide an update concerning the changes and to discuss the calibration process.

2. On April 4, 2018, the Zuni Tribe met with members of the Zuni River Basin federal negotiation team to discuss Zuni's preliminary settlement proposal. Following that meeting between Zuni and the United States, on May 18, 2018, the Tribe, the Navajo Nation, and the United States met to discuss a range of settlement concepts contained in Zuni's proposal. The Zuni Tribe, the Navajo Nation and the United States will meet in August 2018 to continue preliminary settlement discussions. The Tribe anticipates meeting with the State in the upcoming months.

3. The Parties jointly agree further work by the technical working group is needed and that more time is necessary to determine whether these negotiation efforts will prove fruitful. Therefore, the Parties intend to continue settlement discussions and related technical work for an additional six months and to provide the Court with a Status Report on the progress of negotiations no later than December 20, 2018, pursuant to the Court's *Order Directing Submission of Status Report* [Doc. 347].

Respectfully submitted:

\_\_\_\_\_/s/\_\_\_\_\_  
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APPROVED: 6/19/18

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on June 19, 2018, I filed the foregoing *Joint Status Report Concerning Progress of Negotiations* 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Jane Marx