

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 7, 2018 status report [Doc. 353], the Parties have continued to develop a hydrologic model capable of assessing impacts of proposed water uses to assist settlement discussions and, ultimately, administrative initiatives. The cooperative efforts involve participation by staff and/or technical consultants representing each of the Parties. Technical consultants for the Zuni Tribe and the Navajo Nation confer weekly about the model development, and they seek input from the other technical representatives on an ongoing basis.

On June 10, 2019, the Parties' modeling subgroup met with the larger technical working group, including attorneys, to provide an update on the status of the model's development. The

modeling subgroup reported the model is close to being calibrated successfully in its steady-state; the modeling committee anticipates making a few additional tweaks to the model to enhance the steady-state calibration. With this milestone nearly accomplished, the Parties are beginning to transition to converting the model into a transient model that will be capable of running different water use scenarios for predictive purposes. Over the next several months, each of the Parties is tasked with gathering and refining internal data pertaining to existing and anticipated water uses that will be used for the transient model. The technical working group intends to meet again in September to review and discuss the relevant data.

2. On February 25, 2019, representatives of the Zuni Tribe met with representatives of the Navajo Nation and the Zuni River Basin federal negotiation team to continue to discuss Zuni's preliminary settlement proposal. On June 10, 2019, representatives from Zuni, Navajo, and the United States met again, to discuss the Navajo Nation's preliminary settlement proposal. The goal is to align the Tribes' settlement concepts to avoid any potential conflicts and to provide a coordinated position moving forward in anticipated meetings with the State of New Mexico and other interested parties. Representatives of the Zuni Tribe, Navajo Nation, and United States are scheduled to meet again on July 12, 2019.

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, 2019, pursuant to the Court's *Order Directing Submission of Status Report* [Doc. 347].

Respectfully submitted:

_____/s/_____
Jane Marx
Jane Marx, Attorney at Law, P.C.
2825 Candelaria Rd. NW
Albuquerque, NM 87107
Phone: (505) 344-1176
Attorney for Zuni Indian Tribe

APPROVED: 6/14/19
Bradley S. Bridgewater
Andrew Guss Guarino
U.S. Department of Justice
Suite 370, South Terrace
999 18th Street
Denver, CO 80202
Phone: (303) 844-1359
Attorneys for the United States

APPROVED: 6/17/19
Arianne Singer
Edward C. Bagley
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 827-3866
Attorneys for the State of New Mexico

APPROVED: 6/14/19
Daniel G. Moquin
Lisa Yellow Eagle
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
Phone: (928) 871-7510
Attorneys for the Navajo Nation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 18, 2019, 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