

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 19, 2019 status report [Doc. 355], the Parties, through the efforts of each Party's staff and/or technical consultants, have continued to collaborate in developing a hydrologic model capable of assessing impacts of historical and proposed water uses to assist settlement discussions and, ultimately, to be used for water use administration. Technical consultants for the Zuni Tribe and the Navajo Nation confer almost weekly concerning the model development and seek input from the other technical representatives on an ongoing basis.

On March 31, 2020, the Parties' modeling subgroup met with the larger technical working group, including attorneys, to provide an update on the status of efforts to convert the calibrated steady-state model to a transient model. To accomplish this next step in model development, the Parties are continuing to compile historical water use data to input into the model. The Tribes are also engaged in refining and providing information to the modeling subgroup about anticipated future water uses that will be used for the transient model. The Parties expect to meet later this summer for an update on the status of the modeling subgroup's efforts to convert the steady-state model into a predictive transient model.

2. In addition, since the filing of the last status report, Zuni, the State, and the United States have initiated active settlement negotiations on potential resolution of Zuni's water rights claims. Since March, representatives of the three governments have been meeting monthly to discuss Zuni's settlement proposal; the next meeting is scheduled for July 8, 2020. The negotiation parties are developing a draft settlement agreement based on Zuni's proposal in order to better identify issues and concerns that require additional analysis or information. To facilitate this effort, attorneys for Zuni and the State have been conferring on a weekly or bi-weekly basis. The parties anticipate maintaining this schedule for the near future. In addition, the Zuni Tribe and Navajo Nation met on December 20, 2019 to receive an update from the Navajo Nation on the Nation's development of its settlement goals.

3. The Parties jointly agree further work by the technical working group is needed and that more time is necessary to determine whether 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, 2020, 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: 6/17/20
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: 6/17/20
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
Attorney for the State of New Mexico

APPROVED: 6/16/20
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, 2020, 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