

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Before the Honorable Bruce D. Black
United States District Judge

Clerk's Minutes

Case No.: Civ./Cr. 01CV00072 Date: 7-2-2

Title: USA v. A & R Inc

Courtroom Clerk: L. Sorrell P. Fyfe L. Montano A. Neff Darcy Bushnell

Court Reporter: Jennifer Bean / _____ Interpreter: _____

Albuquerque Las Cruces Santa Fe Roswell Bench warrant ordered

Type of Proceeding: _____

ATTORNEYS PRESENT:

Plaintiff(s):

Charles O'Connell USA
Pamela Williams USA
Stanley Pollack NAVAJO
Samuel Gullis Zuni
Edward Barclay NM
Greg Ridgley NM

Defendant(s):

Lorange Tyr, LC

Peter Schoenfeld sales
William Strupp Petranfo
John Weldon Salt River
Sunny Nixon Tri State
Jeff Miniere Water Assn
MARK ADAMS Quivira Mining

PROCEEDINGS:

1. Appearances

2. Judge gives read on all issues

10^{min} State/fed many state
concerns + clarif.
3 min at time parties

3. Nature of Lawsuit - QT - require amendment of complaint

30 days to react as water adj

4. Religment Relique State Plaintiff

5. file Disclaimers

6. Allow tribe intervene aligned w/ US

+ require conferring
us to speak for tribes

Tribe's can file if strong disajmt

141

7 Fed state treaty claims prep'd @ same time

8. US progress reports 6mo

Others may bring virtual 10 days from filing of Prog
first - set scope of prog by US govt
- DOC repository / on line
- No Jury first time report

Oconnell

10:07 Shoenfeld Inverester?

5 minute Recess

10:17 Oconnell - ① QT issue 1

no hispendis not filed by US

not claiming all water but all water they

complaint - just a notice nothing to be gained

Judge: Reverse w/ re alignment to benefit other parties

② Repository / On line

CO what documents? pertinent docs only

J.

If so, want STE then Canada

J 3. Progress Reports - nature + extent? - no discover

③ 45 days for filing amended Complaint

Pallack - ① Conditions on Intervention -

should not be conditional

Thomatz v. DOT - raises Q's about communication

Abtun Tribe & Trustee being Confid.

Info was discoverable. Creates problems

develop claim schedule

Judge Same time schedule w/ US

Consultation process chilled
P. Tribes today not have an opportunity to see all info
f. Start same tract, then move TI tract if necessary

Qullis - Pollack's concerns - sharing w/ trustee
② What parties participate in scope determination

J. Progress report
own position
then 10 days for responses

10:30 Bagley - ① Fed State Tribal Claims
filed simultaneously - no compelling reason
State Agency or NP now
Resources issue Create confusion
Wait on hydro survey ^{completion} to re-align
② Situation - same deadline on title & WS
J. 3-4 years

Skupp hold all in - unless disclaim - don't know boundaries so
don't know

J. 6 months

S. Service - not completed

- Indispensable parties not in

- Clouded Title -

problems w/ cooperation from locals w/
hydrographic survey

J. Complaint amended @ time boundaries defined

10:44 Shoemaker: Response to be filed + served on all
Conflicts of Interest & violations from tribes and us

- ① Require 2 Tribal groups set forth regardless of parallels
- ② Scope - state law 724-19 - limits - kept to limits

10:47 Adams: Ambrosia Lake Area only light
Just want to get out ASAP

Define specifically ~~very~~ surface features
Want to stop if all we in an others Ady to get
out of this one

10:50 ~~Nixon~~ Tristate

① ditto Adams

US dismiss tristate Concerned w/ inconsistent limits
CT ~~order~~ boundaries

② Simultaneous claims? ~~Shel~~ Clements

J. Basley - State wants a say in scope w/o being a PT

Minier - may need more than 10 ~~days~~ days
J. move for ~~ET~~ extension

Weldon - Amend Complaint - (L) Common the
- Define Scope
- Realign

Bruce Fredrick ^{State} Com of Public Lands
Present ~~claims~~ own claims

Trustee of State Public Lands does not seem to go

J
6 mo Report
Scope
Amended Complaint
Dismiss

11:00 Ted Broderick - RE Broker in area

Properties problems

Case so badly done ^{Court} should throw out case

State's fight - State should ~~take~~ ^{take} the case

property held hostage

properties unable to sell

Para 5 onerous "water being used illegally"

A. Provide transcript of disclaimers

Value of property dropped.

Strip - Beardeley clients ~~who~~ ^{who} can't sell

Ct order Send out explanatory letter to all

named ~~A~~ - stating amendment of Complaint

& not claiming right to all water in order

Judge. Whom ever has a problem, communicate directly
w/ m k Connell & he will provide approp letter

Strip people will not respond.

In order anyone who wishes & need a letter from Ocanal
can do it.