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

UNITED STATES OF AMERICA, for Itself and)
as Trustee for the Zuni Indian Tribe, Navajo Nation)
and Ramah Band of Navajos, and)
and)
STATE OF NEW MEXICO, ex rel. State)
ENGINEER,)
Plaintiffs,)
)
and) 01cv00072-BB
ZUNI INDIAN TRIBE, NAVAJO NATION,)
Plaintiffs-in-Intervention,) ZUNI RIVER BASIN
) ADJUDICATION
-V-)
)
STATE OF NEW MEXICO, COMMISSIONER)
OF PUBLIC LANDS and A & R PRODUCTIONS,)
et al.)
)
Defendants.)

MOTION OF SPECIAL MASTER FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. BlackFROM:Vickie L. GabinUnited States District JudgeSpecial Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered May 4, 2001 (Docket

No. 54), regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2010, through December 31, 2010, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. General Case Management

The Court's data manager continues to build the Court's data base which will track all pleadings and will be used to produce a partial final decree for non-federal rights.

B. Federal and Indian Claims

Under severe resource constraints, the parties involved in the adjudication of the water rights claims of the Zuni Indian Tribe and Navajo Nation have requested new scheduling orders. These motions will be discussed at joint status conference on February 9, 2011 (Orders Setting Status Conference, January 21, 2011, Nos. 303 and 2631).

C. Non-federal Claims

The hydrographic survey reports have been completed, and with few exceptions all known non-Indian water rights claimants have been joined and served with consent order packets pursuant to scheduling and procedural orders. The vast majority of water rights claims have been determined by consent orders and default orders. I anticipate scheduling pretrial conferences for the approximately 128 disputed subfiles in early 2011.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of Karla Bruner, AquaTek, Inc., the Court's data manager, has been performed satisfactorily. Hourly records of work performed are available from the contractor if needed.
Dated: February 3, 2011

SPECIAL MASTER VICKIE L. GABIN