

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

UNITED STATES OF AMERICA,)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> State)	
ENGINEER,)	
Plaintiffs,)	
)	
and)	01cv00072-BB-ACE
ZUNI INDIAN TRIBE, and NAVAJO NATION,)	
Plaintiffs-in-Intervention,)	ZUNI RIVER BASIN
)	ADJUDICATION
-v-)	
)	
A & R PRODUCTIONS, <i>et al.</i>)	
)	
Defendants.)	
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ORDER FOR FURTHER PROCEEDINGS

THIS MATTER is before the Special Master following the status and scheduling conference held September 21, 2006, and is entered to guide the progress of this stream system adjudication pursuant to Fed. R. Civ. P. 53.

After discussion with counsel, the Special Master finds:

1. A separate Ramah Sub-area was established by Order Granting Motion to Establish Ramah Sub-Area, entered July 21, 2006 (Docket No. 766).

2. The nature of the ownership of water rights within the Ramah Irrigation District (RID) must be clarified before a procedural and scheduling order may be entered to govern the adjudication of irrigation water rights within the Ramah Sub-area, and before all claimants to water rights within the Ramah Sub-area may be identified and joined to this suit.

3. In order to proceed with the adjudication of water rights within the Ramah Sub-area,

Plaintiffs United States of America (United States) and State of New Mexico, ex rel. State Engineer (State) must be prepared to address various issues of fact and law relevant to the rights in that Sub-area, in particular, priorities and proposed consumptive irrigation and delivery requirements for the irrigation rights.

4. A number of water rights claimants in Sub-areas 4, 8, 9,10, and 7 who have been served with adjudication packets have not responded pursuant to deadlines included in procedural and scheduling orders.

5. My request for a proposed briefing schedule in the matter of the Declaration of State of New Mexico Trust Reserved Water Rights filed September 10, 2004, by the Commissioner of Public Lands for the State of New Mexico (No. 347)¹ should be withdrawn. The issues raised by the Declaration are currently being briefed and argued in State v. United States, No. D-1116-CV-75-184, the adjudication of water rights in the San Juan River Basin in the Eleventh Judicial District Court of New Mexico. Attorney and judicial resources are more wisely allocated if proceedings in this case are stayed until the matter is decided in the state court.

IT IS ORDERED, THEREFORE, that

1. **No later than October 23, 2006**, counsel for the RID shall file a statement of the RID's position regarding ownership of the irrigation rights within the district. Other parties may respond to the statement by **December 1, 2006**.

2. **No later than December 29, 2006**, Plaintiffs shall file a status report on their progress in drafting a procedural and scheduling order to govern the adjudication of water rights claims within the Ramah Sub-area;

¹ See, Order Setting Status and Scheduling Conference, entered August 11, 2006 (No. 793).

3. **As soon as possible, but no later than January 31, 2007**, Plaintiffs shall submit to the Special Master proposals for adjudicating the water rights claims of defendants who may be in default pursuant to existing procedural orders.

4. The Commissioner of Public Lands shall file a status report **within 20 days** of the New Mexico District Court's decision regarding the Declaration of State of New Mexico Trust Reserved Water Rights which was filed in the San Juan River Basin Adjudication.

IT IS SO ORDERED.

Vickie L. Gabin

SPECIAL MASTER