

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

v.

**STATE OF NEW MEXICO, ex rel.  
STATE ENGINEER, et al.,**

**Defendants.**

01/27/08 11:01 AM ✓  
**CIV No. 01 0072 BB/WWD-ACE**

**ZUNI RIVER BASIN**

**NOTICE OF FILING**

THE STATE OF NEW MEXICO, by and through its counsel of record, pursuant to the Court's Order Entered to Further Adjudication Planning by the U.S. and the State of New Mexico (Docket No. 92), hereby files its Proposed Adjudication Scheduling Order, and further states as follows:

1. While the State and the United States have conferred and come to agreement on many of the issues presented by their attempt to develop a joint adjudication scheduling order, some material issues have not been resolved and remain the subject of negotiation.

2. In order to highlight for the Court the remaining areas of dispute, the State's Proposed Adjudication Scheduling Order is drafted as an edited version of the United States proposed order. United States' language with which the State is not in agreement with has been lined out. Language added by the State is underlined.

3. Negotiations between the State and the United States have been substantive and ongoing. Most recently, the attorneys for the State, the United States Department of Justice, and the Zuni Pueblo met this day by telephone for discussions

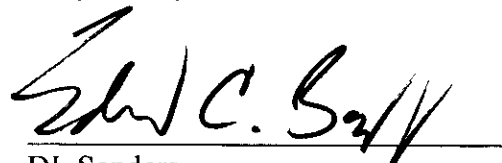
regarding the Proposed Adjudication Scheduling Order. They are next scheduled to meet by telephone on January 15, 2002.

4. Additionally, on December 20, 2001, attorneys for the State met with the following attorneys of record in this matter to apprise them of the status of negotiations with the United States and obtain their reaction to same:

<u>Attorney</u>	<u>Client</u>
Jeff Minier	Western N.M. Water Preservation Association
Christina Bruff DuMars	Western N.M. Water Preservation Association
Peter Schoenfeld	Yates Entities
Bruce Frederick	N.M. State Land Office
Fritz Beeson	Salt River Project
John Weldon	Salt River Project

The State respectfully notes that only attorneys for the State met with the above named counsel, not "the parties," as stated in the Court's December 20, 2001 Order's reference to this meeting. The State is concerned that "Parties" might be read to imply the attendance of attorney's for the United States, which was not the case.

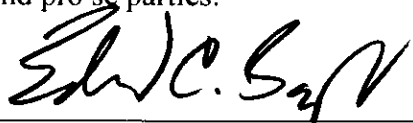
Respectfully submitted,



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Edward C. Bagley  
Special Assistant Attorneys General  
Attorneys for the New Mexico State  
Engineer  
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**Certificate of Service**

I certify that on this 31st day of December, 2001, a true and correct copy of the foregoing pleading was mailed by first class mail to the attached list of counsel of record and pro se parties:

  
\_\_\_\_\_

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.