

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’ June 19, 2018 status report [Doc. 351], the Parties have continued to work on development of a model capable of assessing impacts of proposed water uses to assist settlement discussions and administrative initiatives. The cooperative efforts involve participation by staff and/or technical consultants representing each of the Parties. The technical consultants for the Zuni Tribe and the Navajo Nation confer on a weekly basis about the model development, and they seek input from the other technical representatives as appropriate. The modeling subgroup met with the larger technical working group, including attorneys, on September 27, 2018 to provide an update on the status of the model's development.

The modeling subgroup continues to work on modifying the model to reduce its complexity in order to allow it to converge more smoothly, especially as the effort begins to transition toward calibration. The next step is to calibrate the steady-state model and convert it to a transient model capable of running different water use scenarios for predictive purposes.

2. On October 5, 2018, representatives of the Zuni Tribe met with representatives of the Navajo Nation and the Zuni River Basin federal negotiation team to discuss the Navajo Nation's initial responses to Zuni's preliminary settlement proposal. The three parties agreed it would be fruitful to visit some of the key areas within the Zuni River Basin. On November 15, 2018, attorneys and technical representatives of the Zuni Tribe, the Navajo Nation and the United States participated in a field tour of various reservoirs, springs, and other sites within the Zuni Reservation as well as an overview of Ramah Lake, and on November 16, the participating representatives visited various sites within the Navajo Nation. A follow-up meeting is anticipated in early 2019.

3. On October 2, 2018, attorneys for the Zuni Tribe and the Ramah Land and Irrigation Company met informally to become acquainted with some of the key goals and concerns. Additional discussions are anticipated. The Tribe also expects to meet with the State in the upcoming months.

4. The Parties jointly agree further work by the technical working group is needed and that more time is necessary to determine whether these 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 June 20, 2019, pursuant to the Court's *Order Directing Submission of Status Report* [Doc. 347].

Respectfully submitted:

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 7, 2018, 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