

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’ December 18, 2020 status report [Doc. 359], the Parties, through the efforts of each Party's staff and/or technical consultants, have continued to collaborate in developing a hydrologic model capable of assessing impacts of historical and proposed water uses to assist settlement discussions and, ultimately, to be used for water use administration. Technical consultants for the Zuni Tribe and the Navajo Nation confer almost weekly concerning the model development and seek input from the other technical representatives on an ongoing basis.

The Parties' modeling subgroup met with the larger technical working group, including attorneys, on February 11, 2021, April 16, 2021, and June 10, 2021 to provide an update on the

status of efforts to convert the calibrated steady-state model to a transient model capable of predicting effects from various future well pumping scenarios. At the June 10 meeting, the modeling subgroup informed the larger committee that it had reached another key milestone because the model had recently successfully run a simulation of future pumping based on a scenario of full pumping from all wells in the model area. The modeling subgroup informed the larger group that it was continuing to analyze the data from the model run and that additional changes to the model are anticipated in order to more accurately reflect recharge rates and pumping levels in certain wells. The model also needs to be adjusted to account for future climate predictions. The Parties' technical working group expects to meet again in early September.

2. In addition, earlier this week the State of New Mexico provided a response to certain key provisions of Zuni's settlement proposal. Zuni is reviewing the response and expects to meet and confer in the near future with attorneys and staff from the Office of the State Engineer. The negotiating parties expect to resume regular meetings to work on a possible negotiated resolution of Zuni's water rights claims.

3. The Parties jointly agree further work by the technical working group is needed and that more time is necessary to determine whether 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 December 20, 2021, 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 June 17, 2021, 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