

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

UNITED STATES OF AMERICA,)	
and)	
ZUNI INDIAN TRIBE,)	07cv00681-DHU/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 21, 2022 status report [Doc. 369], Zuni, the State, and the United States have pursued ongoing negotiations to further a settlement of Zuni's water rights claims in this subproceeding. Zuni and the State are pleased to inform the Court that they have reached agreement on the terms of the proposed settlement. The State and Zuni intend to finalize the settlement agreement documents by the end of the year and the parties will have their respective signatories execute the agreement. The United States will sign the agreement once so directed through appropriate legislation.

Zuni's attorneys have continued to update counsel and staff for the Navajo Nation about the progress of negotiations, and the State has discussed and continued to update Ramah Land and Irrigation Company about the settlement efforts.

2. In addition, the Parties, through 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. Technical consultants for the Zuni Tribe and the Navajo Nation confer regularly 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 June 21, 2022 and September 22, 2022 to provide an update on the status of efforts to develop and refine a transient model capable of predicting effects from various future well pumping scenarios. The modeling subgroup continues to work on several issues relating to how the model is functioning and expects to brief the larger technical working group on their progress in the early part of calendar year 2023.

3. The Parties jointly agree that additional time is needed to continue the modeling work and to pursue the next steps in the settlement process, which will include the introduction and passage of federal legislation after the settlement is executed by Zuni and the State. Therefore, the Parties respectfully request the Court to continue to hold all litigation deadlines in abeyance so the Parties may continue their efforts. Once federal legislation is passed and the settlement is conformed to the legislation and signed by the United States, the parties will continue the process in the adjudication to seek the entry of a partial final judgment and decree adjudicating Zuni's water rights and proceed with *inter se*. The Parties intend to provide the

Court with a Status Report no later than June 20, 2023, 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 15, 2022, 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