

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

UNITED STATES OF AMERICA)	
and)	
NAVAJO NATION,)	No. 12cv1298 MV/JHR
Plaintiffs,)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	Subproceeding 2
ENGINEER, <i>et al.</i>)	Navajo Indian Claims
Defendants.)	

JOINT STATUS REPORT

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 its December 30, 2015 *Order for Periodic Status Reports* [Doc. 375].

The Parties are engaged in a cooperative effort to develop factual information necessary to provide the foundation for a settlement. Since the Parties’ June 1, 2017 status report [Doc. 385], the technical working group, consisting of technical staff representing each of the Parties, has continued to meet and confer regarding the development of a hydrologic model capable of assessing impacts of proposed water uses to provide information to the Parties in settlement discussions. The last meeting of the technical working group occurred on August 22, 2017. However, the technical staff for the Navajo Nation and Zuni Tribe are tasked with constructing the model and confer weekly on the model development.

The Parties had anticipated beginning the steady state model calibration process by late summer, but the consensus approach to decision-making, while offering the benefit of all-Party buy-in, makes for a protracted process. A number of issues raised at the August meeting, such as the large number of calibration targets and boundary conditions, have now been resolved and all decisions have been successfully incorporated into the steady state model. The modelers are currently working on getting the final model results to converge. Once the convergence phase is complete, calibration of the steady state model will begin, which the Parties anticipate will occur by the end of the year. In the interim, the two tribes continue to collect the information necessary to model their respective water rights claims under various scenarios and determine potential impairment.

The Parties jointly agree that further work by the negotiation technical committee and the technical working group is needed and that further time is necessary to determine whether a negotiated resolution of Subproceeding 2 is feasible. The Parties respectfully request the Court to hold all litigation deadlines in Subproceeding 2 in abeyance so that the Parties may continue their settlement negotiations and related efforts.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 30, 2017, I filed the foregoing Joint Status Report 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.

AND I FURTHER CERTIFY that a copy of the foregoing was mailed to the persons listed below who are not CM/ECF Participants.

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