

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

UNITED STATES OF AMERICA
and
NAVAJO NATION,
 Plaintiffs,

v.

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

No. 12cv1298 MV/JHR

ZUNI RIVER BASIN
ADJUDICATION

Subproceeding 2
Navajo Indian Claims

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].

Technical Work in Support of Settlement Negotiations. The Parties are engaged in a cooperative effort to develop factual information necessary to provide the foundation for a settlement. Since the Parties’ December 2, 2019 status report [Doc. 421], the Zuni River Basin Technical Committee (“Technical Committee”), consisting of technical staff representing each of the Parties, has continued to meet and confer via weekly telephone calls, 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 Technical Committee had been working on a Steady-state model as a first step towards the transient model. The Steady-state model was used to determine pre-development conditions present in the Zuni River Basin. The Technical

Committee held a meeting on March 31, 2020, where an update on the current status of the model was given and an update on the status of the data gathering of all parties were presented. The model has now been successfully transitioned from a Steady-state model to a combined Steady-state/transient model. The Parties are currently collecting historic pumping data that will be used to bridge the gap between a time when no pumping occurred and the time when modern pumping records begin. The Navajo Nation has provided all of its historical pumping data; however, many of the wells required an estimating of the historical data because they did not have meters or pumping records for past years. The Zuni Indian Tribe and the State of New Mexico are continuing to work on gathering data for their historic pumping datasets. Once all of the historical data is submitted, the Technical Committee will import the data into the model and work on achieving convergence. Once the model converges, the Technical Committee will work on another calibration effort to ensure that the transient, historic portion of the model matches the actual data from 1961 through 2014. After this step is completed, the Technical Committee will move forward to incorporate data to allow the Parties to evaluate future water rights claims using the model. All parties were asked to begin working on their future uses data to input into the model.

Settlement Discussions. The Navajo Nation continues to gather information to further refine its Draft Settlement Proposal. The Navajo Nation and the Zuni Tribe met on December 20, 2019, to continue settlement discussions. The Navajo Nation provided an update to the Zuni Tribe on its efforts to draft its settlement proposal and relay information on what issues are being worked on to finalize its settlement proposal.

The Parties jointly agree that further work by the Technical Committee and the Settlement Teams 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:

/s/ Lisa Yellow Eagle

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APPROVED: 5/28/20

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 31, 2020, 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 on the Manual Notice List for this matter who are not CM/ECF Participants.

/s/ Lisa Yellow Eagle
Lisa Yellow Eagle