

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

UNITED STATES OF AMERICA, for Itself and )  
as Trustee for the Zuni Indian Tribe, Navajo Nation )  
and Ramah Band of Navajos, and )  
and )  
STATE OF NEW MEXICO, *ex rel.* State )  
ENGINEER, )  
Plaintiffs, )

and )  
ZUNI INDIAN TRIBE, NAVAJO NATION, )  
Plaintiffs-in-Intervention, )

-v-

STATE OF NEW MEXICO, COMMISSIONER )  
OF PUBLIC LANDS and A & R PRODUCTIONS, )  
*et al.* )  
Defendants. )

01cv00072-BB  
ZUNI RIVER BASIN  
ADJUDICATION

MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black FROM: Vickie L. Gabin  
United States District Judge Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered May 4, 2001 (Docket No. 54), regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from January 1, 2007, through June 30, 2007, as described herein, and the manner by which fees and expenses have been paid from the trust account.

## I. WORK PERFORMED

### A. General Case Management

The Court's data manager continues to build the Court's data base which will track all pleadings and will be used to produce a partial final decree for non-federal rights.

### B. Federal and Indian Claims

Pursuant to the April 5, 2004, Procedural and Scheduling Order, as amended, the United States of America filed its water rights claims on behalf of the Zuni Indian Tribe on April 30; the Zuni Tribe's claims will be filed at the end of July. Counsel and I are in the process of planning the expedited *inter se* proceedings for the claims. A "member case" has been opened - United States v. State of New Mexico, 07cv00681-BB - accommodate this phase of the case.

### C. Non-federal Claims

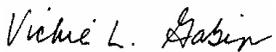
The adjudication of non-federal water rights claims is ongoing. The vast majority of non-Indian water rights claimants have been joined and served with consent order packets. Default proceedings for those individuals who fail to timely respond to proposed consent orders are beginning, and I anticipate evidentiary hearings on disputed subfiles will begin in the fall.

## II. DECLARATION

### DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of Jennifer McCabe, administrative assistant, and Karla Bruner/AquaTek, the Court's data manager, has been performed satisfactorily. Hourly records of work performed are available from the contractors if needed.

Dated: August 7, 2007

  
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SPECIAL MASTER VICKIE L. GABIN