

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

01cv00072 BDB-ACE

STATE OF NEW MEXICO, *ex rel*  
State Engineer, A& R Productions, *et al.*,  
Defendants,

ZUNI RIVER ADJUDICATION

**SCHEDULING ORDER**

THIS MATTER is a part of the general adjudication of all water rights in the Zuni River stream system. On April 26, 2002, the Special Master filed a report making her recommendations for proceeding in this case. (Docket No. 123). Parties filed a variety of objections to and comments on her recommendations. On July 2, 2002, the parties appeared before the Court on the objections. After due consideration of the Special Master's recommendations and counsels' objections and comments, the Court enters this Order to set the schedule for and direction to the Special Master and parties for the conduct of this case.

1. The United States shall make a progress report to the Court every six months. The first report, however, is due on December 2, 2002. Thereafter, the reports shall be filed on or about June 2 and December 2 of each year. Vital issues and objections may be raised by any party within 10 days of the filing of the United States' report.

In the December 2, 2002 report, the United States shall describe definite and specific geographic boundaries for the adjudication. Groundwater diversions which lie within the surface boundaries shall be included in the adjudication. The groundwater considered shall be limited to that which lies within the

surface boundaries, as though their lines were drawn vertically through the earth. The surface boundaries shall not overlap those of any other adjudication. Conflicts which may arise between claimants in this and other adjudications are beyond the scope of this case.

The United States shall confer with the State in determining the geographic boundaries of the adjudication. Once they have agreed to the boundaries, the report shall be circulated among other counsel of record prior to the December 2 deadline.

The United States shall create and have in place by December 2, 2002, i) a public repository for pertinent adjudication documents and ii) a public website. Parties wishing to add materials to either site shall confer with the United States.

2. Once the Court has accepted the definition of the scope of the adjudication, the Plaintiffs shall amend the Complaint to reflect the status of this case as a water adjudication. The case shall be styled as the “Zuni River stream system”. The amended complaint shall be filed by January 6, 2003.

Prior to the filing of the Amended Complaint, parties engaging in the transfer of property may request a letter of explanation of the case from the United States.

3. As the Complaint is amended, the United States of America for itself and as Trustee for the Zuni Tribe and the Navajo Nation, and the State of New Mexico, *ex rel.* State Engineer shall be realigned as Plaintiffs. Pursuant to the July 10, 2002 Order (No.144), the Tribe and the Nation shall be realigned as Plaintiffs-in-Intervention.

4. Parties whose water rights claims are subject to another adjudication and/or parties who have no water rights to claim in this adjudication may be dismissed at any time. Once such parties have identified themselves by filing a disclaimer, the United States shall take the necessary steps to effect dismissal, if

appropriate. The United States shall evaluate the answers and motions which have already been filed with this goal in mind.

5. The March 1, 2001 stay (No. 3) remains in effect with regard to the future answers and of dispositive motions as well as those already in the record.

6. The Court will consider the water rights claims of the parties in two sequential phases. The Federal, Tribal and State agency claims shall proceed on one schedule. Non-Indian Defendant claims segment shall proceed on its own schedule. If necessary, parties may move to proceed on parallel or divergent tracts.

7. The Special Master shall meet with the parties in January 2003 to evaluate the progress of the case, to produce general guidelines and scheduling orders for the conduct of the case, and to arrange specific schedules for tasks, status conferences, status reports and other case-management necessities.

IT IS SO ORDERED.

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/electronic signature/  
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE