

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 July 1, 2007, through December 31, 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 and I were involved in ensuring that the CM/ECF system operated to adequately accommodate the sometimes extraordinary logistical requirements of this case.

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. On November 27, I held an initial scheduling and procedural conference in the "member case," United States v. State of New Mexico, 07cv00681-BB, and set up the procedure for the adjudications of the Zuni Indian Tribe's claims. This phase will be conducted as an "expedited *inter se*," that is, all water rights claimants have the opportunity to participate in the proceedings; those who waive their right to participate will be bound by the court's decree.

Last year, it became clear that better case planning and coordination was necessary in order to make any progress on the adjudication of these claims. State, federal, and private resources were strained in attempting to meet all existing case management deadlines; while simple extensions of time were ineffective and served simply to prolong an ineffectual process. On July 14 I held the first Pueblo and Tribal claims priorities meeting for this case and other federal cases. Discussions between attorneys continued productively for the rest of the year, as reported in joint status reports.

C. Non-federal Claims

The adjudication of non-federal water rights claims is ongoing. The hydrographic survey reports have been completed, and all known non-Indian water rights claimants have been joined and served with consent order packets pursuant to scheduling and procedural orders. Hundreds of subfile orders have been reviewed and entered. Default proceedings for those individuals who fail to timely respond to proposed consent orders are on-going.

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 Sara Ellen Heath, 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: February 21, 2008

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN