

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

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| UNITED STATES OF AMERICA |) | |
| and |) | No. 01cv00072-MV-WPL |
| STATE OF NEW MEXICO, ex rel. STATE |) | |
| ENGINEER, |) | ZUNI RIVER BASIN |
| Plaintiffs, |) | ADJUDICATION |
| v. |) | |
| |) | Subfile Nos. ZRB-4-0064 |
| A & R PRODUCTIONS, et al. |) | ZRB-5-0009 |
| Defendants. |) | |
| _____ |) | |

NOTICE OF CORRECTION TO STIPULATION PREVIOUSLY PRESENTED

Plaintiffs, the United States of America and the State of New Mexico *ex rel.* State Engineer, notify the Court and Defendants Joseph Dean and Billie Ethna Bond (“Defendants”) of inadvertent errors recently found in the attachment to *Plaintiffs’ Joint Status Report and Proposed Discovery Plan* (November 9, 2015) (Doc. 3119-1) (“Joint Status Report”). Affixed to this Notice, Plaintiffs attach a corrected Attachment A; this attachment correctly specifies the extent and characteristics of the water rights to which Plaintiffs are willing to stipulate.

As described in the Joint Status Report (Doc. 3119), Plaintiffs stipulate as follows as it relates to the water rights captured in the corrected Attachment A: 1) the Plaintiffs recognize that Defendants own the real property on which are found the water features listed in the corrected Attachment A; 2) the corresponding water rights attributes for the historic water uses (the priority, amount, beneficial use, periods of use, and place of use) are agreed upon to the extent that Plaintiffs recognize a water right as listed (titled “Attachment A to Joint Status Report and

Proposed Discovery Plan Subfile No. ZRB-4-0064 and ZRB-5-0009 – Corrected 12-04-2015” in the attachment to this Notice); 3) Defendants are not required to prove the basis for and extent of the water rights described in the corrected Attachment A that the Plaintiffs are willing to recognize¹; and 4) the law governing this case is the law of the State of New Mexico.

The corrections to the Joint Status Report’s attachment (Doc. 3119-1) can be briefly summarized. First, the stock watering quantity for the property associated with Subfile No. ZRB-4-0064 was previously calculated based upon a land area that improperly included land associated with Subfile No. ZRB-5-0009; the stock watering calculation for ZRB-4-0064 has been corrected. Second, the well designated 3B-4-W006 incorrectly included a use and water quantity for a domestic use that is the subject of a separate subfile action; the domestic use and water quantity have been removed from ZRB-4-0064. Third, 3C-4-W004 was replaced by 3C-4-W003 and, therefore, was improperly included as a well with a water right in addition to 3C-4-W003; well 3C-4-W004 has been removed from ZRB-4-0064. Finally, the water right associated with 3C-4-W003 incorrectly included a quantity of water for historic domestic use that did not exist; this quantity was removed from ZRB-4-0064. No corrections were needed or made for those water rights associated with Subfile No. ZRB-5-0009.

Dated: December 4, 2015

¹ However, if Defendants assert water rights in addition to or different from those listed in Attachment A, such claims will affect, change, and/or reduce the rights to which Plaintiffs might of otherwise stipulate.

/s/ Andrew "Guss" Guarino
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 4, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means. In addition a copy of the foregoing was served on Defendants at the following addresses:

Joseph Bond and Billie Bond
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and at
billiebond64@yahoo.com

/s/ Andrew "Guss" Guarino