

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

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.)	
_____)	

**SECOND 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) as previously amended (Doc. 3147-1) (“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 previously ordered by the Court, Plaintiffs have prepared the expert report of the United States expert, Scott Turnbull, associated with this subfile action. *See Order Setting Discovery Deadlines and Adopting Joint Status Report* (November 17, 2015) (Doc. 3132). In the course of preparing his report, Mr. Turnbull identified that several priority dates for water features found on Defendants’ property were not consistent with Plaintiffs’ convention established in the Zuni Basin

Adjudication. The convention followed by Plaintiffs has been as follows. When information available to Plaintiffs to establish the existence of a water feature by a specific date (established by photographs, map dates, data collection dates, etc.), Plaintiffs have been willing to recognize such as specific priority dates. When only a calendar year of the feature's existence can be established with little specificity (e.g., 1951, 1963, etc.), Plaintiffs have been willing to specify that the only priority date that should be recognized is the last day of the calendar year (e.g., December 31, 1951, 1963, etc.). A summary of the inadvertent errors that Plaintiffs have identified are as follows:

Feature	Previous Priority Date	Corrected Priority Date
SUBFILE NO. ZRB-4-0064		
3C-4-SP004	1/1/1972	12/31/1961
3C-4-SP005	1/1/1961	12/31/1961
3C-4-SP007	1/1/1997	10/6/1997
3C-4-SP008	1/1/1997	10/6/1997
3C-4-SP009	1/1/1997	10/6/1997
3C-4-W003	1/1/1961	12/31/1961
SUBFILE NO. ZRB-5-0009		
3B-5-SP040	1/1/1971	12/31/1971
3B-5-SP058	1/1/1971	12/31/1971

In the attachment to the Joint Status Report, several priority dates were erroneously specified to be January 1st instead of December 31st. The attachment to the Joint Status Report has been corrected and is attached.

Dated: February 18, 2016

/s/ Andrew "Guss" Guarino
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 18, 2016, 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.

/s/ Andrew "Guss" Guarino