

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, <i>ex rel.</i> State)	
ENGINEER,)	
Plaintiffs,)	
)	
and)	01cv00072-BB-ACE
ZUNI INDIAN TRIBE, NAVAJO NATION,)	
Plaintiffs-in-Intervention,)	ZUNI RIVER BASIN
)	ADJUDICATION
-v-)	
)	
STATE OF NEW MEXICO, COMMISSIONER)	
OF PUBLIC LANDS and A & R PRODUCTIONS,)	
<i>et al.</i>)	
)	
Defendants.)	
_____)	

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 interim fees and expenses for work performed in this case from July 1, 2004, through December 31, 2004. Most of the fees and expenses have already been paid from the trust account.

I. WORK PERFORMED

A. General Case Management

The Court's data manager is working with the United States' data contractor to ensure that the overall data structure meets the Court's quality control requirements and will ultimately contribute to an accurate partial final decree for non-federal rights.

A. Federal and Indian Claims

Pursuant to the April 5, 2004 Procedural and Scheduling Order, the United States' water rights claims on behalf of the Zuni Indian Tribe are being prepared.

B. Non-federal Claims

The hydrographic survey for Subareas 4 and 8 was filed July 16. At the September, 2004, status conference for those Subareas, attorneys and technical staff for the United States and State began work on the consent order format, a notice of adjudication, and a proposed procedural and scheduling order. After reviewing the documents, I entered the Procedural and Scheduling Order just after the new year (January 5, 2005). The hydrographic survey for Subareas 9 and 10 is close to completion; it appears that the hydrographic survey of the entire basin will be completed by December 31, 2006. The next status conference will be held in late spring/early summer in the area.

C. State of New Mexico Claims

September 10, 2004, the Commissioner of Public Lands for the State of New Mexico filed a Declaration of State of New Mexico Trust Reserved Water Rights, alleging that Congress'

reservation of lands for the Territory of New Mexico, and later the State of New Mexico, impliedly reserved surface and groundwater rights sufficient to fulfill the purposes of the reservations. Proceedings on this declaration will be subject to a procedural and scheduling order which is now under discussion.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of Geta A. Gatterman, paralegal and administrative assistant, and Karla McCall/AquaTek, the data manager, has been performed satisfactorily. Hourly records of work performed are available from the contractors if needed.

Dated: February 7, 2005

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN