

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

UNITED STATES OF AMERICA,)	
and)	
ZUNI INDIAN TRIBE,)	07cv00681-MV/WPL
Plaintiffs,)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
STATE OF NEW MEXICO, ex rel.)	Subproceeding 1:
STATE ENGINEER, et al.,)	Zuni Indian Claims
)	
Defendants.)	
_____)	

JOINT STATUS REPORT CONCERNING PROGRESS OF NEGOTIATIONS

The State of New Mexico *ex rel.* State Engineer (“State”), the United States of America (“United States”), the Zuni Indian Tribe (“Zuni”), and the Navajo Nation (“Navajo”) (collectively, the “Parties”), through undersigned counsel, jointly submit this Status Report to the Court pursuant to its December 10, 2013 *Order Vacating Scheduling Orders and Directing Submission of Status Report* [Doc. 333], and the Parties' *Joint Status Report Concerning Progress of Negotiations* [Doc. 344].

1. Since the Parties’ June 15, 2016 status report [Doc. 344], the negotiation technical committee met on July 19, 2016, September 23, 2016, and November 18, 2016, to continue information exchanges and discussions relevant to development of a model to assist settlement and administrative initiatives. The technical committee has discussed conceptual issues related to model development as well as technical details. Additionally, as needed, a subgroup of the technical committee modelers has met or conferenced additional times over the last six months. Significant progress, including reaching agreement on a geologic conceptual model, many of the

hydrologic properties, treatment of boundary conditions, and other model inputs has enabled the process of constructing the numerical model to begin. The technical committee meetings have included participation by counsel for all parties and consultants separately retained by the Zuni Tribe, the Navajo Nation and the United States, and by technical staff of the State and the United States. The next technical committee meeting is scheduled for January 19, 2017.

2. The Zuni Tribe anticipates continued work on development of a draft settlement proposal as resources permit. The Zuni Tribe expects to meet with the United States during the upcoming months and to present the draft settlement proposal to other Parties thereafter.

3. The Parties jointly agree further work by the technical committee is needed and that more time is necessary to determine whether these negotiation efforts will prove fruitful. Therefore, the Parties propose to continue settlement discussions and related technical work for an additional six months and to provide the Court with a Status Report on the progress of negotiations six months from the date of filing this Status Report.

Respectfully submitted:

_____/s/_____
Jane Marx
Jane Marx, Attorney at Law, P.C.
2825 Candelaria Rd. NW
Albuquerque, NM 87107
Phone: (505) 344-1176
Attorney for Zuni Indian Tribe

APPROVED: 12/18/16
Bradley S. Bridgewater
U.S. Department of Justice
Suite 370, South Terrace
999 18th Street
Denver, CO 80202
Phone: (303) 844-1359
Attorney for the United States

APPROVED: 12/18/16
Arianne Singer
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 827-3866
Attorney for the State of New Mexico

APPROVED: 12/18/16
Stanley M. Pollack
M. Kathryn Hoover
Assistant Attorney General
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
Phone: (928) 871-7510
Attorneys for the Navajo Nation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 19, 2016, I filed the foregoing *Joint Status Report Concerning Progress of Negotiations* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/_____
Jane Marx