

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

UNITED STATES OF AMERICA,	)	
and	)	
ZUNI INDIAN TRIBE,	)	07cv00681-MV/JHR
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 the June 21, 2017 *Order Directing Submission of Status Report* [Doc. 347].

1. Since the Parties’ June 18, 2020 status report [Doc. 356], the Parties, through the efforts of each Party's staff and/or technical consultants, have continued to collaborate in developing a hydrologic model capable of assessing impacts of historical and proposed water uses to assist settlement discussions and, ultimately, to be used for water use administration. Technical consultants for the Zuni Tribe and the Navajo Nation confer almost weekly concerning the model development and seek input from the other technical representatives on an ongoing basis.

On September 30, 2020 and again on December 10, 2020, the Parties' modeling subgroup met with the larger technical working group, including attorneys, to provide an update on the

status of efforts to convert the calibrated steady-state model to a transient model. At the December 10 meeting, the modeling subgroup announced that the model has now been successfully converted to a transient model, which is successfully running historic simulations, with data from 1961 to 2014. While the modeling subgroup needs to tweak a few model construction details and input a small amount of historical data recently acquired to further calibrate the transient model, achievement of this milestone will soon allow the Parties to run various future pumping scenarios to support substantive negotiations about future development needs. The Parties' technical working group expects to meet again in early February. Between now and February, each Party will continue to determine future water use data that should be input into the model. In addition to the further calibration work, and in coordination with each Party, the modeling subgroup will also address certain key assumptions about future water use data to include in the predictive model.

2. In addition, since the filing of the last status report, Zuni, the State of New Mexico, and the United States have continued settlement negotiations on potential resolution of Zuni's water rights claims. The three governments met again on July 8, 2020, and the State is preparing its response to some of the key provisions of Zuni's settlement proposal as reflected in a draft proposed settlement agreement that is being developed. In furtherance of that effort, attorneys for Zuni and the State have continued to meet on a regular basis to address questions that have arisen, and a number of those meetings have involved other key staff of the Office of the State Engineer. While the State develops its response to those key settlement provisions, the attorneys are also working on other aspects of Zuni's settlement proposal.

3. The Parties jointly agree further work by the technical working group is needed and that more time is necessary to determine whether negotiation efforts will prove fruitful.

Therefore, the Parties intend 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 no later than June 20, 2020, pursuant to the Court's *Order Directing Submission of Status Report* [Doc. 347].

Respectfully submitted:

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on December 18, 2020, 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