

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 17, 2021 status report [Doc. 360], 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 regularly concerning the model development and seek input from the other technical representatives on an ongoing basis.

The Parties' modeling subgroup met with the larger technical working group, including attorneys, on October 26, 2021 to provide an update on the status of efforts to convert the calibrated steady-state model to a transient model capable of predicting effects from various

future well pumping scenarios. At the October meeting, the modeling subgroup informed the larger committee that the model was capable of running a simulation of future pumping based on a scenario of full pumping from all wells in the model area ("worst-case future scenario"). However, some key adjustments to the model are required in order to more accurately reflect recharge rates and pumping levels in certain wells as well as to accurately represent spring flows. Once these concerns are resolved, as previously noted, the model will need to be adjusted to account for future climate predictions. The Parties' technical working group expects to meet again in the first quarter of 2022.

2. In addition, Zuni, the State of New Mexico and the United States have been meeting regularly since the early summer, and the negotiating parties have made significant progress on several key provisions of Zuni's settlement proposal. The parties are scheduled to meet again in early January 2022 with the expectation that meetings will be calendared every several weeks to continue efforts to iron out potential settlement terms. In light of the positive direction of negotiations, Zuni's attorneys also recently reached out to attorneys for Ramah Land and Irrigation Company and the Navajo Nation to provide an update.

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, 2022, 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 17, 2021, 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