

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

UNITED STATES OF AMERICA  
and  
NAVAJO NATION,  
                    Plaintiffs,

v.

STATE OF NEW MEXICO, *ex rel.* STATE  
ENGINEER, *et al.*  
                    Defendants.

No. 12cv1298 MV/LFG

ZUNI RIVER BASIN  
ADJUDICATION

Subproceeding 2  
Navajo Indian Claims

**JOINT STATUS REPORT**

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 30, 2015 *Order for Periodic Status Reports* [Doc. 375].

The Parties are engaged in a cooperative effort to develop factual information necessary to provide the foundation for a settlement. Since the Parties’ November 29, 2018 status report [Doc. 418], the Zuni River Basin Technical Committee (“Technical Committee”), consisting of technical staff representing each of the Parties, has continued to meet and confer via weekly telephone calls and email correspondence, regarding the development of a hydrologic model capable of assessing impacts of proposed water uses to provide information to the Parties in settlement discussions. The Technical Committee has been working towards creating a transient model. The groundwater model is in the calibration phase. After the calibration phase is complete, the steady state model will be converted to a transient model. Currently, the Technical Committee is working on the final

calibrated model. One of the biggest issues that the Technical Committee is having relates to modeling the springs that are present in the model domain. The springs are important indicators of groundwater conditions so it is important for the simulations to have the flows present. Currently, the modeling is matching approximately 50% of the springs in the area and the Technical Committee is working on more tweaks to the model in order to reach 100%. The next Technical Committee meeting is scheduled for June 10, 2019, where the Technical Committee plans to present the completed calibrated model.

On February 25, 2019, counsel for the Navajo Nation met with counsel for the Zuni Tribe and the United States for further discussions regarding the Navajo Nation's response to the Zuni Tribe's settlement concepts. The Navajo Nation has also started drafting settlement concepts. During the February 25, 2019 meeting, there were discussions regarding various issues that will need to be addressed within the settlement concepts of the Navajo Nation. The next settlement negotiation meeting between the Navajo Nation, Zuni Tribe, and the United States is scheduled for June 10, 2019.

The Parties jointly agree that further work by the Technical Committee and the Settlement Teams is needed and that further time is necessary to determine whether a negotiated resolution of Subproceeding 2 is feasible. The Parties respectfully request the Court to hold all litigation deadlines in Subproceeding 2 in abeyance so that the Parties may continue their settlement negotiations and related efforts.

Respectfully submitted:

/s/ Daniel G. Moquin

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on May 24, 2019, I filed the foregoing *Joint Status Report* 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.

AND I FURTHER CERTIFY that a copy of the foregoing was mailed to the persons listed on the Manual Notice List for this matter who are not CM/ECF Participants.

/s/ Lisa Yellow Eagle  
Lisa Yellow Eagle