

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2012 APR -2 PM 4:26

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
et al.,

Defendants,

CV-75-184

HON. JAMES J. WECHSLER
PRESIDING JUDGE

SAN JUAN RIVER
ADJUDICATION

Claims of Navajo Nation
Case No: AB-07-1

STATE OF NEW MEXICO'S INITIAL DISCLOSURES

The Plaintiff, State of New Mexico *ex rel.* State Engineer ("State"), hereby makes its initial disclosures pursuant to the Court's February 3, 2012 *Order (1) Granting Settling Parties' Motion to Extend Certain Deadlines and (2) Setting Schedule Governing Discovery and Remaining Proceedings ("Scheduling Order")*. The State may supplement these initial disclosures.

I. Individuals

The following individuals may have or might develop discoverable information that the State may use to support its position:

- 1) Jim McNees, Chief, Hydrographic Survey Mapping Bureau, Office of the State Engineer, Post Office Box 25102, Santa Fe, New Mexico 87504-5102; interpretation of aerial imagery, and mapping and computer based information technology.
- 2) John Whipple, former Basin Manager, Colorado / San Juan Basin, Interstate Stream Commission, Post Office Box 25102, Santa Fe, New Mexico 87504-5102.

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II. Documents in the possession, custody, or control of the State

The State may use the following documents, data compilations, and tangible things to support its position. The State reserves its right to assert in response to any discovery request any claims of privilege or immunity that are applicable to all or part of any of the identified materials. Except as otherwise noted, the identified materials are located in the Office of the State Engineer, Litigation and Adjudication Program, 130 S. Capitol, Santa Fe, New Mexico 87501.

A. Survey Reports and Maps

Survey Name	Date	Description
Report on San Juan River Hydrographic Survey, 1938	1938	Thomas M. McClure, State Engineer

Map Location	Date	Description
Map of San Juan River, Fruitland to Cudei	1950	Prepared by DOI, US Indian Service, Navajo Agency, Window Rock, Arizona

B. Laws and Congressional Records

Date	Title
11/24/22	Colorado River Compact
10/11/48	Upper Colorado River Basin Compact
04/11/56	Public Law 485, Authorizing the Colorado River Storage Project
08/05/58	85 th Congress, 2 nd Session, Senate Report No. 2198
05/20/60	Hearing on H.R. 2352, 2494 and S. 72, 86 th Congress, 2 nd session
03/15/61	Hearing on S. 107, 87 th Congress, 1 st session
06/13/62	Public Law 87-483, Authorizing the Navajo Indian Irrigation Project and San Juan-Chama Project
06/12/75	Hearing on San Juan-Chama Project, 94 th Congress 1 st session, Senate Energy Research and Water Resources Subcommittee
10/23/92	Jicarilla Apache Tribe Water Rights Settlement Act, Public Law 102-441
07/30/99	Biological Assessment for Completion of the Navajo Indian Irrigation Project (US Fish and Wildlife Service)
12/21/00	Colorado Ute Settlement Act Amendments of 2000, Public Law 106-554, Title III
03/30/09	Northwestern New Mexico Rural Water Projects Act, Public Law 111-11, Title

	X, Subtitle B
10/01/09	Record of Decision for the Navajo-Gallup Water Supply Project Planning Report and Final Environmental Impact Statement

C. Reports and Memoranda

Date	Title	Author
1976	Table on Navajo Project, San Juan River, Irrigation in New Mexico	BIA
10/93	Navajo Indian Reservation, Hogback & Fruitland Irrigation Projects Crop Utilization Survey	BIA
1999	Biological Assessment for the Navajo Indian Irrigation Project	BIA
08/08/03	Memorandum on Historic Depletions from the San Juan River in New Mexico for Power Generation	Pat Turney and John Whipple
03/22/05	Memorandum from John Whipple, Interstate Stream Commission Staff, to Erik Webb, Nate Gentry and Mike Connor on San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement: Issues Relating to the Entitlements, Availability and Sharing of Water for Navajo Reservoir Water Supply Contracts and the San Juan-Chama Project	John Whipple
2007	Tabulations of Farm Duties in New Mexico and Per-Capita Water Use Rates for Public Water Supply Systems in 2000 (tabulated in 2007)	John Whipple
04/07	Hydrologic Determination 2007, Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico	DOI and BOR
01/12	Inventory of Navajo Lands within the San Juan River Basin in New Mexico Irrigated by Groundwater and Tributaries of the San Juan River	Ebert and Associates, Inc./Christopher D. Banet
01/12/12	Navajo San Juan Main Stem and NIIP Historically Irrigated Acreage	Keller-Bliesner Engineering, LLC
01/12/12	San Juan Stream System Navajo Water Use Report on Impoundments, Wells, and Springs	Keller-Bliesner Engineering, LLC
01/12/12	Past and Present Large Navajo Industrial Water Use in San Juan Basin	Cardno Entrix
04/02/12	Quantification Analysis for the Supplemental Partial Final Decree, prepared in furtherance of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement, and all documents relied upon in the report	John Whipple

D. Settlement Documents

Date	Document	Author
09/09/96	Letter to Governor Gary Johnson, Re: Resolution of the Navajo Nation's Water Rights to the San Juan River	Albert A. Hale, President of the Navajo Nation
12/05/03	Draft San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement	
12/05/03	Press release: <i>Public Comment Sought on Proposed Water Rights Settlement Agreement by the State of New Mexico and the Navajo Nation for the San Juan River Basin</i>	Navajo Nation and OSE
7/09/04	Draft San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement	
07/09/04	Memorandum from John Whipple, Interstate Stream Commission Staff, to San Juan Agricultural Water Users Association Board on Concerns of the San Juan Agricultural Water Users Association regarding the Proposed San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement	John Whipple
12/10/04	Responses to Public Comments Received on Drafts of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement, and attachments	John Whipple
1/11/05	Reasons for Non-Navajo Parties to Support the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement	John Whipple
1/12/05	Resolution of the New Mexico Interstate Stream Commission Regarding the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement	
04/19/05	San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement, and attachments	
2003, 2004, 2005	Minutes of Interstate Stream Commission Meetings held in Farmington in 2003, 2004 and 2005 (Parts of Minutes Documenting Presentations and Public Comments on Drafts of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement)	
11/05/07	Timeline of the San Juan Agricultural Water Users Association's Participation in Activities Relating to the Navajo Nation Water Rights Settlement	OSE/ISC
11/05/07	Restrictions on the Export of Water from New Mexico	OSE/ISC
11/05/07	Summary of 2007 Hydrologic Determination Relating to the Navajo Settlement	OSE/ISC
12/2010	San Juan River Basin in New Mexico Navajo Nation	

	Water Rights Settlement Agreement	
05/01/11	Detailed Summary of Navajo Water Rights to be Adjudicated by the Proposed Navajo Settlement Decrees	John Whipple

E. Agreements and Contracts

Date	Title
12/08/92	Department of the Interior Water Supply Contract between the United States and the Jicarilla Apache Tribe
07/23/97	Memorandum of Agreement between the State of New Mexico and the Navajo Nation, executed July 23, 1997 by Gary E. Johnson, Governor of the State of New Mexico, and Albert A. Hale, President of the Navajo Nation
03/11/05	Agreement Among the State of New Mexico, the City of Farmington and the Navajo Nation
12/15/06	Recommendations for San Juan River Operations and Administration for 2007 and 2008
12/17/10	Department of the Interior Water Supply Contract between the United States and the Navajo Nation

F. Court Filings

All documents filed in the Navajo Inter Se Proceeding from 2009 to the present, and documents filed in the San Juan Adjudication including the following:

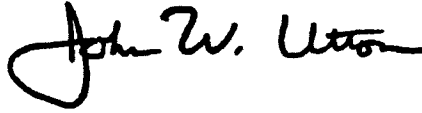
Date Filed	Description
7/7/75	Answer of the United States
1/8/76	Supplemental Answer of the United States in trust on behalf of the Jicarilla Apache, Ute Mountain Ute and Navajo tribes
06/22/77	Answer of Intervening Defendant, the Navajo Nation
02/22/99	Partial Final Judgment and Decree of the Water Rights of the Jicarilla Apache Tribe, San Juan River Adjudication
12/29/10	The United States' Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation
12/29/10	United States' Hydrographic Survey of Navajo Lands in the San Juan River Basin

Respectfully submitted,



Arienne Singer
Special Assistant Attorney General

New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150



John W. Utton
Special Assistant Attorney General
Sheehan & Sheehan, P.A
Post Office Box 271
Albuquerque, New Mexico 87103
(505) 247-0411

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April 2012, at approximately 4:30, a true and accurate copy of the State of New Mexico's Initial Disclosures was served by attaching an electronic copy to an email sent to the following address: wnavajointerse@nmcourts.gov.

Arianne Singer