

STATE OF NEW MEXICO  
SAN JUAN COUNTY  
THE ELEVENTH JUDICIAL DISTRICT COURT

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2012 JAN 30 PM 1:10

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants,

THE JICARILLA APACHE TRIBE AND THE  
NAVAJO NATION,

Defendant-Intervenors.

CV-75-184

HON. JAMES J. WECHSLER  
Presiding Judge

SAN JUAN RIVER  
GENERAL STREAM  
ADJUDICATION

AB-07-1  
Claims of the Navajo Nation

**NAME OF PARTY:** United States of America

**DESCRIPTIVE SUMMARY:** In response to the Special Master's Order September 29, 2011, the United States files those reports that support the technical basis for the United States' Statement of Claims filed on January 3, 2011.

**NUMBER OF PAGES:** 16

**DATE OF MAILING FOR FILING:** January 27, 2012

**TECHNICAL REPORTS SUPPORTING THE UNITED STATES' STATEMENT OF CLAIMS OF WATER RIGHTS IN THE NEW MEXICO SAN JUAN RIVER BASIN ON BEHALF OF THE NAVAJO NATION AND DISCLOSURES OF INDIVIDUALS WITH INFORMATION CONCERNING SUCH TECHNICAL REPORTS**

The United States provides the Court and all parties participating in the Navajo *Inter Se* the reports of the United States that support the technical basis for the *United States' Statement of Claims of Water Rights in the New Mexico San Juan River Basin on Behalf of the Navajo Nation* filed on January 3, 2011 ("U.S. Statement of Claims"). These 15 reports are attached as Exhibits A through O and consists of more than 1,400 pages of summary, analysis, and data. These documents describe the technical basis for the U.S. Statement of Claims. The United

States provides these reports and this information to support its good-faith basis for the water rights claims made on behalf the Navajo Nation. Further, the United States discloses the names and addresses of those individuals who authored the reports and those who participated in preparing or providing information for the reports.

## **I. Introduction**

This general stream adjudication was initiated nearly four decades ago when the State of New Mexico filed this lawsuit to identify and quantify all water rights associated with the surface and ground waters of the San Juan River Basin in New Mexico. *See Complaint* of the State of New Mexico (March 13, 1975). Shortly after the suit was initiated, the United States, acting as trustee on behalf of the Navajo Nation, asserted claims to water rights on behalf of the Navajo Nation. *See Answer* of the United States (July 7, 1975) and *Supplemental Answer* of the United States (January 12, 1976). Soon after the United States asserted rights on behalf of the Navajo Nation, the Navajo Nation intervened in this adjudication to pursue, protect, and quantify its water rights in the basin. *See Order* (December 14, 1977) (granting the Navajo Nation's request to intervene).

Since 1975, the United States and the Navajo Nation have taken those steps necessary to litigate the Navajo Nation's water rights. In 1997, to avoid further, protracted litigation and to resolve the water rights of the Navajo Nation, the State of New Mexico, the Navajo Nation, and the United States began settlement negotiations. Over the next 8 years, the Settling Parties engaged in good-faith negotiations to resolve the water rights of the Navajo Nation. On April 19, 2005 the State of New Mexico and the Navajo Nation resolved the dispute concerning Navajo Nation water rights and entered into a settlement agreement concerning those rights. Subsequently, over the next four years the Navajo Nation, the State of New Mexico, and the

United States were engaged with Congressional and Executive branch representatives to secure authorization for the settlement agreement through federal legislation. After public hearings in the United States House of Representatives and the United States Senate, Congressional authorization was secured on March 25, 2009. On March 30, 2009, the President of the United States signed Public Law 111-11 that authorized the United States to enter into the settlement with the Navajo Nation and the State. After conforming the original settlement agreement to the provisions of Public Law 111-11, the Secretary of the Interior signed the Navajo Settlement Agreement on December 17, 2010 (hereafter referred to as the “Settlement Agreement”), and, as such, the United States became a settling party along with the Navajo Nation and the State of New Mexico (hereafter the three parties will be referred to collectively as “Settling Parties”). Today, after thirty-seven years of litigation including more than a decade of settlement negotiation activity, the water rights of the Navajo Nation in the San Juan River basin in New Mexico have been settled between the State of New Mexico, the United States, and the Navajo Nation.

In 2009, the Settling Parties returned to this Court and informed it that the Settling Parties had secured a settlement agreement. The Settling Parties informed the Court that the Settlement Agreement contemplated the entry of two proposed partial final decrees: 1) the Partial Final Decree that primarily addressed the water rights associated with the main stem waters of the San Juan River and 2) the Supplement Partial Final Decree that primarily addressed the water rights associated with ephemeral, tributary streams spread throughout the basin. In 2010, in anticipation of evaluating the provisions of the Settlement Agreement this Court instructed the United States to quickly prepare a more detailed statement of claims. *See Order Establishing Initial Procedures for Entry of a Partial Final Judgment and Decree of the Water Rights of the*

*Navajo Nation* (August 19, 2010) at 11-12, § II.B.2. The stated purpose for the United States preparing and filing a more detailed statement of claims to “[t]o assist the Court and other water rights claimants in evaluating the settlement . . . .” *See id.* 11, § II.B.

In response to this Court’s order, the United States quickly marshaled its resources to prepare a more detailed statement of claims of the Navajo Nation’s water rights.<sup>1</sup> On January 3, 2010, the United States filed its statement of claims on behalf of the Navajo Nation in which it described those claims that the United States, acting as trustee for the Navajo Nation, would pursue in this adjudication in the event that the Settlement Agreement failed for any reason. The United States has fully complied with the Court’s order of August 19, 2010.

In the U.S. Statement of Claims, the United States described, in detail, the water rights of the Navajo Nation based on the federal reserved water rights doctrine and the aboriginal use and occupancy of the lands by the Navajo Nation. *See* U.S. Statement of Claims § II.A.

Fundamentally, the United States claimed sufficient water to provide for the present and future water needs of the Navajo Nation necessary to ensure that lands held in trust by the United States on behalf of the Navajo Nation (“Navajo trust lands) were a permanent home and abiding place for the Navajo Nation. *See id.* at § II.A. Generally, the U.S. Statement of Claims described the following categories of water rights claims for Navajo trust lands:

1. domestic, commercial, municipal, and industrial water rights, *see id.* at § III.A;
2. heavy industrial water rights, *see id.* at § III.B;
3. livestock water rights, *see id.* at § III.C;

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<sup>1</sup> As recognized by the Court, in the event that the Court does not enter the proposed settlement decrees, the United States specifically retains the right to further amend its Statement of Claims. *See id.* at 14, § II.B.3. The United States’ right to amend includes the right to identify additional bases for water rights and to claim greater quantities of water associated with identified water rights. The U.S. Statement of Claims was the most reasonable estimate of the water rights that might be asserted on behalf of the Navajo Nation that could be generated in the short timeframe within which the United States was asked to respond to the Court’s order.

4. irrigation water rights for lands presently or historically irrigated, *see id.* at § III.D;
5. irrigation water rights for lands to be irrigated in the future, *see id.* at § III.E and § III.F;
6. rights concerning existing and future impoundment water rights, *see id.* at § III.G; and
7. rights concerning existing wells and springs and future wells, *see id.* at § III.H.

Subsequent to filing the U.S. Statement of Claims, the United States described that in advance of any obligation imposed by this Court, it would voluntarily provide all parties those reports that support the technical basis for the water rights claims. *See Settling Parties' Proposal For Scheduling Order* (September 22, 2011) at 2. As the United States has previously described, the purpose for providing these reports is “to provide all parties with a complete ability ‘to evaluate the merits of the settlement’ and to support the good faith basis for its statement of claims.” *Id.* (quoting *Order Establishing Initial Procedures for Entry of a Partial Final Judgment and Decree of the Water Rights of the Navajo Nation* (August 19, 2010) at 11, § II.B).<sup>2</sup>

## **II. Technical Reports Supporting Claims Made in the U.S. Statement of Claims**

The U.S. Statement of Claims described water right claims under several categories. For each water right claimed, the report (or reports) supporting the technical basis for that claim is described in the paragraphs below. Further, the United States identifies the authors of the reports, those persons who assisted with preparing any report, those persons who performed analysis for any report, and those persons who gathered information for any report.

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<sup>2</sup> Some parties in this adjudication have described (expressly or impliedly) that in the Navajo *Inter Se* the Settling Parties must somehow *prove* either the water rights described in the Settlement Agreement that were the result of negotiation and compromise, or the water rights described in the U.S. Statement of Claims (or both). *See e.g. San Juan Water Commission's Supplemental Brief on the Appropriate Legal Standard to be Applied to the Navajo Inter Se Proceeding* (January 2, 2012). The United States recognizes that in the Navajo *Inter Se* it is an appropriate exercise for the Court to compare the Settlement Agreement as a whole to the potential claims of the Navajo Nation to determine whether the Settlement Agreement is fair and reasonable. *See Settling Parties Supplemental Brief* (January 3, 2012). The U.S. claims are, by their very nature, the claims by which the Court can make a comparison to determine whether the Settlement Agreement is fair and reasonable. Neither the Court nor any party needs more information to perform this comparison.

## **A. Lands For Which Water Rights Are Claimed**

In the U.S. Statement of Claims, the United States made water rights claims only for Navajo trust lands. *See* U.S. Statement of Claims at § II.B. These lands have been identified and described in the report titled *Development of Navajo Trust Lands Map for the San Juan Surface Water Basin* principally authored by William Fogleman, Geo-Relational Information Technologies (“GRIT”) Inc., 8817 James Ave. NE, Albuquerque, New Mexico, 87111, 505-565-5652. This report is attached as Exhibit A.

In addition to Mr. Fogleman, the persons described below are those who may have additional information concerning this report:

1. Shawn Smith, formerly with BIA Navajo Region Office, 301 West Hill Avenue, Gallup, New Mexico, 505-217-8477 (data collection, LRIS/TAAMs records reviews, and review of submitted deliverables);
2. Lucille Begay, Realty Specialist, BIA Realty - Navajo Region Office, 301 West Hill Avenue, Gallup, New Mexico 505-863-8229 (data and records collection, coordinated meetings with Navajo Nation, and review of LRIS/TAAMs records and other records)
3. Zach LaPointe, formerly with EnviroLogic, Inc., 739 Solar Rd NW, Albuquerque, New Mexico 87107, 505-620-2098 (data collection and records/plat map review);
4. Anna Weddington, GRIT, Inc., 7433 Volunteer St. NE, Albuquerque, New Mexico 87109, 505-220-2120 (data collection and records/plat map review); and
5. Loriel Weddington, formally with GRIT, Inc., 1635 Poplar St., Denver, Colorado, 80220, 303-728-4011 (data collection and records/plat map review);

## **B. Domestic, Commercial, Municipal, And Industrial**

In the U.S. Statement of Claims, the United States described a water right claim for domestic, commercial, municipal, and industrial (“DCMI”) water uses. *See* U.S. Statement of Claims at § III.A. The claim is based on a per capita water need for a projected population for Navajo trust lands which has been described in the report titled *Future Navajo Nation Population and Domestic, Commercial, Municipal and Light Industrial Water Use in the San Juan River*

*Basin* principally authored by Gretchen Greene, Ph.D., ENVIRON International Corporation, 8440 Sunnybrook Blvd., Suite #204, Clackamas, OR 97015, 503-353-1734. This report is attached as Exhibit B.

In addition to Dr. Greene, the person described below may also have additional information concerning this report:

1. Jeri Sawyer, ENVIRON International Corporation, 8440 Sunnybrook Blvd., Suite #204, Clackamas, OR 97015, 360-907-2763 (assisted Dr. Greene in developing the spreadsheet population projection model for the Navajo Nation and assisted in report writing).

### **C. Heavy Industrial Activities**

In U.S. Statement of Claims, the United States described a water right claim for past, present, and future heavy industrial activities on Navajo trust lands. *See* U.S. Statement of Claims at § III.B. Among the heavy industrial activities identified by the United States were mineral resource development, energy development, agricultural product processing, helium processing and transportation, uranium processing, and industrial park activities. *See id.* The past, present and future heavy industrial activities for Navajo trust lands along with their associated water uses have been described in the following reports:

1. *Past and Present Large Industrial Water Claims on Navajo Nation in the San Juan River Basin* principally authored by Travis Greenwalt, Senior Economist, CardnoEntrix, 10851 La Famille Lane, Missoula, MT 59808, 406-396-1420; and
2. *Future Large Industrial Water Claims on Navajo Nation in the San Juan River Basin* principally authored by Travis Greenwalt, Senior Economist, CardnoEntrix.

These reports are attached as Exhibit C and D, respectively.

In addition to Mr. Greenwalt, the persons described below are those who may have additional information concerning these reports:

1. Robert B. McKusick Ph.D., Director Emeritus/Senior Principal, CardnoEntrix 200 First Avenue West, Suite 500, Seattle, WA 98119, 360-903-6068 (provided technical advice concerning reports);
2. Lee Elder, Economist, CardnoEntrix, 5415 SW Westgate Drive, Suite 100, Portland, OR 97221, 503-575-3320 (researched past and present industrial water uses in the study area and participated in writing sections of reports);
3. Devaja Shafer, Assistant Staff Scientist, CardnoEntrix, 200 First Avenue West, Suite 500, Seattle WA 98119, 206-269-0104 (assisted in research activities);
4. Kevin Gabel, Senior GIS Consultant, CardnoEntrix, 5415 SW Westgate Drive, Suite 100, Portland, OR 9722, 360-903-8921 (provided GIS support including locating points of use for past and present activities and determining if they were in the study area, as well as developing maps for the potential future industrial activities); and
5. Jeri Sawyer, Economist, ENVIRON International Corporation, 8440 Sunnybrook Blvd., Suite #204, Clackamas, OR 97015; 360-907-2763 (assisted in research activities concerning future large industrial activities).

#### **D. Livestock**

In U.S. Statement of Claims, the United States described a water right claim for past, present, and future livestock activities on Navajo trust lands. *See* U.S. Statement of Claims at § III.C. The past, present, and future livestock activities for Navajo trust lands along with their associated water uses have been described in the following reports:

1. *Navajo San Juan Livestock Water Requirements* principally authored by Aaron Beutler, Keller - Bliesner Engineering, LLC, 78 East Center Street, Logan Utah 84321, 435-753-5651<sup>3</sup>; and
2. *NM vs. USA Potential Grazing Capacity* principally authored by Edward Lucero, Bureau of Indian Affairs (BIA), Southwest Region BIA, 1001 Indian School Road, NW, Albuquerque, New Mexico 87104, 505-563-3103.

These reports are attached as Exhibit E and F, respectively.

In addition to Mr. Beutler and Mr. Lucero, the persons described below are those who may have additional information concerning these reports:

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<sup>3</sup> All persons associated with Keller - Bliesner, LLC and identified in this pleading have the same address and telephone contact information.



1. Christopher Banet, Southwest Region BIA, 1001 Indian School, Road, NW, Albuquerque, New Mexico 87104, 505-563-3403 (principally responsible for BIA Navajo-San Juan water rights activities, collected information from BIA concerning livestock activities on Navajo trust lands, and coordinated project activities with federal and contract personnel);
2. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (partial author of report and project supervision and management from June 2010);
3. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering, LLC (project supervision and management until June 2010); and
4. Colleen Gnehm, Office Manager, Keller – Bliesner Engineering, LLC (clerical support, document production).

#### **E. Historic and Present Irrigation**

In U.S. Statement of Claims, the United States described a water right claim for past and present irrigation activities that have occurred or are currently occurring on Navajo trust lands.

*See* U.S. Statement of Claims at § III.D. The past and present irrigation activities for Navajo trust lands along with their associated water uses have been described in the following reports:

1. *Navajo San Juan Main Stem and NIIP Historically Irrigated Acreage* principally authored by Aaron Beutler, Keller - Bliesner Engineering, LLC;
2. *Navajo San Juan Tributary Consumptive Irrigation Requirements* principally authored by Aaron Beutler, Keller - Bliesner Engineering, LLC; and
3. *Inventory of Navajo Lands within the San Juan Basin in New Mexico Irrigated by Groundwater and Tributaries of the San Juan River* principally authored by Eileen Camilli, Ebert and Associates, Inc., 3700 Rio Grande Blvd. N.W., Suite 3, Albuquerque, New Mexico 87107-3042; 505-344-2345.<sup>4</sup>

These reports are attached as Exhibit G, H, and I, respectively.

In addition to Mr. Beutler and Ms. Camilli, the persons described below are those who may have additional information concerning these reports:

1. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (partial author of reports and project supervision and management from June 2010);

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<sup>4</sup> All persons associated with Ebert and Associates, Inc. and identified in this pleading have the same address and telephone contact information.

2. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering, LLC (project supervision and management until June 2010);
3. Ian Wilson, Staff Engineer (partial author of report, management and delineation of main stem HIA);
4. Marvin Lewis, Staff Engineer, Keller – Bliesner Engineering, LLC (partial author of reports, project GIS manager, land use mapping, tributary HIA CIR estimation, NIIP project area and water use, delineation of main stem HIA);
5. Michael Isaacson, Staff Engineer, Keller – Bliesner Engineering, LLC (NIIP project area and water use, main stem water uses, main stem HIA assistance);
6. Gary Jordan, Field Technician, Keller – Bliesner Engineering, LLC (principle field technician for delineation of main stem HIA);
7. Colleen Gnehm, Office Manager, Keller – Bliesner Engineering, LLC (clerical support, document production);
8. James Ebert, Ebert and Associates, Inc. (fieldwork, data collection for the report principally authored by Ms. Camilli);
9. Benito Casuas, Jr., Ebert and Associates, Inc. (data processing for the report principally authored by Ms. Camilli);
10. Claire Ebert, Ebert and Associates, Inc. (data processing for the report principally authored by Ms. Camilli);
11. Williams Simms, BIA Southwest Regional Office, 505-563-3478 (fieldwork, GPS data collection for the report principally authored by Ms. Camilli);
12. Teresa Showa, Navajo Nation Department of Water Resources Route NN12 Roanhorse Dr. Bldg F-004-033, Ft. Defiance, AZ 865004, 928-729-4004 (data collection for the report principally authored by Ms. Camilli);
13. Amy Ballard, CMS, Design Chair/GIT Program, 4700 Alameda Blvd. NE, Albuquerque, NM 87113, 505-224-4000 ext. 0160, (data processing for the report principally authored by Ms. Camilli); and
14. Christopher Banet, BIA Southwest Regional Office (partial author with respect to the report principally authored by Ms. Camilli).

#### **F. Future NIIP Irrigation**

In U.S. Statement of Claims, the United States described a water right claim for future irrigation activities that will occur on Navajo trust land associated with the Congressionally

authorized Navajo Indian Irrigation Project (“NIIP”). *See* U.S. Statement of Claims at § III.E.

The future irrigation activities for Navajo trust lands associated with NIIP along with their associated water uses have been described in the report titled reported in *Navajo San Juan Main Stem and NIIP Historically Irrigated Acreage* principally authored by Aaron Beutler (Keller - Bliesner Engineering, LLC).<sup>5</sup> This report is attached as Exhibit G.

In addition to Mr. Beutler, the persons described below are those who may have additional information concerning this report:

1. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (project supervision and management from June 2010);
2. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering, LLC (project supervision and management until June 2010);
3. Ian Wilson, Staff Engineer, Keller – Bliesner Engineering, LLC (partial author of report);
4. Marvin Lewis, Staff Engineer, Keller – Bliesner Engineering, LLC (partial author of report, project GIS manager, land use mapping, NIIP project area and water use);
5. Michael Isaacson, Staff Engineer, Keller – Bliesner Engineering, LLC (NIIP project area and water use);
6. Colleen Gnehm, Office manager, Keller – Bliesner Engineering, LLC (clerical support, document production).

#### **G. Additional Future Irrigation**

In U.S. Statement of Claims, the United States described a water right claim for future irrigation activities that can practicably occur on Navajo trust land (not associated with NIIP). *See* U.S. Statement of Claims at § III.F. The future irrigation activities for Navajo trust lands have been described in the following reports:

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<sup>5</sup> Though the title of the report might suggest otherwise, the future irrigation activities, and associated water uses, which are planned for the remaining 34,880 acres of land to be developed as part of NIIP are described in this report.

1. *Navajo San Juan Pre-Feasibility Irrigation Suitability Land Classification* principally authored by Clifford R. Landers, C.P.S.S., Stetson Engineers Inc., 6240 Riverside Plaza Lane NW, Suite 220, Albuquerque, NM 87120, 505-890-4099<sup>6</sup>;
2. *Water Resource Assessment to Support the BIA's Groundwater PIA Claim on Behalf of the Navajo Nation in the San Juan River Basin Adjudication* principally authored by Dean (Tony) Zimmerman, BIA Southwest Regional Office, 1001 Indian School Road, NW Albuquerque, New Mexico, 87104, 505563-3422 and Neil Deeds, INTERRA, Inc., 1812 Centre Creek Drive, Suite 300, Austin, Texas, 78754, 512-425-2000;
3. *Economic Analysis of Practicably Irrigable Acreage – Trust Lands, San Juan Basin, New Mexico* principally authored by Travis Greenwalt (CardnoEntrix);
4. *Navajo San Juan River Basin Practicably Irrigable Acreage Study – Surface Water* principally authored by Aaron Beutler (Keller - Bliesner Engineering, LLC); and
5. *Navajo San Juan River Basin Practicably Irrigable Acreage Study – Ground Water* principally authored by Aaron Beutler (Keller - Bliesner Engineering, LLC).

These reports are attached as Exhibit J, K, L, M, and N, respectively.

In addition to Mr. Zimmerman, Mr. Deeds, Mr. Greenwalt, and Mr. Beutler, the persons described below are those who may have additional information concerning these reports:

1. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (partial author of report with Aaron Beutler and project supervision and management from June 2010);
2. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering (project supervision and management until June 2010);
3. Aaron Bliesner, Staff Engineer, Keller - Bliesner, LLC (layout for PIA);
4. Marvin Lewis, Staff Engineer, Keller - Bliesner, LLC (partial author of report with Aaron Beutler, project GIS manager, land use mapping, and PIA layout and engineering);
5. Colleen Gnehm, Office Manager, Keller – Bliesner Engineering, LLC (clerical support, document production);

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<sup>6</sup> All persons associated with Stetson Engineers, Inc. identified in this pleading have the same address and telephone contact information.

6. Robert B. McKusick Ph. D., Director Emeritus / Senior Principal, CardnoEntrix (provided technical advice and concerning the report authored by Mr. Greenwalt);
7. Lee Elder, Economist, CardnoEntrix (Researched markets for crops considered in the PIA analysis and ventures considered in the future industrial analysis and participated in writing sections of the report authored by Mr. Greenwalt);
8. Devaja Shafer, Assistant Staff Scientist, CardnoEntrix (assisted in research activities and edit and review the report authored by Mr. Greenwalt);
6. Paul Davis, Principle, EviroLogic, Inc., 12127B Suite 4, State Highway 14 North, Cedar Crest, New Mexico 87008, 505-286-9096) (developed groundwater model used to identify presence of groundwater for PIA analysis and associated with Mr. Zimmerman's and Mr. Deed's report);
7. Dr. Clay Robinson, C.P.S.S., Associate Soil Scientist, Stetson Engineers, (mapping and data collection concerning soils analysis associated with Mr. Lander's report); and
8. Gjertrud E. Aney, Soil Scientist, Stetson Engineers (mapping and data collection concerning soils analysis associated with Mr. Lander's report).

#### **H. Impoundment Storage Right**

In U.S. Statement of Claims, the United States described a water right claim for present and historic water impoundments and storage areas on Navajo trust lands. See U.S. Statement of Claims at § III.G. The present and historic water impoundments and storage areas on Navajo trust lands have been describe in the report titled *San Juan Stream System Navajo Water Use Report on Impoundments, Wells, and Springs* principally authored by Aaron Bliesner (Keller - Bliesner Engineering, LLC). This report is attached as Exhibit O.

In addition to Mr. Bliesner, the persons described below are those who may have additional information concerning this report:

1. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (partial author of report and project supervision and management from June 2010);
2. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering (project supervision and management until June 2010);
3. Gary Jordan, Field Technician, Keller - Bliesner, LLC (principle field technician for hydrographic survey);

4. Todd Rasmussen, Field Technician, Keller - Bliesner, LLC (field technician for hydrographic survey); and
5. Colleen Gnehm, Office Manager, Keller – Bliesner Engineering, LLC (clerical support, document production).

### **I. Wells and Springs**

In U.S. Statement of Claims, the United States described the Navajo Nation has in the past used or is at the present using wells and springs located throughout Navajo trust lands. *See* U.S. Statement of Claims at § III.H. The United States claims the right to divert and deplete groundwater from existing wells and springs to the extent necessary, and subject to the total quantity of rights asserted, to meet the needs of a Navajo Nation homeland. *See id.* Further, the United States asserted the right to establish new wells to the extent necessary, subject to the total quantity of rights asserted, to meet the needs of a Navajo Nation homeland. The wells and springs used in the past or at the present have been describe in the report titled *San Juan Stream System Navajo Water Use Report on Impoundments, Wells, and Springs* principally authored by Aaron Bliesner (Keller - Bliesner Engineering, LLC). This report is attached as Exhibit O.

In addition to Mr. Bliesner, the persons described below are those who may have additional information concerning this report:

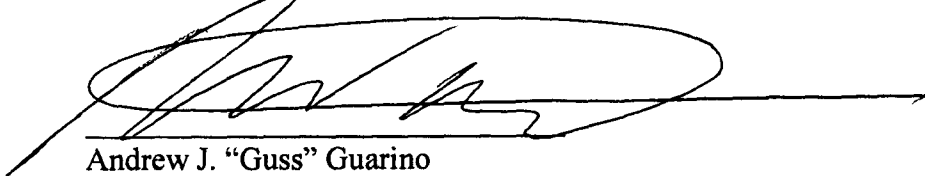
1. Andrew Keller, Principle Engineer, Keller – Bliesner Engineering, LLC (partial author of report and project supervision and management from June 2010);
2. Ronald Bliesner, Principle Engineer, Keller – Bliesner Engineering (project supervision and management until June 2010);
3. Gary Jordan, Field Technician, Keller - Bliesner, LLC (principle field technician for hydrographic survey);
4. Todd Rasmussen, Field Technician, Keller - Bliesner, LLC (field technician for hydrographic survey); and
5. Colleen Gnehm, Office Manager, Keller – Bliesner Engineering, LLC (clerical support, document production).

### III. Conclusion

In compliance with the Special Master's Scheduling Order and as described in the paragraphs above, Exhibits A through O attached hereto constitute those technical reports that support the good faith basis for the U.S. Statement of Claims filed pursuant to this Court's previous Orders.

Respectfully submitted this 27th day of January 2012.

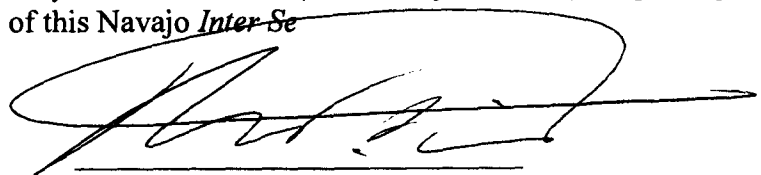
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#### CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of January 2012, an electronic version of this *Technical Reports Supporting The United States' Statement Of Claims Of Water Rights In The New Mexico San Juan River Basin On Behalf Of The Navajo Nation And Disclosures Of Individuals With Information Concerning Such Technical Reports* (without Exhibits) was served by electronic mail to: [wnavajointerse@nmcourts.gov](mailto:wnavajointerse@nmcourts.gov) and [aoccaj@nmcourts.gov](mailto:aoccaj@nmcourts.gov). Further, the United States served my mail all counsel identified below with a paper copy of this document and an electronic copy of all exhibits on a DVD. Finally, the United States submitted a copy of this document with all exhibits to the Utton Transboundary Resource Center (attn: Darcy Bushnell) for posting on the website maintained for purposes of this Navajo *Inter Se*



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# Exhibits

A through O

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