

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

STATE OF NEW MEXICO *ex rel.*)
OFFICE OF THE STATE ENGINEER,)
)
Plaintiff,)
)
vs.)
)
ELEPHANT BUTTE IRRIGATION DISTRICT, *et al.*,)
)
Defendants.)
_____)

No. CV 96-888
Hon. James J. Wechsler

STATE'S MEDIATION REPORT FOR THE STATUS CONFERENCE
April 18, 2017

COMES NOW the plaintiff, State of New Mexico ("State"), by and through its undersigned counsel, and pursuant to the requirement of Section H.8 of the Seventh Amended Order Regarding Stream Adjudication Procedures, filed November 19, 2014 ("Seventh Amended Procedural Order"), tenders this report on the status of all subfiles for which Offers of Judgment/Stipulated Subfile Orders have been served under the Fifth through Seventh Amended Procedural Orders, and a Form C Objection has been filed, but no subfile order has been entered.

Table 1 identifies all subfiles with outstanding objections. The State has noted on the table whether the subfiles have been referred to mediation, are in trial, or have not been referred to mediation pending further negotiations with the claimant.

Respectfully submitted this 11 day of April 2017.

Neil G. Allen

for Laurel A. Knowles
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TABLE 1. MEDIATION REPORT FILED FOR THE APRIL 18, 2017 STATUS CONFERENCE

<u>Subfile #</u>	<u>Objection Filed</u>	<u>Mediation Requested</u>	<u>Order Filed</u>	<u>Comments</u>
<u>In Mediation</u>				
LRN 280080244	12/30/2016	3/13/2017	3/24/2017	Mediation not yet scheduled.
LRS 280021194	10/7/2016	10/7/2016	10/26/2016	Unable to schedule mediation with claimant. May refer to
LRS 280100089	03/19/09	1/20/2016	2/4/2016	Mediation held. Claimant to supply additional information. Mediation to resume May 5, 2017.
LRS 280211002	7/26/2007	10/13/2015	10/30/2015	Mediation held. Additional information to be submitted by May 15, 2017 and second mediation scheduled.
<u>Mediation Requested</u>				
LRN 280030016	(none)	4/6/2017		
LRN 280030017	(none)	4/6/2017		
Note: LRR-28-002-1003, LRR-28-004-0105-B, LRS-28-005-0096, also have had a request for mediation but the request has been placed on hold.				
<u>In Trial</u>				
LRO 280040005	8/10/2011	8/22/2012	10/9/2012	Order of Referral to Special Master filed 6/24/2013. Trial 11/17-18/2014. Special Master's Report filed with Court 3/10/2016. Argument to set aside Special Master's Report scheduled for April 18, 2017.
LRO 280040007	(Consolidated with above subfile, LRO-280040005)			Order of Referral to Special Master filed 6/24/2013. Trial 11/17-18/2014. Waiting for final order.
LRO 280051016	7/26/2010	10/20/2010	1/20/2011	Special Master's Scheduling Order filed 3/28/2013. Trial 2/5-6/2015. Special Master's Report filed July 13, 2016 and objections to the report July 22, 2016. Waiting for ruling on Motion to Accept Special Master's Report.

Medication Not Recommended at This Time.
 Subfiles are arranged by current status

<u>Subfile</u>	<u>Date of Objection</u>
<u>Signed Stipulated Order</u>	
LRN 280020025 A	3/27/2017
LRN 280040065 A	8/4/2016
LRN 280060119	5/20/2016
LRN 280080022	1/20/2017
LRN 280080197	9/28/2016
LRO 280241002	5/11/2011
LRO 280251001	03/16/11
LRR 280020046	01/21/10
<u>Objection Dropped</u>	
LRS 280130133	8/15/2016
<u>Revised Offer sent</u>	
LRN 280030034	1/9/2017
LRN 280080098	1/18/2017
LRN 280130012	7/18/2016
LRN 280140201	6/8/2016
LRN 280140202	7/11/2016
LRN 280140204	6/30/2016
LRR 280050008	7/1/2008
<u>Revised Offer Pending</u>	
LRN 280030033	1/10/2017
LRN 280030033 A	1/17/2017
LRN 280060144 A	12/28/2016
LRN 280060241 B	3/13/2017
LRN 280140205 A	6/20/2016
LRO 280091087	5/24/2013
LRS 280121085	9/11/2008
LRS 280130074	12/30/2015 & 3/24/2016
LRS 280181100	9/23/2008
LRS 280211021	10/24/2008

Reseaching Objection
LRN 280080332 A 3/27/2017
LRN 280090026 B 2/14/2017
LRO 28079001 06/19/09
LRO 280331001 3/26/2012
LRS 280100121 B 10/22/2016
LRS 280107019 10/26/2016

Field Work Needed
LRO 280221006 3/14/2012

Awaiting Information/Documentation from Claimant

LRO 280280001 A 3/27/2017
LRO 280309002 verbal 8/2011
LRS 280130090 10/8/2008

Permit Application Pending

LRS 280051067 04/06/15
LRS 280149006 10/15/08

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Working with Claimant to Resolve Objection

LRN 280060231 B 3/29/2017
LRN 280120112 A 9/16/2013
LRO 280071004 3/3/2017
LRS 280100121 10/20/2016
LRS 280100121 A 10/21/2016

Working with Claimant Agreement Unlikely

LRO 280240002 2/4/2013
LRO 280240002 E 1/16/2013

On Hold Pending Determination of SSI

LRN 280120228 8/26/2013
LRN 280120229 8/26/2013
LRN 280120277 8/26/2013
LRO 280270002 2/11/2013
LRS 280090055 7/17/2009