

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**  
**November 30, 2016**

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 23 day of November 2016.

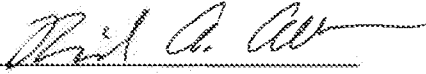
  
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TABLE 1. MEDIATION REPORT FILED FOR THE NOVEMBER 30, 2016 STATUS CONFERENCE

<u>Subfile #</u>	<u>Objection Filed</u>	<u>Mediation Requested</u>	<u>Order Filed</u>	<u>Comments</u>
<u>In Mediation</u>				
LRN 280140204	6/30/2016	8/8/2016	9/30/2016	Mediation scheduled for December 5, 2016.
LRS 280100089	03/19/09	1/20/2016	2/4/2016	Mediation held. Claimant to supply additional information.
LRS 280211002	7/26/2007	10/13/2015	10/30/2015	Mediation not yet scheduled.
LRS 280021194	10/7/2016	10/7/2016	10/26/2016	Mediation not yet scheduled.
<u>Mediation Requested</u> (no outstanding requests for mediation)				
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. Hearing on objections scheduled for August 31, 2016. Motion for new trial due 12/1/2016. Request for extension pending.
LRO 280040007	(Consolidated with above subfile, LRO-280040005)			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. Hearing on objections scheduled for August 31, 2016. Motion for new trial due 12/1/2016. Request for extension pending.
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 Court's ruling on objections to Special Master.
LRR 280020046	1/21/2010	12/19/2014	1/16/2015	Discovery in progress.
LRS 280130001	11/7/2008	10/15/2015	10/30/2015	Court's Scheduling Order filed July 12, 2016.
LRS 280131002	11/7/2008	10/13/2015	10/30/2015	Court's Scheduling Order filed July 12, 2016.

Mediation Not Recommended at This Time  
Subfiles are arranged by current status

Subfile                      Date of Objection

Signed Stipulated Order

LRS 280100032                1/22/2016  
LRO 280309008                12/14/2011

Motion for Default Order Filed

LRN 280080310                11/10/2015  
LRN 280080324 B              10/9/2015 verbal

Objection Dropped

LRN 280020188                9/11/2015  
LRN 280051057                4/11/2016

Revised Offer Sent

LRN 280080236                10/5/2016  
LRO 280251001                03/16/11  
LRS 280130090                10/8/2008

4

Revised Offer Pending

LRN 280020023 A                7/25/2016  
LRN 280040065 A                8/4/2016  
LRN 280100079 A                12/13/2011  
LRN 280130012                    7/18/2016  
LRN 280130160 A                10/31/2016  
LRN 280130164 A                10/31/2016  
LRN 280140201                    6/8/2016  
LRN 280140202                    7/11/2016  
LRN 280140205 A                6/20/2016  
LRO 280070001                    06/04/09  
LRO 280241002                    5/11/2011  
LRR 280050008                    7/1/2008  
LRS 280140054                    7/7/2009

Rescheduling Objection

LRN 280030015                    11/7/2016  
LRN 280080202                    11/7/2016  
LRO 280079001                    06/19/09  
LRO 280331001                    3/26/2012

LRS 280100121 10/20/2016  
LRS 280100121 A 10/20/2016  
LRS 280100121 B 10/27/2016  
LRS 280107019 10/26/2016

Field Work Needed

LRN 280080197 9/28/2016  
LRO 280091087 5/24/2013  
LRO 280221006 3/14/2012

Permit Application Pending

LRO 280309002 verbal 8/2011  
LRS 280130074 12/30/2015 &  
LRS 280149006 10/15/08

Working with Claimant to Resolve Objection

LRN 280060119 5/20/2016  
LRN 280120112 A 9/16/2013  
LRS 280051067 04/06/15  
LRS 280130133 8/15/2016  
LRS 280211021 10/24/2008

on

Working with Claimant Agreement Unlikely

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

On Hold Irrigation Rights to be Worked in Blocks

LRS 280181100 9/23/2008

On Hold at Claimant's Request to Adjudicate Subfiles Together

(none)

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

Publish Against

LRS 280121085 09/11/08