

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	01cv00072-BDB-ACE
-v-)	
)	ZUNI RIVER BASIN
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
Engineer, A & R Productions, <i>et al.</i> ,)	
)	
Defendants.)	
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SCHEDULING ORDER

THIS ORDER is entered pursuant to F.Rs.Civ.P. 16(b) and 53, the Order entered March 1, 2001 (Docket No. 3), and the Order of Reference entered March 12, 2001 (No. 14).

The first scheduling conference in this case was held March 27, 2001, for the purpose of developing initial case management schedules for the orderly conduct of this stream system adjudication. Having heard the comments of counsel, and otherwise being fully advised in the premises,

IT IS ORDERED THAT:

1. The March 1 Order staying further action on this case is continued with the following exceptions:

a. return of waivers of service of summons to the United States; and

b. filing of responses or other pleadings relevant to the March 16, 2001 Motion by Defendant Paul Petranto to Revoke Reference to Special Master and to Stay Further Proceedings Before Special Master (Nos. 24, 25).

This means that deadlines for all defenses, objections, compulsory counterclaims, motions, answers, and any other procedural or substantive pleadings are stayed until further notice.

2. Counsel for the United States of America (“United States”) and the State of New Mexico, *ex rel.* State Engineer (“State”) shall confer and strive to reach an agreement regarding the ability of these parties to plan for and complete this stream system adjudication in a timely manner. Discussions should include, *inter alia*, the feasibility and/or scheduling of the following:

a. providing a map and a sufficiently detailed narrative description of the geographic scope of this stream system adjudication;

b. dismissing individual (i.e., non-governmental) defendants without prejudice until the hydrographic survey of individual claims is completed and these claimants are identified and joined;

c. identifying any class of water rights which might be provisionally excluded from the adjudication at this time;

d. identifying with specificity the water rights claims brought by the United States in its sovereign and proprietary capacity and on behalf of the Zuni Indian Tribe, the Navajo Nation, the Ramah Navajo Band, and other Indian interests as well as provisions for the separate participation of the Tribal and Indian interests.

3. By May 31, 2001, if such an agreement is reached, the State and the United States shall file a proposed procedural and scheduling order covering, at a minimum, the next two years. If the parties are unable to reach such an agreement, they shall file by May 31 a proposal for proceeding once the stay entered in this case is lifted.

4. Additions, suggestions or other comments relevant to the proposed order shall be filed no later than June 29, 2001.

5. Service of pleadings and papers listed above in Paragraph 2 is limited to counsel of record.

6. A status and scheduling conference is set for July 2001, the date to be announced by the Court.

IT IS SO ORDERED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN