

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

UNITED STATES OF AMERICA and)	
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
Plaintiffs,)	
)	
and)	No. 01cv0072 MV/WPL
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs-in-Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	Subfiles No. ZRB-2-0098

**MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL BRIEFS ON THE
APPLICABILITY OF FORFEITURE TO THE CLAIMED WATER RIGHTS IN
ATARQUE LAKE UNDER SUBFILE ZRB-2-0098**

NOW COMES the State of New Mexico *ex rel.* State Engineer (“State”) and hereby requests an extension of time of two weeks, until February 25, 2016, for the parties to file simultaneous supplemental briefs on the applicability of forfeiture to the claimed water rights in Atarque Lake, and in support thereof, states as follows:

1. On January 28, 2016, the Court entered its *Order for Supplemental Briefing* (No. 3190), ordering that “[t]he parties will submit simultaneous supplemental briefs on the applicability of forfeiture to the claimed water rights in Atarque Lake” by 5:00 p.m. on February 11, 2016.
2. Both Plaintiff the United States, and Defendants Jay Land Ltd. Co. and Yates Ranch Property LLP are prepared to file their supplemental brief by the deadline.

3. Because the ordered supplemental briefing presents a significant issue of State law, the State wishes to file its own supplemental brief presenting its position.

4. The New Mexico legislature came into session on January 19, 2016. The resulting press of business in that forum for attorneys who also represent the State in the instant lawsuit have been significant. For that reason, the State has been unable to devote the resources necessary to preparing its supplemental brief.

5. The legislature concludes on February 18, 2016. The State anticipates it would need a week after that date, or until February 25, 2016, to prepare its supplemental brief.

6. Although this would result in a slight extension to the briefing schedule, no trial date has yet been set, no deadlines in the litigation of this matter would be affected, and no party would be prejudiced.

7. Counsel for Plaintiff the United States, and for Defendants Jay Land Ltd. Co. and Yates Ranch Property LLP have been contacted, and indicate they do not oppose this Motion.

WHEREFORE, the State of New Mexico *ex rel.* State Engineer requests an extension of time of two weeks, until February 25, 2016, for the parties to file simultaneous supplemental briefs on the applicability of forfeiture to the claimed water rights in Atarque Lake.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 11, 2016, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.