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

and	)
STATE OF NEW MEXICO, ex rel. STATE	)
ENGINEER,	)
Plaintiffs,	)
<b>,</b>	) No. 01cv00072 BB-ACE
and	)
	) ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	) ADJUDICATION
Plaintiffs in Intervention,	) Sub-Areas 9 & 10
v.	) Subfile ZRB-2-0062
A&R PRODUCTIONS, et al.	)
Defendants.	)
	_)

## MOTION TO EXTEND CONSULTATION PERIOD AND ANSWER DATE

The Plaintiff United States of America ("United States") hereby moves the Special Master to allow additional time for consultations concerning Subfile ZRB-2-0062 by extending the Defendant's deadline for filing a form Subfile *Answer* in said subfile to August 31, 2006, and establishing June 30, 2006 as the date by which the Defendant, Friedrich G. Lepenis, must serve the United States with a *Request for Consultation* setting forth the nature of his objections to the proposed Consent Order, if he does not accept the Consent Order proposed by Plaintiffs. In support of this motion, the United States asserts:

1. The United States previously served Mr. Lepenis by mail with the service packet required by the Special Master's December 14, 2005 *Procedural and* 

Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 9 and 10 of

the Zuni River Stream System (Doc. No. 436). The Postal Service subsequently returned

this packet marked "unclaimed." The United States has since learned that Mr. Lepenis

was out of the country during this initial attempt at service. The United States is now

attempting to re-serve Mr. Lepenis, but fairness requires that the deadlines established by

the Procedural and Scheduling Order be extended.

2. The revised deadlines sought by this motion are consistent with

those established by the Special Master's May 4, 2006 Order Granting Motion to Extend

Consultation Period and Answer Date (Doc No. 688) for a number of subfiles in

Subareas 4, 8, 9 and 10.

Accordingly, the United States respectfully moves the Special Master to

extend to August 31, 2006 the Defendant's deadline for filing a form Subfile Answer in

the Subfile ZRB-2-0062, and to set June 30, 2006 as the deadline for the Defendant to

submit a Request for Consultation form.

DATED:

May 24, 2006

Respectfully submitted,

BRADLEY S. BRIDGEWATER

U.S. Department of Justice

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COUNSEL FOR THE UNITED STATES

## **CERTIFICATE OF SERVICE**

I hereby certify that, on May 24, 2006, a copy of the forgoing Motion To

Extend Consultation Period And Answer Date was mailed to the following persons:

Special Master Vickie L. Gabin U.S. District Court District of New Mexico P.O. Box 2384 Santa Fe, NM 87504-2384

Edward Bagley Office of the State Engineer, Legal Division P.O. Box 25102 Santa Fe, NM 87504

Friedrich G. Lepenis 220 Cornell Dr SE Albuquerque, NM 87106