

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)
))
ZUNI INDIAN TRIBE, NAVAJO NATION,)
))
Plaintiffs in Intervention,)
))
v.)
))
A&R PRODUCTIONS, et al.)
))
Defendants.)
_____)

No. 01cv00072 BB
ZUNI RIVER BASIN
ADJUDICATION

**SECOND MOTION TO EXTEND DEADLINE FOR INITIATION OF ZUNI
INDIAN TRIBE SUBPROCEEDING**

The Plaintiff United States of America (“United States”) hereby moves the Special Master to extend by 14 days, to May 14, 2007, the deadline for the United States to file a Subproceeding Complaint initiating the subproceeding for adjudication of water rights claims on behalf of the Zuni Indian Tribe. In support of this motion, the United States asserts:

1. Paragraph 4.1 of the Special Master’s April 5, 2004 *Procedural and Scheduling Order for Federal and Indian Water Rights Claims* (Doc. No. 323) (“April 5, 2004 Order”) required the United States to “file a Subproceeding Complaint with respect to its water rights claims for the Zuni Indian Tribe” on or before December 31, 2006.

2. By an Order entered December 27, 2006 (Doc. No. 920), the Special Master granted a joint motion by the United States and co-Plaintiff State of New Mexico ex rel. State Engineer (“State”) which sought to extend the date for the United States’ Subproceeding Complaint to April 30, 2007.

3. Since December 27, 2006, the United States has diligently pursued all aspects of this litigation. The adjudication of non-Indian rights in the Zuni River Stream System continues to consume the majority of the time of Counsel for the United States. Since December 27, 2006, Counsel for the United States has engaged in consultations with defendants in over 50 subfiles, and 163 subfiles have been concluded, as between the individual defendants, the United States, and the State, through the filing of Court-approved Consent Orders. In addition, the United States has filed the Hydrographic Survey for Sub-Area Ramah (Doc. No. 961) and has served all defendants identified by that survey with the service packets required by the applicable Special Master’s Procedural and Scheduling Order. Counsel for the United States also has had substantial responsibilities in other water adjudication cases pending before this Court and before New Mexico’s state courts, including the obligation to file, on March 30, 2007, a Subproceeding Complaint on behalf of Ohkay Owingeh in the Rio Chama Adjudication, New Mexico ex rel. State Engineer v. Aragon, No. 69cv07941-BB (D. N.M.). In consequence of these on-going competing obligations, Counsel for the United States has been unable to devote sufficient time to the preparation and review of the United States’ Subproceeding Complaint on behalf of the Zuni Tribe, and requests an additional 14 days to complete that task.

4. On April 26 and 27, 2007, counsel for the United States contacted Ms. Jane Marx, Counsel for the Zuni Tribe, Ms. Bidtah Becker, Counsel for the Navajo Nation, Mr. Edward Bagley, Counsel for the State, and Ms. Tanya Scott, Mr. William Stripp, and Mr. Peter Shoenfeld, Counsel for various defendants, who had no objection to the 14-day extension requested in this motion.

WHEREFORE the United States respectfully moves the Special Master to extend by 14 days, to May 14, 2007, the deadline for the United States to file a Subproceeding Complaint initiating the subproceeding for adjudication of water rights claims on behalf of the Zuni Indian Tribe.

DATED: April 27, 2007

Electronically filed,

/s/

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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that, on April 27, 2007, I filed the foregoing *Second Motion To Extend Deadline For Initiation Of Zuni Indian Tribe Subproceeding* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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