

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 BB/WDS
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs-in-Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	

JOINT MOTION TO AMEND SCHEDULING ORDER

The State of New Mexico *ex rel.* State Engineer (“State”) and the United States, by and through their respective counsel, hereby move the Special Master to amend the *Preliminary Procedural and Scheduling Order for Subproceeding 2* (No. 1767) filed May 21, 2008, governing the adjudication of Navajo Indian water rights claims, and in support thereof, state as follows:

1. On November 13, 2009, the State and the United States filed a *Joint Motion to Amend Scheduling Order* (No. 279) to extend the deadlines governing discovery and trial of the Zuni Indian water rights claims in Subproceeding 1 set forth in the September 24, 2008 *Scheduling Order* (No. 264) in that subproceeding.

2. The current scheduling for Subproceeding 2 needs to also be changed to coordinate with the proposed changes to the scheduling in Subproceeding 1. The moving parties therefore request that the deadlines set out in the *Preliminary Procedural and Scheduling Order for Subproceeding 2* (No. 1767) be amended as set out below:

<u>Activity</u>	<u>Scheduling Order: Activity Deadline</u>	<u>Moving Parties' Proposal</u>
US Subproceeding Complaint	April 2, 2010	February 2, 2011
Supplemental Complaint	June 1, 2010	April 1, 2011
Service of Notice	September 10, 2010	July 1, 2011
Notices of Intent to Participate	October 4, 2010	August 11, 2011
Entries of Appearance	October 4, 2010	August 11, 2011
Scheduling Conference	November 4, 2010	September 1, 2011
Answers	February 1, 2011	December 1, 2011
US Rule 26(a)(2) DCMI Expert Reports	July 6, 2011	May 2, 2012
Navajo Nation Expert Reports	November 2, 2011	September 5, 2012
State Expert Reports	July 6, 2012	May 3, 2013
All other parties Expert Reports	October 5, 2012	August 2, 2013
Close of Discovery	February 26, 2013	December 20, 2013
Pretrial Motions	April 30, 2013	February 28, 2014
Final Witness Lists & Exhibits	June 4, 2013	April 2, 2014
Trial on DCMI claims	July 8, 2013	May 12, 2014

3. The moving parties expect that these proposals will be the subject of discussion at the Special Master's December 1, 2009 Status Conference. The State has contacted other counsel in this subproceeding to request concurrence, and no notice of expected opposition to this motion has been received.

WHEREFORE, the undersigned movants request that, after consideration of all counsel's views at the December 1 Status Conference, the Special Master adopt the above proposed amendments to the existing *Preliminary Procedural and Scheduling Order for Subproceeding 2* to govern the scheduling of Subproceeding 2.

Electronically Filed

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 25, 2009, 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.

/s/ Arianne Singer_____