

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 of America (“United States”), with the concurrence of the Zuni Indian Tribe and the Navajo Nation, move the Special Master to amend the *Preliminary Procedural and Scheduling Order for Subproceeding 2* (No. 1767) filed May 21, 2008, as amended by the December 4, 2009 *Order Granting Joint Motion to Amend Navajo Indian Claims Scheduling Order* (No. 2487), governing the adjudication of the Navajo Nation’s water rights claims, and in support thereof, state as follows:

1. The current deadlines governing the adjudication of the Navajo Nation’s water rights claims in this subproceeding were amended by the December 4, 2009 *Order Granting Joint Motion to Amend Navajo Indian Claims Scheduling Order* (No. 2487) to coordinate with

the changes to the scheduling deadlines in Subproceeding 1, governing discovery and trial of the Zuni Indian water rights claims, set forth in the September 24, 2008 *Scheduling Order* (No. 264) in that subproceeding.

2. Concurrently with this motion, the State and United States are filing a *Motion to Amend Scheduling Order* to amend the deadlines governing discovery, other pre-trial, and trial activities for 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 to coordinate with the proposed changes to the scheduling in Subproceeding 1, as set out below:

<u>Activity</u>	<u>Scheduling Order: Activity Deadline</u>	<u>Moving Parties' Proposal</u>
US Subproceeding Complaint	February 2, 2011	February 1, 2012
Supplemental Complaint	April 1, 2011	March 30, 2012
Service of Notice	July 1, 2011	June 29, 2012
Notices of Intent to Participate	August 11, 2011	August 9, 2012
Entries of Appearance	August 11, 2011	August 9, 2012
Scheduling Conference	September 1, 2011	August 24, 2012
Answers	December 1, 2011	November 30, 2012
US Rule 26(a)(2) DCMI Expert Reports	May 2, 2012	May 3, 2013
Navajo Nation Expert Reports	September 5, 2012	September 5, 2013
State Expert Reports	May 3, 2013	May 2, 2014
All other parties Expert Reports	August 2, 2013	August 1, 2014

Close of Discovery	December 20, 2013	December 19, 2014
Pretrial Motions	February 28, 2014	February 27, 2015
Final Witness Lists & Exhibits	April 2, 2014	April 1, 2015
Trial on DCMI claims	May 12, 2014	May 12, 2015

3. The Navajo Nation and the Zuni Indian Tribe concur in this motion. The State has contacted other counsel in this subproceeding to request concurrence, and no notice of expected opposition to this motion has been received.

4. Due to the uncertainties inherent in scheduling for multiple adjudications, the movants, the Zuni Indian Tribe, and the Navajo Nation have agreed to confer again about the deadlines proposed herein no later than no later than January 14, 2011. If these parties then agree that there is a need to revisit the deadlines, they will notify the Special Master through a joint report filed on or before February 18, 2011.

WHEREFORE, the undersigned movants request that 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 9, 2010, 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