

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

**UNITED STATES OF AMERICA,** )  
**ET AL.,** )  
 )  
 **PLAINTIFFS,** )  
 )  
 )  
**v.** )  
 )  
**STATE OF NEW MEXICO** )  
**COMMISSIONER OF PUBLIC** )  
**LANDS, ET AL.,** )  
 )  
 **DEFENDANTS.** )  
\_\_\_\_\_ )

**CIV NO. 01- 00072 BDB/WDS (ACE)**  
**ZUNI RIVER BASIN ADJUDICATION**

**DEFENDANTS RICHARD DAVIS MALLERY ET AL.’S  
UNOPPOSED MOTION FOR ENLARGEMENT OF TIME  
UNTIL NOVEMBER 12, 2003 TO FILE ANY OBJECTIONS TO  
THE SPECIAL MASTER’S REPORT AND RECOMMENDATIONS FOR  
FEDERAL AND INDIAN WATER RIGHTS CLAIMS PROCEEDINGS**

COME NOW, Defendants Richard Davis Mallery et al., members of the Western New Mexico Water Preservation Association (“WNMWPA”), by and through their undersigned attorneys, and, in accordance with Fed. R. Civ. P. 6(a), Fed. R. Civ. P. 6(b), Fed. R. Civ. P. 6(e), D.N.M. LR-Civ. 7.6(a), Fed. R. Civ. P. 41(b) and Fed. R. Civ. P. 53(e)(2), respectfully move the Court to enlarge the time to November 12, 2003 to file any Objections to the Special Master’s Report and Recommendations for Federal and Indian Water Rights Claims Proceedings, and as grounds therefore state:

1. On September 30, 2003, in accordance with Fed. R. Civ. P. 41(b), Defendant WNMWPA filed its Motion to Dismiss For Failure to Prosecute or Alternatively To Stay Filing of Notices of *Lis Pendens* detailing the United States’ prosecutorial delays (Doc. No. 246);

2. On October 2, 2003, the Special Master entered her Report and Recommendations for Federal and Indian Water Rights Claims Proceedings (Doc. No. 255), setting forth a proposed schedule for filing Federal and Indian Water Rights Claims;

3. On October 10, 2003, counsel for Plaintiff United States and counsel for Plaintiff-in-Intervention Zuni Tribe contacted the undersigned counsel for Defendants Davis Mallery et al. and WNMWPA and requested an enlargement of time to respond to Defendants' Motion to Dismiss, up to and including October 28, 2003;

4. In order to maintain the order of the parties' filings in this matter, undersigned counsel for the Defendants agreed to enlarge the time to file any Objections, in accordance with Fed. R. Civ. P. 6(b) and Fed. R. Civ. P. 53(e)(2), to and including seven days after filing of Response Briefs to Defendants' Motion to Dismiss;

5. Based on the granting of Plaintiffs' Motions and in accordance with the agreement between Plaintiffs and Defendant WNMWPA, an enlargement of time to file any Objections would be November 12, 2003;

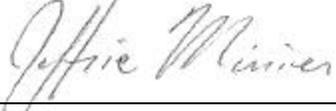
6. Due to the nature of this Motion, concurrence of Co-Defendants was not sought;

7. A proposed form of order is attached hereto as Exhibit "A".

**WHEREFORE**, Defendants Richard Davis Mallery *et al.*, members of the Western New Mexico Water Preservation Association, in accordance with Fed. R. Civ. P. 6(a), Fed. R. Civ. P. 6(b), Fed. R. Civ. P. 6(e), D.N.M. LR-Civ. 7.6(a), Fed. R. Civ. P. 41(b) and Fed. R. Civ. P. 53(e)(2), respectfully request that the Court enlarge the time to file Objections to the Special Master's Report and Recommendations for Federal and Indian Water Rights Claims Proceedings (Doc. No. 255), filed October 2, 2003, until November 12, 2003.

Respectfully submitted,

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By:  \_\_\_\_\_

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I hereby certify that a true and correct copy of the foregoing was served upon counsel of record via first class mail on this 16th day of October, 2003 as follows:

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