

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

UNITED STATE OF AMERICA, for Itself	)	
and as Trustee for the Zuni Indian Tribe,	)	
Navajo Nation and Ramah Band of Navahos	)	
	)	
and	)	
	)	
STATE OF NEW MEXICO ex rel. STATE	)	
ENGINEER,	)	<b>No. 01cv00072-MV/LFG</b>
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
Plaintiffs-in-Intervention,	)	
	)	
-v-	)	
	)	
STATE OF NEW MEXICO COMMISSIONER	)	<b>Subfile No. ZRB-1-0075</b>
OF PUBLIC LANDS	)	<b>Consolidated</b>
	)	
and	)	
	)	
A & R PRODUCTIONS, <i>et. al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO AMEND PRELIMINARY  
SCHEDULE FOR STATE LAND OFFICE SUBFILES**

The Plaintiffs United States of America (“United States”) and State of New Mexico, *ex rel.* State Engineer (“State”), and the Defendant Commissioner of Public Lands (“Commissioner”) (collectively the “moving parties”), hereby move the Court to amend the May 22, 2012 *Order Consolidating State Land Subfiles, Establishing Modified*

*Procedures, and Setting Preliminary Schedule* (No. 2782) (“Subfile Scheduling Order”) to extend certain deadlines.

In support of this motion, the moving parties assert:

1. Paragraph 3 of the Subfile Scheduling Order directed counsel for the Plaintiffs United States and State to approve and sign, and the United States to serve counsel for the Commissioner, with a single proposed Consent Order for Subfile ZRB-1-0075 Consolidated, by June 1, 2012.

2. On or about June 1, 2012, the United States served counsel for the Commissioner with a proposed Consent Order in accordance with the Subfile Scheduling Order.

3. Paragraph 4 of the Subfile Scheduling Order directed counsel for the Commissioner to serve both counsel for the United States and counsel for the State with a detailed response to the proposed Consent Order by December 1, 2012.

4. Because of the press of other State Land Office business and difficulties in gathering, processing and presenting the information called for under the Subfile Scheduling Order in the manner called for under the Subfile Scheduling Order, counsel for the Commissioner requires additional time in order to provide the detailed response required. An extension of the deadline will allow additional time for the parties to attempt to work out a mutually acceptable Consent Order, which would eliminate the need for the filing of a subfile answer and other subfile proceedings and thereby conserve party and court resources.

5. On January 8, 2013, the United States, with the concurrence of the State,

filed a *Notice that the Consultation Period Has Ended* (No. 2836) (“Notice”), in accordance with Paragraph 5 of the Subfile Scheduling Order.

6. The parties have agreed that the Notice should be vacated, that the Commissioner’s deadline for serving a detailed response to the proposed Consent Order should be extended to March 1, 2013.

WHEREFORE, the moving parties respectfully urge the Court to enter the proposed order submitted herewith to (1) vacate the Notice; and (2) extend the Commissioner’s deadline for serving a detailed response to the proposed Consent Order to March 1, 2013.

Electronically Filed,

/s/ David A. Stevens  
DAVID A. STEVENS  
New Mexico State Land Office  
P.O. Box 1148  
Santa Fe, NM 87504-1148  
(505) 827-5872

COUNSEL FOR THE COMMISSIONER OF  
PUBLIC LANDS AND THE NEW MEXICO  
STATE LAND OFFICE

approved January 11, 2013  
BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
South Terrace, Suite 370  
999 18th Street  
Denver, CO 80202  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

approved January 11, 2013

EDWARD BAGLEY

Office of the State Engineer, Legal Division

P.O. Box 25102

Santa Fe, NM 87504

(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO EX  
REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 13, 2013, I filed the foregoing *Joint Motion To Amend Preliminary Schedule For State Land Office Subfiles* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ David A. Stevens

DAVID A. STEVENS