

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

UNITED STATES OF AMERICA,	)	
and	)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE	)	
ENGINEER,	)	
	)	
Plaintiffs,	)	
	)	No. 01cv00072 BB-ACE
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Sub-areas 4 & 8
	)	
v.	)	Subfiles ZRB-1-0004, ZRB-1-0010,
	)	ZRB-1-0012, ZRB-1-0017, ZRB-1-
A&R PRODUCTIONS, et al.	)	0055, ZRB-1-0075, ZRB-1-0080,
	)	ZRB-1-0092, ZRB-1-0103, ZRB-1-
Defendants.	)	0104, ZRB-1-0110 & ZRB-1-0112
	)	

**MOTION TO EXTEND CONSULTATION PERIOD AND ANSWER DATE**

The United States of America (“United States”) hereby moves the Special Master to allow additional time for consultations with the defendants in the following subfiles by extending the listed defendants’ deadline for filing a form Subfile *Answer* by 45 days, to February 24, 2005:

Subfile No.	Name(s)
ZRB-1-0004	Kress & Cynthia Barton
ZRB-1-0010	Ross and Simmie Boehm
ZRB-1-0012	Joseph Dean Bond and Billie E. Bond
ZRB-1-0017	Larry W. & Sally L. Carver Trust
ZRB-1-0055	Bruce Lowney
ZRB-1-0075	New Mexico State Land Office

ZRB-1-0080	Thomas M. Pino & Mary Louise Hasse
ZRB-1-0092	Theodore B. Schnaidt and Dorothy Schnaidt
ZRB-1-0103	Franklin D. & Patsy Ruth Turley
ZRB-1-0104	Patsy R. Turley & Sandra Turley Spencer
ZRB-1-0110	Winnie Mae Willcox Trust
ZRB-1-0112	Zuni Mountain Sanctuary

In support of this motion, the United States asserts:

1. Paragraphs III.B.2, III.C.2, and III.C.3 of the *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (“Amended Procedural and Scheduling Order”) (Doc. No. 387) establish January 10, 2006 as the date by which defendants in all subfiles in Sub-areas 4 and 8 must either sign and return consent orders proposed by the Plaintiffs United States and the State of New Mexico ex rel. State Engineer (“State”), or file a form answer with the Court.

2. Defendants in Subfiles ZRB-1-0004, ZRB-1-0010, ZRB-1-0012, ZRB-1-0017, ZRB-1-0055, ZRB-1-0075, ZRB-1-0080, ZRB-1-0092, ZRB-1-0103, ZRB-1-0104, ZRB-1-0110, and ZRB-1-0112 have all waived service of process and timely returned *Request for Consultation* forms.

3. Defendants in Subfiles ZRB-1-0055 and ZRB-1-0112 have waived service of process, but did not return *Request for Consultation* forms. Instead they signed altered consent orders indicating some portion of the consent order proposed by Plaintiffs was incorrect, but that the remaining terms were acceptable. The United States intends to treat these subfiles the same as those that returned *Request for Consultation* forms, and to propose amended consent orders that are responsive to the defendants’ alterations of the original offer.

4. Due to competing demands in other cases, particularly New Mexico ex rel. State Engineer v. Aamodt, No. 66cv6639 (D.N.M.), counsel for Plaintiffs thus far have been unable to schedule times when necessary representatives of both Plaintiffs can be available to conduct negotiations with defendants who have requested consultation in the present matter. Undersigned counsel believes such consultations can be scheduled in the latter half of January and early February.

5. Counsel for the United States discussed the terms of this motion with counsel for the State, Mr. Edward Bagley, who concurred in the extension of time sought herein.

Accordingly, the United States respectfully moves the Special Master to extend the Answer date in Subfiles ZRB-1-0004, ZRB-1-0010, ZRB-1-0012, ZRB-1-0017, ZRB-1-0055, ZRB-1-0075, ZRB-1-0080, ZRB-1-0092, ZRB-1-0103, ZRB-1-0104, ZRB-1-0110, and ZRB-1-0112 to February 24, 2005.

DATED: December 20, 2005

Respectfully submitted,



BRADLEY S. BRIDGEWATER

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COUNSEL FOR THE UNITED STATES

## CERTIFICATE OF SERVICE

I hereby certify that, on December 20, 2005, a copy of the forgoing *Motion To Extend Consultation Period And Answer Date* was mailed to the following persons.



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