

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

01 MAY 25 PM 3:40

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NEW MEXICO, ex rel.
STATE ENGINEER, et al.,

Defendants.

Robert Marshall
CLERK-SANTA FE
CIV No. 01 0072 BB/WWD-ACE

ZUNI RIVER BASIN

STATE'S MOTION FOR EXTENSION OF TIME TO FILE A PROPOSAL FOR
PROCEEDING ONCE THE STAY IN THIS CASE IS LIFTED

THE STATE OF NEW MEXICO, by and through its counsel of record, hereby moves the Court for an extension of time to until June 30, 2001 to file either a proposed scheduling order or a proposal for proceeding once the stay in this case is lifted. As grounds for this motion, the State sets forth the following:

1. The Court's March 30, 2001 Scheduling Order (# 31) required the counsel for the United States and counsel for the State confer in an effort to reach an agreement with regards to a procedural and scheduling order to initiate the adjudication of the Zuni River basin.

2. The Order at paragraph 3 required that if the parties reach an agreement, they are to file their proposed order by May 31, 2001. It further provided that

If the parties are unable to reach an agreement, they shall file by May 31 a proposal for proceeding once the stay in this case is lifted.

3. On May 25, 2001, Charles O'Connell, Jr., counsel for the U.S., stated to counsel for the State that the U.S. proposals regarding the adjudication, and a draft

scheduling order encompassing the terms of those proposals, were still being reviewed by his client but that day he would fax a letter generally setting forth the U.S.' proposals.

4. As of the filing of this Motion on Friday, May 25, 2001, the State had received neither a draft scheduling order nor proposals regarding the Zuni adjudication from the U.S.

5. As of Friday, May 25, 2001, the State Engineer Office, Legal Services Division is presently in the process of relocating to new offices. Its equipment, staff and files are now partially or completely unavailable. The actual progress of the move to date indicate that this situation will in all likelihood continue through the first week in June, as the move is already two weeks behind schedule. The State's mail service and other means of communication will not be available until June 1, 2001, at the earliest.

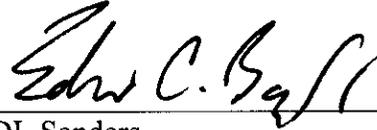
6. Even if the U.S. proposals and draft scheduling order are received prior to May 31, 2001, the difficulties presented by the move will make it impossible for the State to properly evaluate and respond to the U.S.' proposal and comply with the terms of the March 30, 2001 deadline.

7. Concurrence of parties has not been sought as this Court's Order Waiving Package Filing Submission Requirement of February 9, 2001 (#2) provides that the parties may agree to unopposed extension of time "unless the extension would interfere with established case management deadlines." Order Waiving Package Filing Submission Requirement of February 9, 2001. As noted above, the extension sought by this Motion would indeed interfere with established case management deadlines.

8. Because this matter is presently stayed the extension of time requested by this Motion would not have a substantive effect on this litigation at this time.

Wherefore, the State requests the Court to enter an order granting an extension of time to until June 30, 2001 to file either a proposed scheduling order or a proposal for proceeding once the stay in this case is lifted.

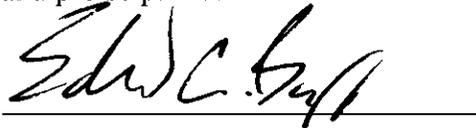
Respectfully submitted,



DL Sanders
Edward C. Bagley
Special Assistant Attorneys General
Attorneys for the New Mexico State
Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-6150
Fax: (505) 827-6188

Certificate of Service

I certify that on this 29th day of May, 2001, a true and correct copy of the foregoing pleading was mailed by first class mail to the attached list of counsel of record and pro se parties:



Barnhouse, Randolph H., Esq. Rosebrough & Barnhouse, P.C. P.O. Box 1744 Gallup, NM 87305-174	Boynton, Bruce, Esq. Boynton, Simms-West Law Office P.O. Box 1239 Grants, NM 87020	
Bunch, Steven L., Esq. NM Highway & Trans. Dept. P.O. Box 1149 Santa Fe, NM 87504-1149	Bushnell, Darcy S., Esq. U.S. District Court 333 Lomas Blvd., N.W. Albuquerque, NM 87102-2272	Carroll, Ernest L., Esq. Losee, Carson, Haas & Carroll, P.A. Box 1720 Artesia, NM 88211
Cassutt, Kenneth J., Esq. 530-B Harkle Road Santa Fe, NM 87505	Charnas, Stephen, Esq. Sutin, Thayer & Browne PC P.O. Box 1945 6565 Americas Pkwy, N.E. Albuquerque, NM 87103-1945	Dahl, Jeffrey A., Esq. Lamb, Metzgar, Lines & Dahl, PA P.O. Box 987 Albuquerque, NM 87103
Davidson, Tessa T., Esq. Swaim, Schrandt & Davidson, P.C. 4830 Juan Tabo, N.E., Suite F Albuquerque, NM 87111	Drennan, Jocelyn, Esq. Rodey, Dickason, Sloan & Robb P.O. Box 1888 Albuquerque, NM 87103	Fahmy, Peter, Office of the Regional Solicitor 755 Parfet St., Suite 151 Lakewood, CO 80215
Frederick, R. Bruce, Esq. Stephen G. Hughes, Esq. NM State Land Office P.O. Box 1148 Santa Fe, NM 87504-1148	Gabin, Special Master Vickie L., U.S. District Court U.S. Courthouse P.O. Box 2384 Santa Fe, NM 87504-2384	Gardner, David R., Esq. P.O. Box 62 Bernalillo, NM 87004
Hamilton, Raymond, Esq. U.S. Attorney's Office District of New Mexico P.O. Box 607 Albuquerque, NM 87103	Ionta, Robert W., Esq. McKim, Head & Ionta P.O. Box 1059 Gallup, NM 87305	Joca, Mary Ann, Esq. U.S. Dept. of Agriculture 517 Gold Ave., S.W. Rm 4017 Albuquerque, NM 87102
Johnson, Lynn A., Esq. USDJ-ENRD 999 - 18th St., Suite 945 Denver, CO 80202	Martella, Roger, Esq. DOJ/ENRD-IRS P.O. Box 44378 Washington, D.C. 20026-4378	Marx, Jane, Esq. Williams, Janov & Cooney 2501 Rio Grande Blvd., N.W. Albuquerque, NM 87104-3223
Nixon, Sunny J., Esq. Rodey, Dickason, Sloan, Akin & Robb P.O. Bo 1357 Santa Fe, NM 87504-1357	O'Connell, Charles, Esq. DOJ/ENRD- IRS P.O. Box 44378 Washington, D.C. 20024-4378	Pollack, Stanley M., Esq. Navajo Nation Dept. of Justice P.O. Box 2010 Window Rock, AZ 86515-2010
Sanchez, Dorothy C., Esq. 715 Tijeras, N.W. Albuquerque, NM 87102	Shadle, Stephen P., Esq. Westover, Shadle, Carter & Walsma, PLC 2260 S. Fourth Ave. #2000 Yuma, Arizona 85364	Smith, Mark A., Esq. Rodey, Dickason, Sloan Akin & Robb P.O. Box 1888 Albuquerque, NM 87103
Stillinger, Neil C., Esq. P.O. Box 8378 Santa Fe, NM 87504	Stripp, William G., Esq. P.O. Box 159 Ramah, NM 87321	Williams, Pamela, Esq. Division of Indian Affairs Office of Solicitor for Interior 1849 C Street, NW, Rm 6456 Washington, D.C. 20240

US v. SEO
Zuni Pro SE-4/02/01

Beardsley, Ann Hambleton, Pro Se
HC 61 Box 747
Ramah, NM 87321

Brodrick, Ted, Pro Se
P.O. Box 219
Ramah, NM 87321

DePauli, Louis E., Sr., Pro Se
1610 Redrock Drive
Gallup, NM 87301

Drullinger, Sandra S., Pro Se
818 E. Maple Street
Hoopeston, IL 60942

Gugliotta, Kimberly J., Pro Se
158 W. William Casey Street
Corona, AZ 85641

Lebeck, Albert O., Jr., Pro Se
P.O. Drawer 38
Gallup, NM 87305

Lebeck, David R., Pro Se
P.O. Drawer 38
Gallup, NM 87305

McBride, Gerlad F., Pro Se
2725 Aliso Drive, N.E.
Albuquerque, NM 87110

McBride, Myrrl W., Pro Se
2725 Aliso Drive, N.E.
Albuquerque, NM 87110