

**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 DAVIS MALLERY ET AL.’S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO UPDATE OR CREATE WATER RIGHTS FILES**

COME NOW, Defendants Davis Mallery et al., members of the Western New Mexico Water Preservation Association (“WNMWPA”), by and through their undersigned attorneys, and respectfully move for an extension of time to March 31, 2004, to update or create their water rights files with the Office of the State Engineer (“OSE”), and as grounds therefore state:

1. On June 24, 2003, the Special Master entered the “Interim Procedural Order Requiring All Water Rights Claimants to Update Their Water Rights Files with the State Engineer,” which set the deadline for updating or creating water rights files for October 31, 2003 (Doc. No. 208);
2. On September 24, 2003, the Special Master granted an extension to allow all non-federal water rights claimants in the Zuni River stream system until December 31, 2003, to file documents necessary to either update existing water rights files or to create such files (Doc. No. 239);

3. Many of the approximately 250 members of the Western New Mexico Water Preservation Association reside outside of New Mexico and will need to visit their properties in order to accurately complete the forms required to update their water rights files with the OSE;

4. Many of the approximately 250 members of the Western New Mexico Water Preservation Association, as well as water user associations and Acequia members will not be able to meet the current deadline due to the complex nature of updating or creating water rights files;


5. Plaintiffs United States of America, State of New Mexico, *ex rel.* State Engineer, Zuni Indian Tribe and Navajo Nation do not object to this Motion. Due to the nature of this Motion, concurrence of Co-Defendants was not sought;

6. A proposed form of Order is submitted herewith and attached as Exhibit "A".

WHEREFORE, Defendants Davis Mallery et al., members of the Western New Mexico Water Preservation Association, respectfully request that the Court enter its Order extending the time in which to update or create water rights files to and including March 31, 2004.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
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By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record via first class mail on this 30th day of December, 2003 as follows:

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A handwritten signature in cursive script that reads "Charles T. DuMars". The signature is written in black ink and is positioned above a horizontal line.

Charles T. DuMars