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

UNITED STATES OF AMERICA,	)	
and	)	
STATE OF NEW MEXICO, ex rel. State	)	
Engineer,	)	
Plaintiffs,	)	
	)	
and	)	01cv00072-BB-ACE
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	
Plaintiffs-in-Intervention,	)	ZUNI RIVER BASIN
	)	<b>ADJUDICATION</b>
-V-	)	
	)	
A & R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
	)	

## **ORDER**

THIS MATTER is before the Special Master following receipt of the Joint Status Report on the Zuni River Basin Hydrographic Survey, filed May 27, 2005, (Docket No. 365) by the United States of America ("United States") and the State of New Mexico *ex rel*. State Engineer ("State").

Along with the status report, the parties request various extensions to deadlines contained in the January 5, 2005, Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System (No. 355). The extensions are necessary because of the parties' apparent inability to agree on the language and substance of the consent orders before they were generated by the United States in February, 2005. The parties have discussed these matters, and expect that these issues will be resolved, and the consent orders served, by July 18, 2005. They note that further consultation is needed to develop a consistent methodology to use for all sub-areas of the stream system.

The inability of co-plaintiffs to agree at the beginning of this phase on the format of a basic

pleading in the adjudication - the consent order - is troubling, as is the fact that a uniform

methodology for the adjudication of non-Indian rights was not discussed and settled at the outset.

Just as troubling is the parties' failure to notify the Court of their difficulties in a timely fashion. See,

Procedural and Scheduling Order, Paragraph II.A.

There is no question that the existing deadlines must be extended. Given the circumstances

described in the Report, however, proposed revisions to the Order should be discussed in more detail

at the July 18, 2005, Status Conference and Working Session. Further, no consent orders should

be served before the format and language are approved by the Court.

IT IS SO ORDERED.

/electronic signature/

SPECIAL MASTER VICKIE L. GABIN

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