

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 listed on Exhibit A
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
)	

**MOTION TO EXTEND TIME FOR FILING SUBFILE ANSWERS IN SUBFILES
REQUIRING NEW SERVICE PACKET MAILINGS**

The Plaintiffs United States of America (“United States”) and the State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Special Master to extend to March 27, 2006, the deadline for filing answers established by 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), with respect to the Subfiles listed on Exhibit A hereto. In addition, Plaintiffs move the Special Master to require defendants in any Subfile listed on Exhibit A to return a *Request for Consultation* to the United States by February 24, 2006, if they disagree with any element of the *Consent Order* proposed by Plaintiffs for such Subfile. In support of this motion, Plaintiffs assert:

1. At the end of September 2005, the United States mailed 101 subfile service packets, pursuant to the Amended Procedural and Scheduling Order, to all defendants in Sub-areas 4 and 8. Of these subfile packets, 23 have been returned by the Post Office as undeliverable. In addition, updated address and ownership information obtained from defendants, defendants' counsel, and county offices has indicated that property involved in these subfiles, and others, has been transferred and/or subdivided since the hydrographic survey was completed for Sub-areas 4 and 8. In consequence, it is now necessary to mail service packets concerning 29 subfiles to defendants in Sub-areas 4 and 8 who have not previously received such packets.

2. Many, though not all, of the proposed consent orders to be sent to the defendants listed on Exhibit A, due to revisions, or wear and tear on originals previously mailed, must first be transmitted for review by the State and signature by counsel for the State, before being returned to the United States for delivery to the defendants. Given the holiday season, and the reliability of the mails, this process may consume 40 days.

3. An additional 60 days should be allowed for defendants listed on Exhibit A to consider, respond to, and engage in consultation concerning, the proposed consent orders, before being required to file subfile answers.

4. Comments received from defendants and counsel with respect to the original service packet mailing for Subareas 4 and 8 indicate a need for the Special Master to establish a date certain by which defendants must return *Request for Consultation* forms. Plaintiffs suggest this deadline should be set at least 30 days before the deadline for filing subfile answers.

Accordingly, the Plaintiffs respectfully move the Special Master to extend to March 27, 2006, the deadline for defendants in the subfiles listed on Exhibit A to file subfile answers, and to require defendants in such subfiles to return a *Request for Consultation* to the United States by February 24, 2006, if they disagree with any element of the *Consent Order* proposed by Plaintiffs.

DATED: December 16, 2005

Respectfully submitted,



BRADLEY S. BRIDGEWATER

U.S. Department of Justice
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Denver, CO 80202
(303) 312-7318

COUNSEL FOR THE UNITED STATES

(telephonic approval 12/16/2005)

EDWARD BAGLEY

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P.O. Box 25102
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(505) 827-6150

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

CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2005, a copy of the forgoing *Motion To Extend Time For Filing Subfile Answers In Subfiles Requiring New Service Packet Mailings* was mailed to the following persons:

Special Master Vickie L. Gabin
U.S. District Court
District of New Mexico
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. S.W.
Los Lunas, NM 87031

Edward Bagley
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504

Tanya L. Scott¹
Law & Resource Planning Associates, P.C.
201 Third St., NW, Suite 1370
Albuquerque, NM 87102



Terry J. Birdwell

¹ Law & Resource Planning Associates, P.C. is the only firm or attorney to have entered an appearance on behalf of a defendant listed on Exhibit A.

Exhibit A

ZRB-1-0007	Katherine L. Clark, a.k.a. Katherine L Belford P.O. Box 893 Ramah, NM 87321
ZRB-1-0014	Edward R. Brisky HC 61, Box 5069 Ramah, NM 87321
ZRB-1-0014	Martha T. Brisky HC 61, Box 5069 Ramah, NM 87321
ZRB-1-0016	Janet N. O'Connor, Co-Trustee Box 12000 Ice Caves Rd. Grants, NM 87020
ZRB-1-0016	David Candelaria, Trustee Box 12000 Ice Caves Rd. Grants, NM 87020
ZRB-1-0020	Barbara Normandin 310 N. Angeline Cr. Prescott, AZ 86303
ZRB-1-0020	Michael Normandin 310 N. Angeline Cr. Prescott, AZ 86303
ZRB-1-0034	Lorraine Garcia Trust 10030 N. 49 th Lane Glendale, AZ 85302
ZRB-1-0035	Louis W. Gross HC 61, Box 45 Ramah, NM 87321
ZRB-1-0035	Wihelmina M. Gross HC 61, Box 45 Ramah, NM 87321
ZRB-1-0036	Martin Gutzat 213 California Ave. Mill Valley, CA 94941-3511
ZRB-1-0036	Patricia Hays 213 California Ave. Mill Valley, CA 94941-3511
ZRB-1-0037	Louise P. Hasse P.O. Box 398 Ramah, NM 87321

ZRB-1-0037	Paul F. Hasse P.O. Box 398 Ramah, NM 87321
ZRB-1-0047	Maryald Jose HC 61, Box 5027 Ramah, NM 87321
ZRB-1-0047	Raymond Jose HC 61, Box 5027 Ramah, NM 87321
ZRB-1-0052	Michael Kessler 340 Oso Ridge Rd. Grants, NM 87020
ZRB-1-0053	Dale Kuehnert 611 Oso Ridge Rd. Grants, NM 87020
ZRB-1-0053	Peter Higgins 611 Oso Ridge Rd. Grants, NM 87020
ZRB-1-0054	Karen L. Ligon 60005 Cantina Acres Grants, NM 87020
ZRB-1-0054	Lewis S. Ligon 60005 Cantina Acres Grants, NM 87020
ZRB-1-0060	Kathleen M. Marrello 17033 E. Aloe Drive Fountain Hills, AZ 85268
ZRB-1-0060	Louis J. Marrello 17033 E. Aloe Drive Fountain Hills, AZ 85268
ZRB-1-0076	Beverly L. Offe 560-F Canal St., #383 Kine City, CA 93930
ZRB-1-0076	Matthew D. Offe 560-F Canal St., #383 Kine City, CA 93930
ZRB-1-0077	Colin E. O'Neill 343 Baker Lane Erie, CO 80516
ZRB-1-0077	Gregory C. Frank 343 Baker Lane Erie, CO 80516

ZRB-1-0077	Johanne F. O'Neill 343 Baker Lane Erie, CO 80516
ZRB-1-0079	Johnathan Pickens HC 61, Box 5026 Ramah, NM 87321
ZRB-1-0079	Pamela Pickens HC 61, Box 5026 Ramah, NM 87321
ZRB-1-0090	Jose Sanchez HC 61, Box 5024 Ramah, NM 87321
ZRB-1-0090	Sofia Sanchez HC 61, Box 5024 Ramah, NM 87321
ZRB-1-0094	Janet L. Patterson 205 Tornasol NE Albuquerque, NM 87113
ZRB-1-0094	Peter J. McKenna 205 Tornasol NE Albuquerque, NM 87113
ZRB-1-0096	Irene South P.O. Box 427 Ramah, NM 87321
ZRB-1-0096	Bryon South P.O. Box 427 Ramah, NM 87321
ZRB-1-0103	Franklin D. Turley HCR 2 Box 63 Ramah, NM 87321
ZRB-1-0103	Patsy Ruth Turley HCR 2 Box 63 Ramah, NM 87321
ZRB-1-0108	Heather Beth Von Seggern HC 77, Box 165 Laguna, NM 87026
ZRB-1-0109	Ranchers State Bank of Belen P.O. Box 545 Belen, NM 87002
ZRB-1-0115	Meech-Cash, LLC P.O. Box 2547 Milan, NM 87021

ZRB -1-0127	Janet D. Reed 700 Washington St. Raton, NM 87740-3059
ZRB-1-0131	David Bradford 3629 West 44 th Terrace Indianapolis, IN 46228
ZRB-1-0131	Evelyn Bradford 3629 West 44 th Terrace Indianapolis, IN 46228
ZRB-1-0133	Maria R. Mirabal 1407 Pennsylvania NE, Apt. 3143 Albuquerque, NM 87110
ZRB-1-0134	George L. Sarver, Jr. Box 670, Oso Ridge Rt. Grants, NM 87020
ZRB-1-0134	Helen E. Sarver Box 670, Oso Ridge Rt. Grants, NM 87020
ZRB-1-0135	Westley R. Logan 51 Tierra Madre Rd. Placitas, NM 87043
ZRB-1-0137	Anthony & Rebecca Allina Family Trust 1424 E. Valley Rd. Santa Barbara, CA 93108