

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

UNITED STATES OF AMERICA,

Plaintiff,

01cv00072 BDB-ACE

v.

ZUNI RIVER BASIN

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

Defendants.

**ORDER GRANTING STATE'S MOTION FOR EXTENSION OF TIME
AND AMENDING SCHEDULING ORDER**

THIS MATTER is before the Special Master on the State of New Mexico ex rel. State Engineer's May 25, 2001 Motion for Extension of Time to file either a proposed scheduling order or a proposal for proceeding once the stay in this case is lifted (Docket No. 59). Having reviewed the pleadings, and being otherwise fully advised in the premises,

I find that the Motion should be, and hereby is, GRANTED for the following reasons:

1. The Scheduling Order entered in this case March 30, 2001 (No. 31) requires that by May 31, the State of New Mexico, ex rel. State Engineer ("State") and the United States of America ("U.S.") shall file either a proposed procedural and scheduling order or a proposal for proceeding once the stay entered in this case is lifted. 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.

2. The U. S.'s Report was filed June 4 (No. 60).

3. The Office of the State Engineer, Legal Services Division is presently in the process of relocating to new offices and its equipment, staff and files are now partially or completely unavailable.

4. The State requires additional time to evaluate and respond to the U.S.'s Report.

5. Paragraph 4 of the March 30, 2001 Scheduling Order provides that "[A]dditions, suggestions or other comments relevant to the proposed order shall be filed no later than June 29, 2001."

6. Because this matter is presently stayed, the extension of time requested by the State's Motion would not have a substantive effect on this litigation at this time.

7. No responses to the State's Motion have been filed.

IT IS ORDERED, THEREFORE, that the March 30 Scheduling Order is amended as follows:

1. No later than July 6, 2001, the State shall file either a proposed scheduling order or a proposal for proceeding;

2. No later than July 20, counsel of record may file additions, suggestions or other comments relevant to the State and U.S. filings.

/electronic signature/
SPECIAL MASTER VICKIEL GABIN