

STATE OF NEW MEXICO
SAN JUAN COUNTY
THE ELEVENTH JUDICIAL DISTRICT COURT

DISTRICT COURT
SAN JUAN COUNTY, NM
2012 DEC 18 PM 4:02

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

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
et al.,

Defendants

CV-75-184

HON. JAMES J. WECHSLER
PRESIDING JUDGE

SAN JUAN RIVER
ADJUDICATION

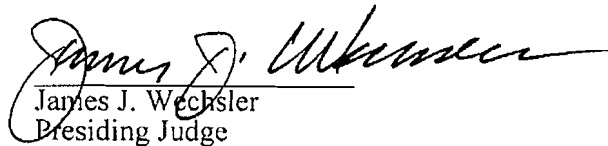
Claims of Navajo Nation
Case No.: AB-07-1

**ORDER CONCERNING RESPONSES TO
GARY HORNER'S NOVEMBER 8, 2012 MOTION**

This matter came before the Court on the Settling Parties' Request for Clarification and Motion for extension of time to reply to Gary L. Horner's November 8, 2012 *Motion for the Determination of the Applicable Standard for the Determination of Federal Reserved Water Rights*. ConocoPhillips and El Paso Natural Gas and the San Juan Water Commission also filed a request that consideration of Mr. Horner's motion be stayed. On November 28, 2012, Mr. Horner filed a response. The matter was discussed at the discovery conference held on November 28, 2012.

Mr. Horner's November 8, 2012 motion seeks an order from this Court concerning several matters, including the appropriate standard for determining federal reserved water rights for Indian Tribes. The matters raised by Mr. Horner are dispositive of a number of issues raised in this proceeding, and the Horner motion is therefore a dispositive motion as contemplated in paragraph 9 of the *Second Amended Order Setting Schedule Governing Discovery on the Non-Settling Parties And Remaining Proceedings* filed November 6, 2012. As set forth in the scheduling order, responses to Mr. Horner's motion are due April 10, 2013; replies must be filed no later than April 24, 2013.

IT IS SO ORDERED.


James J. Wechsler
Presiding Judge