

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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

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

Plaintiff,

AB-07-1
Claims of Navajo Nation

vs.

No. CV 75-184
Honorable James J. Wechsler
Presiding Judge

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

DESCRIPTIVE SUMMARY: Motion by Community Ditch Defendants and others for the court to set a reasonable time for all parties to address the issues raised by the August 16 opinion (many of which are new), and to defer entering a final judgment until the court can consider such filings.

NUMBER OF PAGES: 3

DATE OF FILING: August 21, 2013

**MOTION FOR A REASONABLE TIME TO ADDRESS THE ISSUES
RAISED BY THE COURT'S AUGUST 16 OPINION**

The Community Ditch Defendant- counterclaimants move the court to set a reasonable time for all parties to file motions or other papers addressing the issues raised by the Court's opinion filed on August 16. The grounds for this motion include the following:

- The opinion is 65 pages long, extremely detailed, and extremely complex.
- The decision was entered on Friday afternoon, August 16, so many parties did not learn about the decision until this week. Some parties are still unaware of the decision. Since this is August, many people are still on vacation or starting up the new school year.

- The electronic PDF version of the opinion is so large that parties have reported being unable to download it from the court website.
- Mr. Tully, Mr. Horner, Ms. Shannon, and Mr. Marshall have only been able to read through the opinion quickly, without being able to review it in depth. Based on this preliminary review, counsel believe the Court may have overlooked or misapprehended certain factual and evidentiary points in the record. Since the record before the Court is hundreds of thousands of pages long, it is easy to understand how these points could have been overlooked. The Community Ditch Defendants (and perhaps other parties as well) intend to file motions bringing these points to the Court's attention, but it will take many hours to review the huge record to see what is actually in the record, and what is not.
- The Court's opinion also raises some novel points of law which the parties should have an opportunity to address. Additional time is needed to address the new issues raised by the courts opinion.

WHEREFORE, the Community Ditch Defendants respectfully move the Court to set a reasonable time for all parties to file motions or other papers concerning the August 16 opinion. Movants submit that the date should be set after the Labor Day holiday. Movants also move the Court to defer entry of the proposed final decrees until it has considered the filings which addressed the August 16 opinion.

Mr. Tully, Mr. Horner, Ms. Shannon, and Mr. Oxford join in this motion on behalf of their respective clients or themselves. The U.S. and the Navajo Nation oppose this motion. The State Engineer has not given a response. The position of other parties is not known at this time.

Respectfully submitted,

VICTOR R. MARSHALL & ASSOCIATES, P.C.

By /s/ Victor R. Marshall

Victor R. Marshall

Attorneys for San Juan Agricultural Water Users
Association; Hammond Conservancy District;
Bloomfield Irrigation District; various ditches; and
various members thereof.

12509 Oakland NE

Albuquerque, NM 87122

505-332-9400 / 505-332-3793 FAX

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2013, a true and correct copy of the foregoing was served on the parties and claimants by attaching a copy of said document to an email sent to the following list server: wnavajointerse@nmcourts.gov and to the filing list referred to in the Notice of Amended Service List filed February 25, 2013.

/s/ Victor R. Marshall

Victor R. Marshall, Esq.