

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2013 NOV 26 PM 1:00

MCF

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

STATE OF NEW MEXICO, *ex rel.*  
State Engineer,

Plaintiff,

vs.

D-1116- CV 75-184  
Hon. James J. Wechsler

UNITED STATES OF AMERICA, *et al.*,

Defendants.

AB-07-1  
Claims of the Navajo Nation

JICARILLA APACHE TRIBE and the  
NAVAJO NATION,  
Defendant-Intervenor.

#### ORDER DENYING JOINT MOTION FOR NEW TRIAL

This matter comes before the Court on the joint motion for a new trial pursuant to Rule 1-059 NMRA of the Community ditch Defendants and B Square Ranch, LLC *et al.* filed on November 18, 2013. The Court, having reviewed the motion, finds that:

- (1) on August 16, 2013, after addressing the dispositive motions of the parties prior to the scheduled trial, the Court entered the Order Granting the Settlement Motion For Entry of Partial Final Decrees Describing the Water Rights of the Navajo Nation;
- (2) on October 31, 2013, the Court entered an order concerning motions to correct the August 16, 2013 order; and
- (3) on November 1, 2013, the Court entered the partial final decrees that constitute the final judgment in this proceeding.


The Court, therefore, concludes that:

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(1) Rule 1-059 does not apply in this proceeding because there was no trial; and  
(2) additionally, and alternatively, the joint motion is not timely under Rule 1-059,  
which requires a motion for a new trial to be "served not later than ten (10) days  
after the entry of the judgment." Rule 1-059(B).

The joint motion is hereby denied.

**IT IS SO ORDERED.**

  
James J. Wechsler  
Presiding Judge