

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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

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

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

Plaintiff,

SAN JUAN RIVER GENERAL
STREAM ADJUDICATION

vs.

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

Ute Mountain Ute Subproceeding

Defendants,

THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,

Defendant-Intervenors.

**JOINT MOTION FOR EXTENSION OF THE MARCH 30, 2020 DEADLINE SET
FORTH IN THE PRELIMINARY SCHEDULING ORDER FOR THE ADJUDICATION
OF WATER RIGHTS OF THE UTE MOUNTAIN UTE TRIBE**

The Ute Mountain Ute Tribe (“Tribe”) and the State of New Mexico (“State”) respectfully move for an extension of time until November 30, 2020 to file the motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceedings as directed by the Court’s August 4, 2009 *Preliminary Scheduling Order for the Adjudication of the Water Rights of the Ute Mountain Ute Tribe*. In support, the Movants state the following:

1. On August 4, 2009, the Court entered its *Preliminary Scheduling Order for the Adjudication of the Water Rights of the Ute Mountain Ute Tribe* (“Order”), which stated on page 8 section (C) that, “No later than March 30, 2020, the State, the United States, and the Ute Mountain Ute Tribe shall jointly submit to the Court, and serve on counsel of record, a motion seeking Court approval of procedures to be followed concerning Ute Mountain Ute

Subproceeding, including specified procedures for giving notice consistent with Provisional Rule 1-071.2(C), and a proposed form of notice.” [8-4-09 ORD 8]

2. Since the *Order* was entered, the Tribe, the State, and the United States have engaged in discussions regarding the technical aspects required for potential settlement of the Tribe’s water rights.

3. These preliminary discussions include scheduling future meetings and a commitment by all parties to examine and address the technical issues regarding the hydrological challenges in the New Mexico portion of the Tribe’s land. On August 21, 2019, the Tribe and the State met in Santa Fe, NM to review the expectations of both parties. The Tribe and the State then held a telephonic meeting on August 26, 2019 with the United States to evaluate the possible ways forward and to set future dates to continue negotiations. The next meeting will be held on September 26, 2019 in Towaoc, CO for an update on our progress and to tour the New Mexico portion of the Tribe’s land on September 27, 2019.

4. Extending the March 30, 2020 deadline will allow for a more thorough and complete analysis of the Tribe’s water rights.

5. No parties would be prejudiced by an extension of time because all are in agreement that settlement negotiations will ultimately expedite the adjudication process, conserve both judicial and Tribal resources, and allow for a more cooperative resolution.

6. Given the large number of opposing counsel, contacting all of them in advance of filing would not be possible, so opposition has been assumed with regard to this Motion. The Movants have contacted counsel for the United States and the San Juan Water Commission, who do not oppose this Motion.

WHEREFORE, the Ute Mountain Ute Tribe and the State of New Mexico request an extension of the deadline until November 30, 2020 for filing the motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceedings.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I certify that on the 18th day of September 2019, an electronic version of this document was filed by electronic mail to: sjcwaterfilings@nmcourts.gov and served on all counsel of record on the electronic service list for D-1116-CV-7500184 by electronic mail address to: sanjuanwater-grp@nmcourt.gov.



Nicole C. Greenspan