

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED *DJ*  
2021 AUG 27 PM 3: 57

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

vs.

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

v.

THE JICARILLA APACHE TRIBE AND THE  
NAVAJO NATION,  
Defendant-Intervenors.

D-1116-CV-75-184

Hon. James J. Wechsler  
Presiding Judge

SAN JUAN RIVER GENERAL  
STREAM ADJUDICATION

Ute Mountain Ute Subproceeding

**JOINT REPLY TO MR. HORNER'S AUGUST 9, 2021 RESPONSE TO THE MOTION  
FOR EXTENSION OF THE JULY 30, 2021 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") hereby reply that Gary L. Horner's August 9, 2021 response to the July 22, 2021 JOINT MOTION FOR EXTENSION OF THE JULY 30, 2021 DEADLINE SET FORTH IN THE PRELIMINARY SCHEDULING ORDER FOR THE ADJUDICATION OF WATER RIGHTS OF THE UTE MOUNTAIN UTE TRIBE, raises issues that have already been decided by this Court and, thus, does not merit further reply. The Tribe and the State therefore request the Court grant the July 22, 2021 Joint Motion to Extend the deadline to submit a motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceeding to March 31, 2022.

Respectfully Submitted:

/s/ Nicole C. Greenspan  
Kelly Brooks Smith  
Edward C. Bagley  
Nicole C. Greenspan

/s/ Peter Ortego  
Peter Ortego  
Leland Begay  
Ute Mountain Ute Tribe

John Utton  
Special Assistant Attorneys General  
New Mexico Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-6150  
(505) 827-3887 (fax)  
[kelly.smith@state.nm.us](mailto:kelly.smith@state.nm.us)  
[edward.bagley@state.nm.us](mailto:edward.bagley@state.nm.us)

*Attorneys for Plaintiff State of New Mexico*

P.O. Box 128  
Towaoc, CO 81334  
(970) 564-5627  
(970) 565-0750 (fax)  
[portego@utemountain.org](mailto:portego@utemountain.org)  
[lelandbegay@utemountain.org](mailto:lelandbegay@utemountain.org)

*/s/ Scott W. Williams*

Scott W. Williams  
Erica Costa  
Berkey Williams, LLP  
422 E Street  
Davis, CA 95616  
(530) 231-7208  
[swilliams@berkeywilliams.com](mailto:swilliams@berkeywilliams.com)

*Attorneys for the Ute Mountain Ute Tribe*

### CERTIFICATE OF SERVICE

I certify that on the 27<sup>th</sup> day of August 2021, an electronic version of this document was filed by electronic mail to: [sjwaterfilings@nmcourts.gov](mailto:sjwaterfilings@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](mailto:sanjuanwater-grp@nmcourt.gov).

*/s/ Nicole C. Greenspan*  
Nicole C. Greenspan