

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

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

vs.

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

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 MOTION FOR EXTENSION OF THE DEADLINE SET FORTH IN THE
PRELIMINARY SCHEDULING ORDER FOR THE ADJUDICATION OF WATER
RIGHTS OF THE UTE MOUNTAIN UTE TRIBE TO MARCH 1, 2026**

The Ute Mountain Ute Tribe (“Tribe”) and the State of New Mexico (“State”) respectfully move for an extension of time until **March 1, 2026** 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*, setting the March 30, 2020, deadline to file the motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceedings. [8-4-09 ORD 8].
2. The Court has subsequently granted the Tribe and State’s requests for additional time to continue negotiations and maintain the progress made toward a potential settlement,

including the February 22, 2024, *Joint Motion for Extension of Time* to March 1, 2025. [3-8-24 ORD 1].

3. Since the initial joint motion for extension was granted on August 9, 2023, the Tribe, State, and United States (“Parties”) have continued to make progress towards resolution of the Tribe’s water rights claims in New Mexico. [08-09-23 ORD 1] The Parties meet regularly and continue to allocate significant resources to technical and legal support while working towards the settlement of the Tribe’s claims. An extension of time will allow for the Parties to continue the hydrological evaluation of water use on the Tribe’s land and further the potential for collective resolution of the Tribe’s claims in the San Juan River Basin.

4. In February of 2023, a Federal Assessment Team was established to determine if the appointment of a negotiation team is necessary to further the progress of the settlement between the Tribe and State.

5. In April of 2024, a Federal Negotiation Team was appointed to assist in the settlement process and has continued to participate in settlement discussions.

6. No Parties would be prejudiced by an extension of time because settlement negotiations will ultimately expedite the adjudication process, conserve both judicial and Tribal resources, and allow for a more cooperative resolution.

7. Given the large number of counsel and parties in the general stream adjudication, 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, who do not oppose this Motion.

WHEREFORE, the Ute Mountain Ute Tribe and the State of New Mexico request an additional extension for filing the motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceedings to **March 1, 2026**.

Respectfully Submitted:

/s/ Nicole C. Greenspan

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CERTIFICATE OF SERVICE

I certify that on the 26th day of February, 2025, 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.

/s/ Nicole C. Greenspan

Nicole C. Greenspan

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[PROPOSED] ORDER GRANTING JOINT MOTION FOR EXTENSION

THIS MATTER having come before the Court on the *February 26, 2025, Joint Motion For Extension* of the March 1, 2026, deadline to file 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*. The Court, having reviewed the motion and been advised on the premises, finds that this joint motion should be GRANTED.

IT IS HEREBY ORDRED that the deadline to submit a motion seeking Court approval of procedures concerning the Ute Mountain Ute Subproceeding and a proposed form of notice shall be extended to **March 1, 2026**.

Hon. James J. Wechsler
Judge Pro Tempore