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STATE OF NEW MEXICO 2009 JUN -1 PM 12: 26  
COUNTY OF CIBOLA  
THIRTEENTH JUDICIAL DISTRICT COURT

2009 MAY 29 PM 1:45

KATH. SA. LISIOS

BY \_\_\_\_\_ DEPUTY

ENDORSED

STATE OF NEW MEXICO, ex rel. )  
State Engineer, )  
 )  
Plaintiff, )  
vs. )  
 )  
KERR-McGEE CORPORATION, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

No. CB-83-190-CV &  
CB-83-220-CV Consolidated

**Subproceeding 1 on Past and  
Present Use Water Rights of  
Pueblos of Acoma and Laguna**

Before Special Master George H. Perez

**UNITED STATES' MOTION FOR EXTENSION OF TIME TO RESPOND TO "TRI-  
STATE GENERATION AND TRANSMISSION ASSOCIATION INC.'S SECOND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE UNITED STATES OF  
AMERICA"**

The United States of America ("United States") hereby moves the Special Master to extend by 30 days, to July 1, 2009, the time in which the United States may serve a response to Tri-State Generation and Transmission Association, Inc.'s Second Requests for Production of Documents to the United States of America ("Tri-State's Requests"), served on the United States on April 27, 2009.<sup>1</sup> In support of this motion, the United States asserts:

1. Tri-State's Requests ask the United States to produce at the offices of Tri-State's attorney over 240 documents. While the vast majority of these documents have been identified by Tri-State by means of citations that make clear the documents are available at publicly accessible facilities, the United States is making a good-faith effort to determine to what extent the United States possesses copies of the requested documents.

<sup>1</sup> Tri-State has titled this discovery request its second request for production. Although the United States has previously provided documents to Tri-State on an informal basis, the United States has no record of receiving from Tri-State any previous document entitled a request for production.

2. Pursuant to Rules 1-034(B) and 1-006(D), the United States' response to Tri-State's Request is to be served by June 1, 2009.

3. Counsel for the United States, Bradley S. Bridgewater, is also lead counsel for the United States in New Mexico ex rel. State Engineer v. Abbott, Nos. 68cv07488-BB & 70cv08650-BB consolidated (D.N.M.) (Rio Santa Cruz & Rio Truchas Adjudication); United States v. A & R Productions, No. 01cv00072-BB (D.N.M.) (Zuni River Adjudication); New Mexico ex rel. State Engineer v. United States, No. CV-75-184 (11<sup>th</sup> Dist. NM) (San Juan River Adjudication); and other cases. The Abbott case currently involves a schedule of 28 expert witness depositions between May 5, 2009 and August 6, 2009. Due to travel necessitated by this deposition schedule, and by a scheduled hearing in the San Juan River Adjudication and meetings concerning the pending Navajo Nation settlement in that case, Mr. Bridgewater will have had very limited time in the office between receiving Tri-State's Request and the current due date for the United States' response. In addition, the Department of Justice paralegal assisting Mr. Bridgewater on these cases has been on leave since May 14, 2009 and will not be in the office at the same time with Mr. Bridgewater until June 1, 2009. Quite apart from these travel conflicts, Mr. Bridgewater's substantive obligations in the Abbott, Zuni, and San Juan River adjudications leave little opportunity to coordinate and prepare the United States' response to Tri-State's Requests.

4. The United States is in the process of assigning new attorney staff to the present adjudication. However, due to the complex nature and history of this case, that transition will, itself, require an extended period of time.

5. Counsel for the United States, on May 22, 2009, provided a draft of the present motion to counsel for Tri-State who has indicated Tri-State will oppose this motion.

WHEREFORE, the United States requests the Special Master to extend, by 30 days to July 1, 2009, the time for the United States to respond to Tri-State's Requests.

DATED May 28, 2009.

*Bradley S. Bridgewater (by Dawn Hender)*

BRADLEY S. BRIDGEWATER

U.S. Department of Justice

1961 Stout Street, 8<sup>th</sup> Floor

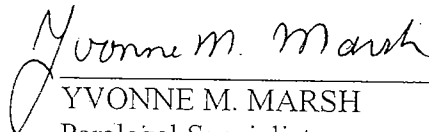
Denver, CO 80294

Phone: (303) 844-1359

COUNSEL FOR THE UNITED STATES

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 28, 2009, copies of the foregoing *UNITED STATES' MOTION FOR EXTENSION OF TIME TO RESPOND TO "TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION INC.'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE UNITED STATES OF AMERICA"* were served by first class mail on all persons on Thirteenth Amended List of All Active Parties (February 23, 2009).

  
YVONNE M. MARSH  
Paralegal Specialist