

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

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

Plaintiff,

vs.

JOHN ABBOTT, et al.,

Defendants.

68cv7488-BB

70cv8650-BB

Consolidated

Rio Santa Cruz and Rio de Truchas
Stream Systems

Pueblo Claims Subproceeding II

**SANTA CRUZ ACEQUIAS' MOTION TO EXTEND
DEADLINE FOR DISCLOSURE OF WITNESSES AND
PRELIMINARY EXHIBIT LISTS**

The Santa Cruz Acequias (also known as the Rio Santa Cruz and Tributary Acequias) hereby move for an extension of the deadline to disclose witness and preliminary exhibit lists by thirty-one days, until August 30, 2010. As grounds for this motion the following is stated and alleged:

1. The Amended Order Setting Motion Deadlines, Briefing Schedule, and Trial Date (docket #2709) requires witness and preliminary exhibit lists to be disclosed to all parties by July 30, 2010.

2. The Santa Cruz Acequias require the assistance of two of its expert witnesses, namely Dr. Michael Brescia and Dr. Lawrence Kelly, to assist with the necessary identification and collection of material that the Santa Cruz Acequias will rely upon for exhibits in this Pueblo Claims Subproceeding II regarding water rights claims of Ohkay Owingeh.

3. Both Dr. Brescia and Dr. Kelly are presently away from their offices and out of

state (Dr. Brescia has been in Mexico until recently, he is now in West Virginia) and have been for extended periods of time, which has made it impossible for each of them to properly identify and physically access essential documents that are located in their offices.

4. An extension by thirty-one days of the aforesaid deadline is necessary for the Santa Cruz Acequias to disclose preliminary exhibit lists.

5. The subsequent deadline to challenge the qualification of expert witnesses will consequently also need to be extended by thirty days to September 29, 2010.

6. The requested extensions of deadlines will not effect the January 31, 2011 trial date or any other deadline in the scheduling order (docket #2709) entered in this cause.

7. Counsel of record in this subproceeding do not oppose this motion.

WHEREFORE, the Santa Cruz Acequias respectfully request the Special Master to enter an order extending the time limit to disclose witness and preliminary exhibit lists by thirty-one days, until August 30, 2010, and to extend the time limit to file motions challenging the qualifications of any expert witness by thirty days, to September 29, 2010.

Respectfully submitted,

/s/ Electronically signed 7/26/10
Fred J. Waltz, Attorney for
Santa Cruz Acequias
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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2010, I filed with the CM/ECF system at the U.S. District Court for the District of New Mexico, Santa Cruz Acequias' Motion To Extend Deadline For Disclosure Of Witnesses and Preliminary Exhibits Lists.

/s/ Electronically signed 7/26/10
Fred J. Waltz