

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

UNITED STATES OF AMERICA,)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB-ACE
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION FOR SUBSTITUTION OF PARTY

The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court pursuant to Fed. R. Civ. P. 25(c) to issue its order (1) substituting JOHN LASHLEY and DAWN LASHLEY for defendants JEANNETTE N. TROY and CHARLES E. TROY in these proceedings, and (2) dismissing JEANNETTE N. TROY and CHARLES E. TROY as parties defendant from this action. As grounds for this motion, Plaintiffs state as follows:

1. Jeannette N. Troy and Charles E. Troy were joined as defendants in this matter by the United States’ January 19, 2001 *Complaint* (Doc. No. 1).
2. Pursuant to the Special Master’s September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3*

(*Excluding Ramah*) of the Zuni River Stream System (Doc. No. 838), the United States served Jeannette N. Troy and Charles E. Troy with a proposed consent order for Subfile ZRB-4-0388 and with other required service items.

3. On November 20, 2006, Jeannette N. Troy contacted counsel for the United States by telephone and advised that Charles E. Troy was deceased and that their property in the Zuni River Basin had been sold. Counsel for the United States requested that Mrs. Troy provide a completed *Form A: Change of Address or Ownership Form* and a copy of the deed showing the new ownership. The United States has not received a copy of the deed; however, updated ownership data from McKinley County confirms that the property in question is now owned by John Lashley and Dawn Lashley of Tucson, Arizona.

4. The Hydrographic Survey of the Zuni River Stream System has not identified Charles E. Troy, or his estate, or Jeannette N. Troy to be potential claimants of any other water rights than those involved in Subfile ZRB-4-0388.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on John Lashley and Dawn Lashley in the manner provided in Fed.R.Civ.P. 4(e)(1) and Rule 1-004(E)(3) NMRA for service of a summons.

WHEREFORE, the Plaintiffs respectfully move the Court to enter its order (1) substituting JOHN LASHLEY and DAWN LASHLEY for defendants JEANNETTE N. TROY and CHARLES E. TROY in these proceedings, and (2) dismissing JEANNETTE N. TROY and CHARLES E. TROY as parties defendant from this action.

DATED: September 18, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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(approved via email 9/17/2007)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 18, 2007, I filed the foregoing *Motion For Substitution Of Party* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

Via Certified Mail, Restricted Delivery:

John Lashley and Dawn Lashley
6262 N. Camino Verde
Tucson, AZ 85743

Via Regular Mail:

Jeannette N. Troy
12430 W. Field Stone Dr.
Sun City West, AZ 85375

_____/s/_____
Bradley S. Bridgewater