

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

03 DEC 23 PH 2:48

01CV00072BDB/WWD(ACE)

United States,

Plaintiff

v.

A & R Productions, et al.,

Defendants

*Robert M. March*

ZUNI RIVER STREAM  
SYSTEM ADJUDICATION

\* \* \* \* \*

UNITED STATES' MOTION  
TO DROP/DISMISS  
DEFENDANT PARTIES

The United States brings this motion to drop/dismiss existing party-defendants found to have no interest in the subject matter of the suit. The United States brought this action to adjudicate all use of the surface and groundwaters of the Zuni River Stream System.<sup>1/</sup> All those believed at that time to own interests in parcels of land within the Zuni River Basin were properly served in accordance with Rule 4(d) Fed. R. Civ. Proc.<sup>2/</sup> Listed below are landowner/defendants who have advised or otherwise indicated in writing that they either do not use or presently claim a right to the use of surface or groundwater within the geographical boundary of the Zuni River Basin as the basin is described by the Court or that they do not presently hold fee title to land within the geographic boundaries of the Zuni River Basin as the

<sup>1/</sup> The United States' complaint was filed in January, 2001, and amended in April, 2003. Docket Nos. 1 and 222.

<sup>2/</sup> The list of property owners within the Zuni River Basin was compiled in the year 2000 from the tax records of Cibola, McKinley and Catron Counties.

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basin is described by the Court. Docket No. 200. Therefore, having no real interest in the lawsuit, the United States, pursuant Rule 21 Fed. R. Civ. Proc., moves to drop/dismiss each of the landowner/defendants listed below:

- |      |  |      |  |
|------|--|------|--|
| 001. | Kenneth A. & Pamela K. Adams                     | 035. | Eric H. Christianson, Val W. Christianson                  |
| 002. | Donald & Yvonne Alder                            | 036. | Corp. Presiding Bishop of Jesus Christ of LDS              |
| 003. | Gary & Philomena Allen                           | 037. | Steven R. Clabaugh   |
| 004. | Dale R. & Teri L. Ambrose                        | 038. | Amos J. & Iva M. Cline, % Dana L. & Linda K. Scott         |
| 005. | Rick S. & Karen M. Anderson                      | 039. | Donald & Joan Coe  |
| 006. | Rudy Aragon                                      | 040. | Joseph Coia Jr. & Dorothy Coia                             |
| 007. | Eddie D. & Jacalyn D. Arias                      | 041. | Robert & Thelma Cole                                       |
| 008. | Jack D. & Nancy M. Artrip                        | 042. | Kevin Lee & Rebecca Ann Coleman                            |
| 009. | Brady & Nachegaale Dawn Ash                      | 043. | William C. & Caroline D. Conaway                           |
| 010. | A T & T Communications, Inc.                     | 044. | Conoco, Inc.   |
| 011. | John Luis Bandera                                | 045. | Walter E. Conrad   |
| 012. | Jon Paul Barnicoat, % Louis N. & Virginia DuVall | 046. | Joan C. Cook   |
| 013. | Jay A. & Marty A. Barrus                         | 047. | Darlene M. Costello  |
| 014. | Mern O. Bedsworth                                | 048. | Douglas K. & Theresia M. Cowan                             |
| 015. | Richard E. Beeler                                | 049. | Sarah J. Cabbage   |
| 016. | Lowell E. Bogart                                 | 050. | L. Leon & Delva Daly                                       |
| 017. | Norman & Bessie Bolkema                          | 051. | Lillie L. Darby  |
| 018. | Jeffrey A. & Debra S. Bond                       | 052. | Jesse Furst Davidson                                       |
| 019. | William & Cynthia Boyson                         | 053. | Paul & Joann Davis, % Henry & Charlotte Yazzie             |
| 020. | Joseph H. & Susan L. Briley                      | 054. | Paul & JoAnn V. Davis Rev. Trust                           |
| 021. | James P. Brunner                                 | 055. | Miles & Johanna Dawson                                     |
| 022. | David & Carolyn Bruton                           | 056. | Roger & Denise DeBaere                                     |
| 023. | David E. Burden                                  | 057. | Louis E. DePauli Sr., et al.                               |
| 024. | Edward G. & Lucinda P. Burdick                   | 058. | L.R. & Rebecca Dickerson                                   |
| 025. | Nicholas C. Busch                                | 059. | Margaret V. Dowling  |
| 026. | Pantaleon & Cirilia Cabrera                      | 060. | Arnold & Margaret A. Dozier                                |
| 027. | Alberto & Donna L. Calderon                      | 061. | Clinton Dozier   |
| 028. | William R. & Mary Lou Caldwell                   | 062. | Sandra S. & Paul L. Drullinger                             |
| 029. | Bruce S. Campbell                                | 063. | Virginia & Louis Duvall                                    |
| 030. | Janice Carter                                    | 064. | John & Seraphine Elam                                      |
| 031. | Libby & Joe Chavez                               | 065. | Fred & Brown Elkins, % Dennis & Faye Burress               |
| 032. | Robert J. Charles                                | 066. | Fred & Brown F. Elkins, et al., % Robert L. & Miriam James |
| 033. | Lois J. Chedsey                                  |      |  |
| 034. | Tracy L. Christian-Frear                         |      |  |

067. Anthony & Thelma Ruth Farallo  
068. S.R. & Elizabeth Ferguson  
069. Ferrellgas  
070. B. Fidel  
071. Jane C. Fish  
072. Alan R. Fisher & Edith L. Kreimeyer  
073. Clifton & Carol Frazer  
074. Darréll R. Frear  
075. Hans Friederichs  
076. Tom & Claudia Frye  
077. Leroy Gabaldon  
078. Todd M. & Connie Galts  
079. GE Capital Modular Space  
080. Allan M. & Margie George  
081. Joseph Sr. & Jennie Gergel  
082. David W. & Anita M. Glaser  
083. Joe & Rose Gomez  
084. Randall & Le Jean Goslar  
085. Edith P. Grecnup  
086. Melvin F. Groten  
087. Hadden Charitable Remainder Unitrust, %  
Ronni Hilliard Living Trust  
088. Donald E. & Laura A. Hand  
089. James W. & Connie Sue Hartley, % David  
M. Schaffer  
090. Raymond & Molly Hayes  
091. Dorothy J. Hansen  
092. Michele M. Hellickson  
093. Charles M. & Joyce Helton  
094. Joseph M. Henderson  
095. Jerry F. & Louise R. Herrera  
096. Lucille Hicks  
097. Rodney W. & Jolynn Hill  
098. Phillip & Kathleen Holcomb  
099. El Morro Valley Land Co., % Kenneth &  
Debbie Homer  
100. Linda Lee Kasworm Hurley Rev. Tr., %  
Linda Lee Ehart  
101. Charles & Imogene Hutchins  
102. Michael Hyatt  
103. Myron C. & Patsy R. Ingle, et al.  
104. Daniel & Harriett M. Jackson  
105. Karl M. & Frances H. Jacobs  
106. Daniel James Jahnke  
107. Pameline Jim  
108. David Warren Jones  
109. Nellie M. Jones, % Jerry W. Jones  
110. Richard G. & Patricia W. Jordan  
111. Martin J. & June Kaplan  
112. William F. & Anna R. Kelleher  
113. Terry L. & Maria A. Keller  
114. Barry Kessler  
115. John I. King  
116. Michael E. & Susan Kirk  
117. Kiwanis  
118. Joyce & Barker S. Kozeliski (Joyce  
Kozeliski, Shelley Barker, Corby Turpen, &  
Tobe A. Turpen III)  
119. Stuart L. & Virginia S. Kupferman  
120. Oso Ridge Corp. % David E. Kurtz  
121. Edward F. & Charlotte B. Kurtz  
122. David & Vergie Kustanborter  
123. Frank B. Lambson  
124. Hilda Lambson  
125. Judy A. Lamont  
126. Alberto Landavazo  
127. Roberto E. Landavazo, Carlos U. Landavazo,  
et al.  
128. Max M. Lannin  
129. Stephen Larson  
130. Bonnie Jean Lash  
131. Las Ruedas Construction Co. (now MacLovich  
Salas)  
132. David L. & Ann Lewis, L.B. & Jacqueline  
McPheeters  
133. Larry R. & Roxana Lewis  
134. Helen Isaacs Locher  
135. Jeffrey & Lori A. Love  
136. Pete R. & Mary Lovella Luna  
137. Anne E. Lowden  
138. Phillip A. Lowry  
139. Dennis M. & Cynthia A. Luedke  
140. Richard & Karen Lynch  
141. Susan Oertle Mahoney  
142. James & Georganne Marable Rev. Trust  
143. Gerald F. McBride, Myrrl W. McBride

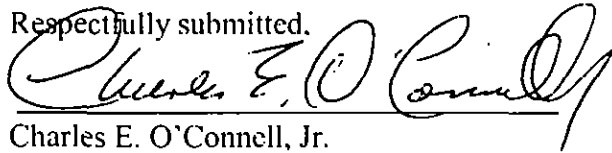
144. Terry V. McClellan
145. Mary McGrane
146. Molly McGrane
147. Timothy I. & Elizabeth McGuire
148. L.B. & Jacqueline M. McPheeters
149. James H. Meisner
150. Joseph V. Mesich
151. Paul Miller Living Trust
152. Robert W. & Jane E. Milligan
153. Wallace E. & Virginia A. Mollet
154. Ronald Montano, Domi L. Montano, & Vincent Montano
155. Danny A. Montoya
156. Ken & Marti Moore
157. Robert & Vicki Morgan
158. Susan J. Morris
159. John H. & Margaret G. Naegle, % Frank G. & Rondi L. Ortiz
160. L. Eugene & Vickie M. Nelson
161. Lorne & Karen Nowosad
162. Thomas & Judith Nurenberg
163. Charles & Helen Ohler
164. William R. Olivas
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167. Joseph L. & Lisa M. O'Rourke
168. Frank & Rondi L. Ortiz
169. Robert F. & Catherine O'Sullivan
170. Bruce S. Park
171. Charlane J. Paul
172. Francis & Verna Pawlowski
173. Linda S. Pedersen
174. Catherine M., Bruce M., Daniel F., and David R. Pendery
175. Thomas E. Pettet, Terrill Pettet
176. Leo C. and Bessie R. Pollak
177. Charles & Edith Ponton
178. Presbyterian Healthcare Found., % Todd R. & Kelli A. Dean
179. Homer G. & Julienne A. Pringle
180. Robert R. & Juanita B. Proctor
181. Gerald F. & Paula Prohaska
182. John S. Pyburn
183. Eugene Pyle, Jr.
184. Dorothy O. Ramirez
185. Juan & Donna Lee Ramos
186. Pascale Maish Randolph
187. Max & Claudia Ray
188. John V.R. & Jill E. Redington
189. Ronald G. Reeves
190. Reidhead Lumber Co. EPST, % Jerry Reidhead, Trustee
191. James I. Rhodes, Patricia S. Rhodes
192. Rafael Rivera & Jean Johnson
193. Jon L. & Janet Roff
194. Francisco & Janie Roman
195. Joan A. Ryan
196. August & Yvonne Sanchez
197. Manuel & Deluvina Sanchez
198. Terry Sanderlin & M. Lutz
199. L. Karen & Dennis L. Sandoval
200. Mary Sanford
201. Austin & Ida Saraguard
202. Maryanné Sears
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204. Janice I. Spencer
205. Mindle E. & Maxine Spencer
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212. M. Pauline Tharp
213. George Theobald
214. Billy Gene & Dorthy Fern Thornton Rev. Trust
215. Blair Walton & Lou Ann L. Thurgood Rev. Trust
216. Ange-Marie Torre, et al., % Jacqueline M. Harrison, % Mike Eskew CPA
217. Edward J. & Pauline Valdez
218. George M. & Marina Van Orden
219. Ezerquio S. & C.V. Vaquera
220. Fernando A. Velasquez

- 221. Craig & Kathryn Walling
- 222. Steven C. & Linda L. Ward
- 223. James R. & Pamela L. Warren
- 224. Dolores Watt
- 225. Robert J. & Venus D. Weir
- 226. Walter & Virginia Wendt
- 227. Ray & Jacqueline C. Wenger
- 228. Philden & Judy White
- 229. Whitewater Gospel Mission
- 230. Wesley T. Whitley
- 231. Christina Wieland

- 232. Arthur & Linda Wilkinson
- 233. Ann Elizabeth Wilkinson & Jean Wilkinson  
Martinis. % Scott Wilkinson
- 234. Arthur (Scott) & Linda Wilkinson
- 235. Brian & Rosemarie Williams
- 236. Donald & Barbara Wilsey
- 237. Sheila F. Wood
- 238. Joan Leslie Woodruff
- 239. Robert L. & Claudia L. Wyngard
- 240. Charlotte Yazzie

Dated this 16<sup>th</sup> day of December, 2003

Respectfully submitted,



Charles E. O'Connell, Jr.  
United States Trial Attorney

## CERTIFICATE OF SERVICE

I hereby certify that on or before this 16<sup>th</sup> day of December, 2003, a true and correct copy of the foregoing was served by United States Postal Service first class, postage pre-paid mail to the following:

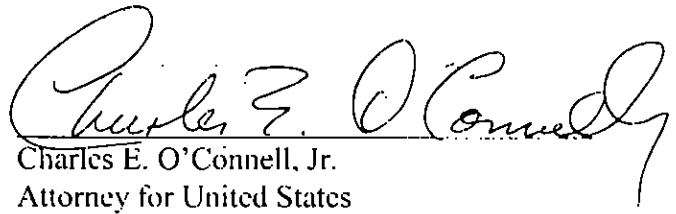
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| 033. | Lois J. Chedsey                                  |      |  |
| 034. | Tracy L. Christian-Frear                         |      |  |
| 035. | Eric H. Christianson, Val W. Christianson        |      |  |

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Kozeliski, Shelley Barker, Corby Turpen, &  
Tobe A. Turpen III)
119. Stuart L. & Virginia S. Kupferman
120. Oso Ridge Corp. % David E. Kurtz
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186. Pascale Maish Randolph
187. Max & Claudia Ray
188. John V.R. & Jill E. Redington
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192. Rafael Rivera & Jean Johnson
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229. Whitewater Gospel Mission



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|------|---|------|--------------------------------|
| 230. | Wesley T. Whitley   | 236. | Donald & Barbara Wilsey        |
| 231. | Christina Wieland (one entry only)                                      | 237. | Sheila F. Wood                 |
| 232. | Arthur & Linda Wilkinson  | 238. | Joan Leslie Woodruff           |
| 233. | Ann Elizabeth Wilkinson & Jean Wilkinson<br>Martinis, % Scott Wilkinson | 239. | Robert L. & Claudia L. Wyngard |
| 234. | Arthur (Scott) & Linda Wilkinson  | 240. | Charlotte Yazzie               |
| 235. | Brian & Rosemarie Williams  |      |                                |

  
Charles E. O'Connell, Jr.  
Attorney for United States