

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,	)	Sub-areas 1, 2 & 3 (excl. Ramah)
	)	
v.	)	Subfile ZRB-4-0126
	)	
A&R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR SUBSTITUTION OF PARTY**

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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 BOA SORTE LIMITED PARTNERSHIP, VIEL GLUCK LIMITED PARTNERSHIP, AND BEN FATTO LIMITED PARTNERSHIP for defendant DITTA, L.L.C. in these proceedings; and (2) dismissing DITTA, L.L.C. as a party defendant. As grounds for this motion, Plaintiffs state as follows:

1. Ditta, L.L.C. and Mt. Baldy Ltd. Ptns. were joined as defendants in this matter by the United States’ original complaint and waived service of process in 2003 (filed of record May 13, 2005, Doc. No. 362).

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 Ditta, L.L.C. and Mt. Baldy Ltd. Ptns. with a proposed consent order for Subfile ZRB-4-0126 and with other required service items.

3. On December 18, 2006, the United States received the correspondence attached as Exhibit A, which includes a *Request for Consultation* form for Subfile ZRB-4-0126, and attached deed copy. These documents indicate that the interest of Ditta, L.L.C. in the subject property has been deeded to Boa Sorte Limited Partnership, Viel Gluck Limited Partnership, and Ben Fatto Limited Partnership. The interest of Mt. Baldy Limited Partnership has not changed.

4. The Hydrographic Survey of the Zuni River Stream System has not identified Ditta, L.L.C. to be a potential claimant of any other water rights than those involved in Subfile ZRB-4-0126.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Boa Sorte Limited Partnership, Viel Gluck Limited Partnership, and Ben Fatto Limited Partnership 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 BOA SORTE LIMITED PARTNERSHIP, VIEL GLUCK LIMITED PARTNERSHIP, AND BEN FATTO LIMITED PARTNERSHIP for defendant DITTA, L.L.C. in these proceedings; and (2) dismissing DITTA, L.L.C. as a party defendant from this case.

DATED: February 14, 2007

Electronically Filed.

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street – 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved via email 2/14/2007)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on February 14, 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:

**Edward C Bagley**

lula.valdez@state.nm.us,edward.bagley@state.nm.us,connie.flint@state.nm.us,arianne.singer@state.nm.us,marjorie.dryden@state.nm.us,fred.kipnes@state.nm.us,vina.gallegos@state.nm.us

**Bidtah Becker**

bidtahnbecker@navajo.org

**James C. Brockmann**

jcbrockmann@newmexicowaterlaw.com

**Christina J Bruff**

cjb@lrpa-usa.com

**Kenneth J. Cassutt**

kencass@chflaw.com

**William J. Cooksey**

wcooksey@dcbf.net

**Jeffrey A. Dahl**

dahljeffrey@comcast.net,rlddms@aol.com

**Charles T. DuMars**

ctd@lrpa-usa.com

**David W Gehlert**

david.gehlert@usdoj.gov

**James E. Haas**

lchclaw@lchlaw.com

**Raymond Hamilton**

raymond.hamilton@usdoj.gov,USANM.ECFCivil@usdoj.gov,Rosemarie.Garcia@usdoj.gov

**Stephen G. Hughes**

shughes@slo.state.nm.us

**Robert A. Johnson**

rjohnson@jn-law.com,cmuggaberg@jn-law.com,sbowersock@jn-law.com

**Susan C Kery**

sck@ssslawfirm.com,tmm@ssslawfirm.com

**Jane Marx**

janemarx@earthlink.net

**Stephen R. Nelson**

snelson@jn-law.com,cmuggaberg@jn-law.com,sbowersock@jn-law.com

**Tanya L. Scott**

tls@lrpa-usa.com

**Peter B. Shoenfeld**

petershoenfeld@qwest.net

**William G. Stripp**

stripp@wildblue.net

**John W. Utton**

jwu@ssslawfirm.com,djs@ssslawfirm.com

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:**

Boa Sorte Limited Partnership  
Viel Gluck Limited Partnership  
Ben Fatto Limited Partnership  
Mt. Baldy Limited Partnership  
c/o Cardon Bowden Investments  
1223 S. Clearview Ave., Suite 105  
Mesa, AZ 85209