

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
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Subfile ZRB-5-0052
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION TO VACATE CONSENT ORDER

COME NOW the Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”) and move the Court to issue its order vacating the *Consent Order* previously submitted for Subfile ZRB-5-0052 and approved by the Court on June 6, 2007 (Doc. No. 1134). In support of this motion, the Plaintiffs assert:

1. In the course of investigating requests for consultation received concerning several subfiles in the Ramah Sub-Area, the United States’ Hydrographic Survey consultants determined that their property description data had become distorted when the Ramah Sub-area was carved out of the surrounding Sub-area 3. In consequence, approximately a quarter of the consent orders originally proposed for the Ramah subfiles incorrectly included or excluded surveyed water use features.

2. Unfortunately, this discrepancy came to light after Defendants Bonnie I. Myers and Martin L. Myers had accepted the consent order originally proposed for Subfile ZRB-5-0052 and that consent order had been submitted and approved by the Court. That consent order erroneously fails to include pond 3B-5-SP032, which had in fact been surveyed on land owned by Bonnie I. Myers and Martin L. Myers, and erroneously includes pond 3B-5-SP063, which is actually located on land owned by another party.

3. Bonnie I. Myers and Martin L. Myers, and counsel for the United States and the State, have now accepted and signed a revised consent order which corrects the errors in the original consent order. Counsel for the United States is prepared to submit the corrected consent order for Court approval as soon as the erroneous order is vacated.

4. Counsel for the United States believes all other consent orders affected by the property description data error have been corrected before submission to the Court.

WHEREFORE, Plaintiffs respectfully move the Court to enter an order vacating the *Consent Order* for Subfile ZRB-5-0052 previously approved and entered by the Court on June 6, 2007 (Doc. No. 1134).

Dated: July 30, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

(approved via email 7/30/2007)

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MEXICO EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 30, 2007, I filed the foregoing *Motion To Vacate Consent Order* 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 first class mail, postage prepaid, addressed as follows:

Bonnie I. Myers &
Martin L. Myers
P.O. Box 25
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