

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,)	
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION TO JOIN ADDITIONAL PARTIES DEFENDANT

The United States of America (“United States”) hereby respectfully requests the Court to join as additional parties defendant the entities and persons named below and order the parties to answer the United States’ Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against the parties. In support of this motion, the United States asserts:

1. The entities and persons listed below are diverting and using or may claim a right to divert and use surface or underground waters within the Zuni River stream system in New Mexico:

Subfile No.¹	Defendant
ZRB-1-0181	HERMAN MONTOYA 3380 ICE CAVES ROAD GRANTS, NM 87020
ZRB-1-0183	WILLIAM SCHEIDELL 3388 ICE CAVES ROAD GRANTS, NM 87020
ZRB-1-0183	JUDITH MALYS 3388 ICE CAVES ROAD GRANTS, NM 87020
ZRB-1-0184	THELMA RODRIQUEZ 18249 BUENA VISTA YORBA LINDA, CA 92686
ZRB-2-0098	YATES PETROLEUM CORPORATION P.O. BOX 900 ARTESIA, NM 88211
ZRB-2-0098	TRUST Q UNDER THE LAST WILL AND TESTAMENT OF PEGGY A YATES, DECEASED P.O. BOX 900 ARTESIA, NM 88211
ZRB-3-0180	BRIANNA CLARK P.O. BOX 576 RAMAH, NM 87321
ZRB-3-0180	SEAN LUDDEN P.O. BOX 576 RAMAH, NM 87321
ZRB-3-0180	MARCIA LUDDEN P.O. BOX 576 RAMAH, NM 87321
ZRB-3-0181	LARRY DIAZ P.O. BOX 667 FENCE LAKE, NM 87315
ZRB-3-0181	SUE LISH-DIAZ P.O. BOX 667 FENCE LAKE, NM 87315
ZRB-4-0435	R. LAR THOMAS 2510 GREEN DRIVE BOSQUE FARMS, NM 87068

¹ The United States provides Subfile Numbers in motions to join only for tracking purposes, and not to limit in any way the scope of the joinder sought.

Subfile No. ¹	Defendant
ZRB-4-0435	ROXANNE THOMAS 2510 GREEN DRIVE BOSQUE FARMS, NM 87068
ZRB-4-0436	GERALD RYDEN 1401 N. MCLANE ROAD PAYSON, AZ 85541
ZRB-4-0436	SUSAN RYDEN 1401 N. MCLANE ROAD PAYSON, AZ 85541
ZRB-4-0437	JOAN ARTIAGA 22 PALOMAR PLACE BELEN, NM 87002
ZRB-4-0438	TERRY VAUGHN P.O. BOX 1280 GALLUP, NM 87305
ZRB-4-0438	SANDRA VAUGHN P.O. BOX 1280 GALLUP, NM 87305
ZRB-4-0439	GARY VAUGHN P.O. BOX 2758 GALLUP, NM 87305
ZRB-4-0439	JANENE VAUGHN P.O. BOX 2758 GALLUP, NM 87305
ZRB-4-0441	DAVID JOHNSON 21618 N. 55TH DRIVE GLENDALE, AZ 85308
ZRB-4-0441	CHRISTY JOHNSON 21618 N. 55TH DRIVE GLENDALE, AZ 85308

The water uses, or claims to the right to use water, of these parties are subject to the laws of the State of New Mexico and the United States. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Zuni River stream system in New Mexico.

2. The entities and persons listed above may be diverting and using water associated with the subfile numbers indicated, or may otherwise be using or diverting surface or underground waters within the Zuni River stream system.

3. The entities and persons listed above are being joined at this time as a result of updated ownership information obtained from these parties or from county records, or as a result of new water uses initiated since the initial hydrographic survey of the Zuni River Basin.

4. For the benefit of other parties, and by way of explanation, the United States asserts that motions to add additional defendants, dismiss defendants, correct defendants' names, and take other corrective action, are parts of an on-going process made necessary by the hydrographic survey, defendants' responses, and other kinds of new information received during the course of this adjudication. The United States advances such motions primarily for the purpose of ensuring that the Court's records indicate as accurately as possible the persons or entities that are parties to this case.

DATED: November 5, 2007

Electronically Filed

/s/Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 5, 2007, I filed the foregoing *Motion To Join Additional Parties Defendant* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/_____
Bradley S. Bridgewater