

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**

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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. <sup>1</sup> | Defendant   |
|--------------------------|---|
| ZRB-3-0179               | CAROL RAUSCHKE<br>8900 N. HIGHWAY DRIVE<br>LEXINGTON, MN 55014  |
| ZRB-1-0011               | DIRECT PATH INVESTMENTS, LLC<br>25152 STEINWAY CIRCLE<br>FOREST, CA 92630   |
| ZRB-4-0156               | MICHAEL AND JEANNE FUHS REVOCABLE<br>TRUST UTA, DATED MARCH 8, 2001, FBO<br>JEANNE FUHS<br>P.O. BOX 492<br>FORT WINGATE, NM 87316 |

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 during the consultation process 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'

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<sup>1</sup> 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.

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: December 10, 2007

Electronically Filed

/s/Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on December 10, 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