

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/WDS
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	
	)	
v.	)	
	)	
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 SUSAN GRIFFIN for defendant CHERYL DUTY in these proceedings, and (2) dismissing CHERYL DUTY as a party defendant from this action. As grounds for this motion, Plaintiffs state as follows:

1. Cheryl Duty was joined as a defendant in this matter by the United States’ January 19, 2001 *Complaint* (Doc. No. 1), and waived service of summons on August 28, 2003 (filed 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 Cheryl Duty with a proposed consent order for Subfile ZRB-4-0136 and with other required service items.

3. Susan Griffin has provided the United States with a Form A *Change of Address or Ownership Form* and deed copy indicating that the property involved in Subfile ZRB-4-0136 has been conveyed from Cheryl Duty to Susan Griffin.

4. The Hydrographic Survey of the Zuni River Stream System has not identified Cheryl Duty to be a potential claimant of any other water rights than those involved in Subfile ZRB-4-0136.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Susan Griffin 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 SUSAN GRIFFIN for defendant CHERYL DUTY in these proceedings, and (2) dismissing CHERYL DUTY as a party defendant from this action.

DATED: December 19, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

(approved via email 12/19/2007)  
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COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 19, 2007, I filed the foregoing *Motion For Substitution Of Party* 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.

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:**

SUSAN GRIFFIN  
HC 61, BOX 838  
RAMAH, NM 87321

**Via Regular Mail:**

CHERYL IVERSON  
F/K/A CHERYL DUTY  
848 N. RAINBOW #1438  
LAS VEGAS, NV 89107

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater