

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) CIV No. 01 00072-
) BB/WWD- ACE
)
STATE OF NEW MEXICO, ex rel. STATE) ZUNI RIVER BASIN
ENGINEER, et al.,)
)
Defendants.)
_____)

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CIV No. 01 00072-
BB/WWD- ACE

ZUNI RIVER BASIN

**JOINDER IN OBJECTIONS OF TRI-STATE TO THE UNITED STATES'
SUPPLEMENTAL IDENTIFICATION OF ZUNI RIVER
STREAM SYSTEM BOUNDARY AND PROPOSED ORDER
REGARDING ADJUDICATION PROCEDURES AND SCHEDULES**

Quivira Mining Company joins in and adopts the objections of Tri-State Generation and Transmission Association, Inc. to the United States' Supplemental Identification of Zuni River Stream System Boundary and Proposed Order Re: Adjudication Procedures and Schedules.

Quivira agrees with Tri-State that the United States must **forthwith** comply with the Court's July 15, 2002 Scheduling Order by:

1) Describing "definite and specific geographic boundaries for the adjudication." Scheduling Order, Paragraph 1.

2) Limiting the groundwater to be considered to "that which lies within the surface boundaries [of the area to be adjudicated], as though their lines were drawn vertically through the earth." Scheduling Order, Paragraph 1.

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3) Limiting the surface boundaries so that they “shall not overlap those of any other adjudication.” Scheduling Order, Paragraph 1.

4) Providing that “[p]arties whose water rights claims are subject to another adjudication and/or parties who have no water rights to claim in this adjudication may be dismissed *at any time*”[emphasis supplied], without waiting for the completion of the hydrographic survey and without having to file the “Water Right Claim Form” proposed by the United States. Scheduling Order, Paragraph 4.

5) Establishing a procedure for the dismissal of such parties, including evaluation by the United States, with dismissal in mind, of “the answers and motions that have already been filed” and the tender by the United States of a form of order of dismissal for approval by such parties.

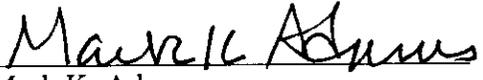
The Scheduling Order required the United States to comply with these requirements by December 2, 2002. The United States has not yet complied. Continued failure to comply should not be tolerated.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 28, 2003, I mailed copies of the foregoing Joinder In Objections Of Tri-State To The United States' Supplemental Identification Of Zuni River Stream System Boundary And Proposed Order Re: Adjudication Procedures And Schedules to all persons on the attached mailing list.


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