

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

UNITED STATES OF AMERICA,)
 and)
 STATE OF NEW MEXICO, *ex rel.* STATE)
 ENGINEER,)
)
 Plaintiffs,)
)
 and)
)
 ZUNI INDIAN TRIBE, NAVAJO NATION,)
)
 Plaintiffs in Intervention,)
)
 v.)
)
 A&R PRODUCTIONS, et al.)
)
 Defendants.)
 _____)

No. 01cv00072 BB
 ZUNI RIVER BASIN
 ADJUDICATION

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 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 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-2-0044	ELENA BOWERS PO BOX 458 VANDERWAGEN, NM 87326
ZRB-2-0044	LEONARD GARCIA 707 WEST GREEN ST. GALLUP, NM 87301
ZRB-2-0044	MARVIN GARCIA 2816 HAZELWOOD ST. PHOENIX, AZ 85017
ZRB-2-0044	HILDA KENDALL P.O. BOX 218 VANDERWAGEN, NM 87326
ZRB-3-0189	BRUCE HAZELBAKER HC 61, BOX 3049 RAMAH, NM 87321
ZRB-3-0190	SHIRLEY ROPER HC 61, BOX 2029 RAMAH, NM 87321
ZRB-3-0190	RUSSELL ROPER HC 61, BOX 2029 RAMAH, NM 87321
ZRB-3-0191	FRANCISO CASTELLANOS 723 2ND STREET SW RIO RANCHO, NM 87124
ZRB-3-0191	ZIOMARA CASTELLANOS 723 2ND STREET SW RIO RANCHO, NM 87124

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-3-0193	FRANK REID 1012 ADAMS STREET SE ALBUQUERQUE, NM 87108
ZRB-3-0193	THERESA LAFERRIERE 1012 ADAMS STREET SE ALBUQUERQUE, NM 87108
ZRB-4-0248	ANNE LOWDEN-GILPIN 737 TURNER DR. NE ALBUQUERQUE, NM 87123
ZRB-4-0452	NANCY WHITESIDE TRUST 1010 E. DE LA GUERRA ST., #B SANTA BARBARA, CA 93103
ZRB-4-0454	HENRY AXTELL 7611 N. SHIRLEY CT. TUCSON, AZ 85741
ZRB-4-0454	SHARON AXTELL 7611 N. SHIRLEY CT. TUCSON, AZ 85741
ZRB-5-0069	ROBERT CAIN P.O. BOX 571 RAMAH, NM 87321
ZRB-5-0069	HELEN CAIN P.O. BOX 571 RAMAH, NM 87321

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 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 persons listed above are being joined at this time as a result of updated ownership information obtained from county records or during the consultation process, or as a consequence of new water uses lawfully initiated after the initial hydrographic survey but senior to December 4, 2008.

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: January 26, 2009

Electronically Filed

/s/Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 26, 2009, 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