

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 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-2-0084	DANNY STOKES P.O. BOX 520 VELARDE, NM 87582
ZRB-2-0120	BRUCE MCINTYRE 836 ARIZONA STREET, SE ALBUQUERQUE, NM 87108
ZRB-2-0121	JOHN DAVEY P.O. BOX 265 CERRILLOS, NM 87010
ZRB-3-0199	KARL ANDERSON HC 60, BOX 8N FENCE LAKE, NM 87315
ZRB-3-0199	DONNA ANDERSON HC 60, BOX 8N FENCE LAKE, NM 87315
ZRB-2-0122	STEVE MORSE 1547 SE 59 TH STREET OCALA, FL 34480
ZRB-2-0119	PETER CARLSON 1625 LOS BEROS ROAD ARROYO GRANDE, AZ 93429
ZRB-2-0119	MARILYN CARLSON 1625 LOS BEROS ROAD ARROYO GRANDE, AZ 93420
ZRB-4-0472	DENNIS GILLILAN PO BOX 391758 ANZA, CA 92539
ZRB-4-0228	PAMELA KAMINSKI 537 NORTH AVENUE EAST WESTFIELD, NJ 07090
ZRB-4-0228	JOHN MAYER 537 NORTH AVENUE EAST WESTFIELD, NJ 07090
ZRB-4-0474	LINDA BRYANT 1011 E. MADDOCK ROAD PHEONIX, AZ 85806
ZRB-4-0474	TIMOTHY BRYANT 1011 E. MADDOCK ROAD PHEONIX, AZ 85806

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.

ZRB-1-0190	GORDON HART 8261 COUNTY ROAD 17 ANTONITO, CO 81120
ZRB-1-0190	MARY HART 8261 COUNTY ROAD 17 ANTONITO, CO 81120
ZRB-1-0192	DEBORAH FAULKNER 1316 CORONADO STREET LAS CRUCES, NM 88005
ZRB-1-0192	DOLORES KATES 1316 CORONADO STREET LAS CRUCES, NM 88005
ZRB-1-0191	KEVIN ZAJICEK HC 61, BOX 59 RAMAH, NM 87321
ZRB-1-0191	KARLENE ZAJICEK HC 61 BOX 59 RAMAH, NM 87321
ZRB-1-0193	DAVID JIPP PO BOX 388 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: November 17, 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 November 17, 2009, I filed the foregoing *Motion To Join Additional Parties Defendant* electronically thorough 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