

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

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-1-0185	BETHRA M. SZUMSKI 1893 HICKORY ROAD CHEMBLEE, GA 30341
ZRB-1-0188	BARBARA YETTE P.O. BOX 769 RAMAH, NM 87321
ZRB-1-0188	GILBERT YETTE P.O. BOX 769 RAMAH, NM 87321
ZRB-4-0451	LINDA R. MURPHY 506 DEFIANCE AVE GALLUP, NM 87301
ZRB-4-0451	RICHARD D. MURPHY 506 DEFIANCE AVE GALLUP, NM 87301
ZRB-4-0455	ALAN F. BALOK P.O. BOX 5052 GALLUP, NM 87305
ZRB-4-0455	JO MARIE BALOK P.O. BOX 5052 GALLUP, NM 87305

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.

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.

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: December 2, 2009

Electronically Filed

/s/Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 2, 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