

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, and)
NAVAJO NATION,)
Plaintiffs in Intervention)
))
vs.)
))
A. & R. Productions, *et al.*)
))
Defendants.)
_____)

01 CV-00072-BB-ACE
ZUNI RIVER BASIN ADJUDICATION
Subfile Nos. ZRB-2-108 & ZRB-2-109

UNOPPOSED MOTION FOR SUBSTITUTION OF SUCCESSORS IN INTEREST

Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, defendants hereby move that Plateau Partnership, LLC, be substituted in place of party-defendant Jaralosa Cattle Company, LLC. As grounds for this motion, defendants state as follows:

1. Pursuant to D.N.M.LR-Civ. 7.1, drafts of this motion and the proposed order granting this motion were emailed to counsel for the State of New Mexico, ex rel. State Engineer, and the United States of America on May 21, 2015. Undersigned counsel is authorized to represent that the plaintiffs consent to the relief sought herein. A proposed order granting this motion is attached hereto as Exhibit A.
2. Subfile ZRB-2-0108 related to water rights for lands owned by Jaralosa Cattle Company, LLC.

3. Subfile ZRB-2-109 related to water rights for lands owned by defendants ORC, LLC, Hinkson Ranch Investors, LLC, R.D.S., Inc., Terrestrial Acquisitions, LLC, and JFT Investors, LLC.

4. Ownership of the lands formerly encompassed by Subfiles ZRB-2-0108 and ZRB-2-0109 have now been consolidated, so that ORC, LLC and the Plateau Partnership, an Arizona general partnership, are now tenants in common for all of the lands subject to these two subfiles, as follows:

a. By General Warranty Deed dated May 1, 2013, defendant Jaralosa Cattle Company, LLC, conveyed all of its interest in the lands covered by Subfile ZRB-2-0108 to defendant ORC, LLC.

b. By General Warranty Deed dated April 30, 2013, defendants Hinkson Ranch Investors, LLC, R.D.S., Inc., Terrestrial Acquisitions, LLC, JFT Investors, LLC, and another entity, DWT, L.L.C., which was not a named defendant in this matter, conveyed all of their interest in the lands covered by Subfile ZRB-2-0109 to defendant ORC, LLC.

c. By General Warranty Deed dated May 1, 2013, defendant ORC, LLC conveyed an undivided 50% interest in the lands covered by Subfiles ZRB-2-0108 and ZRB-2-0109 to the Plateau Partnership.

5. Wherefore, defendants ORC, LLC, and Jaralosa Cattle Company, LLC, hereby move the court to enter an order as follows:

a. The Plateau Partnership, an Arizona general partnership, is hereby substituted for defendant Jaralosa Cattle Company, LLC.

b. The applicable subfiles shall be addressed to defendants ORC, LLC, and the Plateau Partnership.

Respectfully submitted,

By: /s/ James. M. Noble

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 12, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties who have entered their appearance in this proceeding electronically to be served with this pleading.

/s/ James M. Noble

James M. Noble